

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 70126

Petitioner:

KINDER MORGAN CO2 CO., L.P.

v.

Respondent:

**MONTEZUMA COUNTY BOARD OF COUNTY
COMMISSIONERS**

ORDER

THE PARTIES TO THIS ACTION entered into a stipulation for the dismissal of this appeal as moot. The stipulation has been approved by the Board of Assessment Appeals. A copy of the stipulation is attached and incorporated as a part of this order.

FINDINGS OF FACT AND CONCLUSIONS:

1. Subject property is described as follows:

County Schedule No.:	O100337 (Parcel Number 7712-000-00-000)
Appeal Category:	Abatement
Property Type:	Oil & Gas

2. Petitioner appealed the 2009 valuation of the subject property.
3. The parties agreed that the appeal should be dismissed.
4. The Board concurs with the stipulation.

ORDER:

The request by the parties to dismiss this appeal is granted. The Board will take no further action on this matter. The appeal is dismissed.

DATED AND MAILED this 12th day of December, 2017.

BOARD OF ASSESSMENT APPEALS

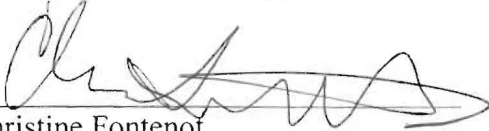


Diane M. DeVries
Diane M. DeVries

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



Debra A. Baumbach
Debra A. Baumbach



Christine Fontenot
Christine Fontenot



Re: Kinder Morgan CO2 Co., L.P. v. Montezuma County Board of Commissioners, BAA Docket Number 70126

1 message

John Baxter <JBaxter@co.montezuma.co.us>

Fri, Dec 1, 2017 at 10:19 AM

To: Alan Poe <alan.poe@poelawoffice.com>

Cc: "Mike.Beery@state.co.us" <Mike.Beery@state.co.us>, Rachel Poe <rachel.poe@poelawoffice.com>

Mr. Beery,

I agree that the appeal is moot and should be dismissed.

John Baxter

Montezuma County Attorney

jbaxter@co.montezuma.co.us

970.564.4175

From: Alan Poe <alan.poe@poelawoffice.com>

Date: Wednesday, November 29, 2017 at 1:05 PM

To: John Baxter <JBaxter@co.montezuma.co.us>

Cc: "Mike.Beery@state.co.us" <Mike.Beery@state.co.us>, Rachel Poe <rachel.poe@poelawoffice.com>

Subject: Kinder Morgan CO2 Co., L.P. v. Montezuma County Board of Commissioners, BAA Docket Number 70126

John,

Mike Beery at the Board of Assessment Appeals called me today about Petitioner's Unopposed Motion for Dismissal of Appeal as Moot (attached), which we filed with the Board a couple of weeks ago. Mr. Beery asked me to request that you confirm to him by e-mail that the refund for this schedule number for tax year 2009 has been issued and that you agree that this appeal is moot and should be dismissed in accordance with the unopposed motion.

Please copy me on your communication with Mr. Beery. Thanks.

Alan Poe

The Poe Law Office LLC

7200 South Alton Way, Suite B-150

Centennial, CO 80112

Telephone: 303-993-3953

Fax: 720-519-1095

alan.poe@poelawoffice.com

Confidentiality Notice: This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error and delete this e-mail. Thank you.

2017 NOV 16 PM 3:18

BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, CO 80203	
Petitioner: KINDER MORGAN CO ₂ CO., L.P. v. Respondent: MONTEZUMA COUNTY BOARD OF COMMISSIONERS	Docket No. 70126 (Only) Schedule No. O100337 (Only) Tax Year 2009 (Only)
<u>Attorneys for Petitioner:</u> Alan Poe #7641 Rachel Poe #41318 The Poe Law Office LLC 7200 South Alton Way, Suite B-150 Centennial, CO 80112 Telephone: (303) 993-3953 Facsimile: (720) 519-1095 E-mail: Alan.Poe@poelawoffice.com Rachel.Poe@poelawoffice.com	
PETITIONER’S UNOPPOSED MOTION FOR DISMISSAL OF APPEAL AS MOOT	

Petitioner Kinder Morgan CO₂ Co., L.P. (“Kinder Morgan”), by its counsel of record, moves the Board for an Order dismissing the appeal in Docket Number 70126 (only) as moot.

In support of this Motion, Kinder Morgan states as follows:

1. This appeal involves a Petition for Abatement or Refund of Taxes (the “Refund Petition”) filed by Kinder Morgan with respect to the actual value assigned to Schedule Number O100337 for tax year 2009. In the Refund Petition, Kinder Morgan requested that the actual value assigned to Schedule Number O100337 for tax year 2009 (prior to application of the 87.5% assessment ratio) be reduced to \$29,329,310.

2. The Montezuma County Assessor (the “Assessor”) recommended that the actual value assigned to Schedule Number O100337 for tax year 2009 (prior to application of the 87.5% assessment ratio) be reduced to \$29,329,307.

3. The Montezuma County Board of Commissioners agreed with the Assessor's recommendation.

4. The refund resulting from the reduction in the actual value assigned to Schedule Number O100337 for tax year 2009 has been paid, with interest. Therefore, this appeal is moot.

5. Counsel for Respondent, Montezuma County Attorney John Baxter, advised counsel for Kinder Morgan that Respondent does not oppose this Motion.

5. This appeal is set for a consolidated hearing with a number of other appeals (Docket Numbers 70127 through 70140 and 70142), scheduled to begin on February 12, 2018. This Motion applies only to Docket Number 70126. The appeals in the other docket numbers are not moot, and the consolidated hearing should proceed with respect to those appeals.

Kinder Morgan requests that the Board enter an Order dismissing Docket Number 70126 (only) as moot.

Dated: November 16, 2017.

Respectfully submitted,



Alan Poe #7641
Rachel Poe #41318
The Poe Law Office LLC

**ATTORNEYS FOR PETITIONER
KINDER MORGAN CO₂ Co., L.P.**

CERTIFICATE OF SERVICE

I certify that on November 16, 2017, a copy of this **PETITIONER'S UNOPPOSED MOTION FOR DISMISSAL OF APPEAL AS MOOT** was served by e-mail on:

John Baxter, Esq.
Montezuma County Attorney
109 West Main Street, Room 105
Cortez, CO 81321
e-mail address: JBaxter@co.montezuma.co.us

