

Assessor Decision

June 15, 2023

DUE DATE

PETITION FOR ABATEMENT OR REFUND OF TAXES

RECEIVED

February 27, 2023

Appeals Coordinator

County: Boulder

Date Received: **RECEIVED** (Assessor's Date Stamp)
By Boulder County Assessor at 7:09 am, Feb 27, 2023

Section I: Petitioner, please complete Section I only.

Date: February 20 2023
Month Day Year

Petitioner's Name: Folly Fam, LLC
Petitioner's Mailing Address: 2185 Linden Ave
Boulder Colorado 80304
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>120322000032</u>	<u>5555 and 5601 Ute Hwy, Longmont, CO 80503</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2022 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

Please see the attached Stipulation, which details the agreed-upon valuation of the subject property for tax year 2022.

Petitioner's estimate of value: \$ 1,438,083 (2022)
Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

By Stratton Smith Daytime Phone Number (720) 256-7193
Petitioner's Signature Email sstrattonsmith@msn.com

By Benjamin Wilson Daytime Phone Number (303) 402-1600
Agent's Signature

Printed Name: Benjamin Wilson Email bmw@bhgraw.com

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation
(For Assessor's Use Only)

Tax Year 2022

	Actual	Assessed	Tax
Original	<u>1410300</u>	<u>401605</u>	<u>39225.16</u>
Corrected	<u>1438083</u>	<u>251715</u>	<u>24585.26</u>
Abate/Refund	<u>27783</u>	<u>149890</u>	<u>14,639.91</u>

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(i)(D), C.R.S.

Tax year: 2022 Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):

Cynthia Braddock
Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY
(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: **Written Mutual Agreement of Assessor and Petitioner**
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____			Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature

Date

Assessor's or Deputy Assessor's Signature

Date

Section IV: **Decision of the County Commissioners**
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of Boulder County, State of Colorado, at a duly and lawfully called regular meeting held on ___/___/___, at which meeting there were present the following members:
Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor Cynthia Braddock ~~(being present--not present)~~ and
Name
Petitioner _____ ~~(being present--not present)~~, and WHEREAS, the said
Name
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED, that the Board ~~(agrees--does not agree)~~ with the recommendation of the Assessor and the petition be ~~(approved--approved in part--denied)~~ with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund	Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____	_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County
this _____ day of _____, _____
Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: **Action of the Property Tax Administrator**
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this abatement petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature

Property Tax Administrator's Signature

Date

Docket Number: 2021BAA6477
Account Number: R0602357

STIPULATION

**BOARD OF ASSESSMENT APPEALS
STATE OF COLORADO
DOCKET NUMBER: 2021BAA6477**

FOLLY FARM LLC
Petitioner.

vs.

BOULDER COUNTY BOARD OF EQUALIZATION,
Respondent.

Petitioner and Respondent hereby enter into this Stipulation regarding the tax year 2021 valuation of the subject property, 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 property subject to this Stipulation is described as follows:

5601 UTE HWY UNINCORPORATED BOULDER COUNTY, CO

2. The subject property is classified as AG MIXED - MERCHANDISING & RESIDENTIAL IMPROVEMENTS
3. After a timely appeal and further review and negotiations, the parties stipulate and agree that the actual value of the subject property should be changed as follows for the above-described tax year.

BOE VALUE		REVISED VALUE	
COMMERCIAL	\$1,290,900	COMMERCIAL	\$670,400
AGRICULTURAL LAND	\$35,900	AGRICULTURAL LAND	\$2,083
AGRICULTURAL IMPROVEMENTS	\$61,500	AGRICULTURAL IMPROVEMENTS	\$18,200
AGRICULTURAL RESIDENCE	\$22,000	AGRICULTURAL RESIDENCE	0
		RESIDENTIAL	\$747,400
BOE VALUE	\$1,410,300	NEW VALUE	\$1,438,083

Docket Number: 2021BAA6477
Account Number: R0602357

STIPULATION

4. Petitioner agrees that absent an unusual condition, this corrected value is intended to be the value for both years of the appraisal cycle per C.R.S 39-1-104 (10.2). Absent statutory exceptions or an unusual condition in 2022, the parties agree that this valuation is for purposes of determining a correct level of value for account # R0602357 for the reassessment cycle at issue here. An abatement for tax year 2022 will be initiated as soon as allowable in 2023 to equalize the value for 2021 and 2022.

