

BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203	Docket Number: 79245
Petitioner: WAL-MART STORES INC v. Respondent: LA PLATA COUNTY BOARD OF COUNTY COMMISSIONERS	
ORDER ON STIPULATION	

THE PARTIES TO THIS ACTION entered into a Stipulation, which has been accepted 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.: R124669
Category: Abatement Appeal Property Type: Commercial
2. Petitioner is protesting the 2018 actual value of the subject property.
3. The parties agreed that the 2018 actual value of the subject property should be reduced to:

Total Value: \$12,799,900
(Reference Attached Stipulation)

4. The Board concurs with the Stipulation.

ORDER:

Respondent is ordered to reduce the 2018 actual value of the subject property, as set forth above.

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

DATED this 5th day of November 2020.

BOARD OF ASSESSMENT APPEALS

Diane M. DeVries

Diane M. DeVries

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

Debra A. Baumbach

Debra A. Baumbach

Martha Hernandez Sanchez
Martha Hernandez Sanchez



Board of Assessment Appeals State of Colorado 1313 Sherman Street, Room 315 Denver, CO 80203	
Petitioner: WAL-MART STORES INC. Respondent: LA PLATA COUNTY BOARD OF COUNTY COMMISSIONERS	▲ BAA USE ONLY ▲
<i>Attorneys for Respondent BoCC:</i> Kathleen Moore, #35988 La Plata County Attorney's Office 1060 East Second Ave., Suite 140 Durango, CO 81301 Phone No.: (970) 382-8600 Email: moore@lpcattorney.org	Docket No. 79245 Tax Year(s): 2018
AGREEMENT AND STIPULATION AS TO ACTUAL VALUE FOR TAX YEAR 2018	

Petitioner, Wal-Mart Stores Inc., and Respondent, the La Plata County Board of County Commissioners, hereby enter into this Agreement and Stipulation as to Actual Value for Tax Year 2018 ("Stipulation").

Petitioner and Respondent agree and stipulate as follows:

1. Petitioner is the record owner of the real property subject to this Stipulation (the "Subject Property"), which is described as follows:

Situs Address: 1155 S. Camino del Rio, Durango, CO 81303
Assessor's Account No. R124669 / Parcel No. 5669-043-00-802

2. The Subject Property is classified as commercial property, and the La Plata County Assessor originally assigned the following actual value to the Subject Property for tax year 2018:

Land:	\$ 4,585,780.00
Improvements:	\$ 8,438,630.00
TOTAL	\$13,024,410.00

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3. On or about December 26, 2019, Petitioner filed a Petition for Abatement or Refund of Taxes with La Plata County, requesting an abatement or refund of taxes for tax year 2018. Based, in part, on the recommendation of the Assessor's Office to deny the Petition, Petitioner requested that Respondent administratively deny its Petition, and no evidence from Petitioner regarding the Subject Property's value was presented at the hearing held on or about May 12, 2020. Based on the recommendation of the Assessor's Office and Petitioner's request, the Petition was denied by Respondent.
4. On or about May 14, 2020, Petitioner's agent filed a Petition with the State Board of Assessment Appeals ("BAA") appealing Respondent's denial of its petition for abatement.
5. Rather than appear at a hearing, Petitioner and Respondent now wish to settle this matter according to the terms and conditions provided herein.
6. Pursuant to C.R.S. § 30-11-103, all powers of La Plata County, including the power to contract and settle claims, must be exercised by the Board of County Commissioners. Therefore, notwithstanding any other provision in this Stipulation to the contrary, the parties acknowledge, understand and agree that this Stipulation will not bind Respondent or be effective unless and until approved by the Board of County Commissioners. If the Board of County Commissioners does not approve this Stipulation, it shall be null and void and of no further effect.
7. Petitioner and Respondent agree that, once executed by all parties and approved by the BAA, this Stipulation shall constitute a full and final settlement of this matter for tax year 2018, and that the following provisions shall apply:
 - a. Based on information presented by Petitioner to Respondent regarding this matter, the parties agree that the actual value of the Subject Property for tax year 2018 shall be reduced to the following actual value:


Land:	\$ 4,823,870.00
Improvements:	\$ 7,976,030.00
TOTAL	\$ 12,799,900.00
 - b. After discussions with Petitioner's tax agent and review of comparable sales, the parties believe that a reduction in value of the Subject Parcel to approximately \$70.00 per square foot is appropriate in this matter.
8. The parties jointly move the BAA to enter its order based on this Stipulation, dismissing Docket No. 79245 with prejudice. A copy of this Stipulation may be forwarded to the BAA to effectuate this request.

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9. Each person signing this Stipulation directly and expressly warrants and represents that he/she has been given and has received and accepted authority to sign and execute the documents on behalf of the party for whom it is indicated he/she has signed, and further has been expressly given and received and accepted authority to enter into a binding agreement on behalf of such party with respect to the matters concerned herein and as stated herein.
10. This Stipulation may be executed in counterparts. Facsimile and emailed signatures shall be binding as originals.

DATED this 15th day of September, 2020.

WAL-MART STORES INC.


By: _____
Name: Robert A. Hill
Its (title): Agent for Petitioner
On behalf of Petitioner

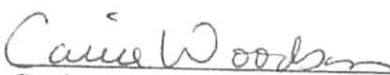
**LA PLATA COUNTY BOARD
OF COUNTY COMMISSIONERS**


Clyde Church, Chair


Attest: 
Clerk to Board

Approved as to form:

**LA PLATA COUNTY
ASSESSOR'S OFFICE**


Carrie Woodson, Assessor

**LA PLATA COUNTY
ATTORNEY'S OFFICE**


Kathleen Moore, #35988
Assistant County Attorney
1060 East Second Ave., Suite 140
Durango, CO 81301
Attorneys for Respondent

CERTIFICATE OF SERVICE

I certify that on the 23rd day of September, 2020, a true and correct copy of the foregoing **AGREEMENT AND STIPULATION AS TO ACTUAL VALUE FOR TAX YEAR 2018** was served upon Petitioner and Petitioner's agent as indicated below, as follows:

Robert Hill
Robert Hill Law, Ltd.
1161 Wayzata Blvd. E, #399
Wayzata, MN 55391
Via email - Kari@roberthilllaw.com

and was served upon the Board of Assessment Appeals as follows:

Board of Assessment Appeals
1313 Sherman Street, Room 315
Denver, CO 80203
Via Email - baa@state.co.us and dola_baa@state.co.us



Gretchen Hinkle