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| BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203 | Docket Number: 56790 |
| Petitioner: BIRCH MOUNTAIN LLC, v. Respondent: BOULDER COUNTY BOARD OF COMMISSIONERS. | |
| ORDER ON STIPULATION | |

THE PARTIES TO THIS ACTION entered into a Stipulation, which has been approved by the Board of Assessment Appeals. A copy of the Stipulation is attached and incorporated as a part of this decision.

FINDINGS OF FACT AND CONCLUSIONS:

1. Subject property is described as follows:
 County Schedule No.: R0068337+1
 Category: Abatement Property Type: Vacant Land
2. Petitioner is protesting the 2009 actual value of the subject property.
3. The parties agreed that the 2009 actual value of the subject property should be reduced to:
 Total Value: \$744,200
 (Reference Attached Stipulation)
4. The Board concurs with the Stipulation.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property, as set forth above.

The Boulder County Assessor is directed to change his/her records accordingly.

DATED AND MAILED this 11th day of March 2011.

BOARD OF ASSESSMENT APPEALS

Diane M. DeVries

Diane M. DeVries

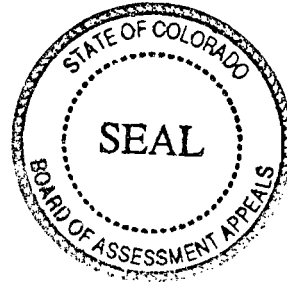
Debra A. Baumbach

Debra A. Baumbach

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.

CM

Cara McKeller



BOARD OF ASSESSMENT APPEALS
STATE OF COLORADO
DOCKET NUMBER: 56790

STATE OF COLORADO
BOARD OF ASSESSMENT APPEALS

2011 MAR -9 PM 12: 00

Account Number(s): R0068337; R0068338

STIPULATION (As To Tax Year 2009 Actual Value)

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Birch Mountain LLC

Petitioner,

vs.

Boulder County Board of Commissioners,

Respondent.

Petitioner and Respondent hereby enter into this Stipulation regarding the tax year 2009 valuation of the subject properties, and jointly move the Board of Assessment Appeals to enter its order based on this Stipulation.

Petitioner and Respondent agree and stipulate as follows:

1. The properties subject to this Stipulation are described as follows:

ID 68337: Part of the South ½ of the South West ¼, Between Highway, 16-1N-70; Less ½ Mineral Interests; Less 1 acre more or less to State Highway Department per deed 869126 08/07/87;

ID 68338: Part of the Northwest ¼ of the Northwest ¼, of highway less ½ Mineral Interests, 21-1N-70; less .07 and .027 acres to State Highway Department per 869126 & 1014171 & plus 0.27 ACS from Highway Department per deed 1013279;

Address: O Diagonal Highway, Boulder

2. The subject properties are classified as vacant land.

3. The County Assessor assigned the following actual value to the subject properties for tax year 2009:

| | |
|----------|-------------------|
| ID 68337 | \$ 215,500 |
| ID 68338 | <u>\$ 621,300</u> |
| Total | \$ 836,800 |

4. After a timely appeal to the Board of Commissioners, the Board of Commissioners valued the subject properties as follows:

| | |
|----------|-------------------|
| ID 68337 | \$ 215,500 |
| ID 68338 | <u>\$ 621,300</u> |
| Total | \$ 836,800 |

5. After further review and negotiation, Petitioner and County Board of Commissioners agree to the tax year 2009 actual values for the subject properties:

| | |
|----------|-------------------|
| ID 68337 | \$ 122,900 |
| ID 68338 | <u>\$ 621,300</u> |
| Total | \$ 744,200 |

Petitioner's Initials JD

Date 2/17/11

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STIPULATION (As To Tax Year 2009 Actual Value)

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6. The valuation, as established above, shall be binding only with respect to tax year 2009.

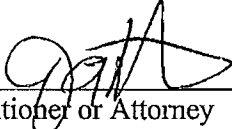
7. Brief narrative as to why the reduction was made:

The two sites are one economic unit. The value per square foot of each of the lots is brought into line as a result of this stipulated agreement.

8. Both parties agree that the hearing scheduled before the Board of Assessment Appeals on March 29, 2011, at 08:30, be vacated.

9. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

DATED this 17 day of FEBRUARY, 2011.



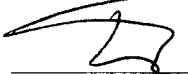
Petitioner or Attorney

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Englewood, CO 80112

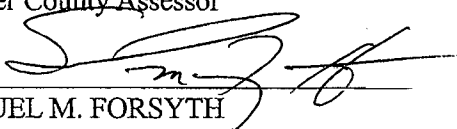
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JERRY ROBERTS
Boulder County Assessor

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