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

Commercial portion was over-valued and some land was changed to residential based upon use.

6. This hearing set for December 27, 2022 shall be vacated.

By: Benjamin Wilson November 23, 2022 By: Michael A. Koertje November 23, 2022

BENJAMIN M. WILSON #44919
BERG HILL GREENLEAF & RUSCITTI LLP
1712 PEARL ST
BOULDER, CO 80302
Telephone (847)571-3292
bmw@bhgrlaw.com

MICHAEL KOERTJE #21921
OLIVIA LUCAS #36114
Assistant County Attorney
P.O. Box 471
Boulder, CO 80306-0471
Telephone (303) 441-3190

CYNTHIA BRADDOCK
Boulder County Assessor

By: Cynthia Braddock November 23, 2022

Cynthia Braddock
Assessor
P.O. Box 471
Boulder, CO 80306-0471
Telephone (303) 441-3530

Account Number: R0602357

ABATEMENT STIPULATION

**ABATEMENT STIPULATION
TAX YEAR 2022
ACTUAL VALUE**

FOLLY FARM LLC,

Petitioner,

vs.

BOULDER COUNTY BOARD OF COUNTY COMMISIONERS,

Respondent.

Petitioner and Respondent hereby enter into the following Stipulation regarding the tax years 2021/2022 valuation of the subject property:

1. The property subject to this Stipulation is described as:
5601 UTE HWY UNINCORPORATED BOULDER COUNTY
2. The subject property is classified as AG_MIXED - MERCHANDISING IMPROVEMENTS.
3. After a timely appeal and further review and negotiations, the parties stipulate and agree that the actual value of the subject property should be changed as follows for the above-described tax years.

ORIGINAL VALUE \$1,410,300 NEW VALUE \$1,438,083

4. Absent an unusual condition, this corrected value is intended to be the value for both years of the appraisal cycle per C.R.S. 39-1-104(10.2). Thus the valuation of Petitioner's property for both years in the reassessment cycle should be the same, absent statutory exceptions.
5. Petitioner agrees, as result of this Stipulation, to waive the right to file a protest or otherwise appeal the valuation of account # R0602357 for the tax year(s) covered by this petition.
6. Brief narrative as to why the reduction was made:

Account Number: R0602357

ABATEMENT STIPULATION

equalize to 2021 BAA

7. Both parties agree that all future hearings scheduled or not, for this reassessment cycle, shall be vacated.
8. 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.

By: Benjamin Wilson June 14, 2023

BERG HILL GREENLEAF RUSCITTI LLP
1712 PEARL ST
BOULDER, CO 80302
Telephone (720)256-7193
bmw@bhgrlaw.com

CYNTHIA BRADDOCK
Boulder County Assessor

By: Cathy Brennan June 14, 2023

Cathy Brennan
Commercial Appraiser
cbrennan@bouldercounty.org
P.O. Box 471
Boulder, CO 80306-0471
Telephone (303) 441-3530

ID	OWNER
R0602357	FOLLY FARM LLC

Appraiser:	CCB
	5/8/2023
Review Date:	

Reason:

This is an equalization with a 2021 BAA

RESIDENTIAL IMPROVED PROPERTIES

Tax Year	Mill Levy	Assessment Rate
2021	0	7.15%

Tax Year	Mill Levy	Assessment Rate
2022	97.671	6.95%

	Actual Value	Assessed Value	Taxes
Original	0	0	\$0.00
Corrected	0	0	\$0.00
Abate/Refund	0	0	\$0.00

	Actual Value	Assessed Value	Taxes
	22,000	1,529	\$149.34
	747,400	51,944	\$5,073.45
	-725,400	-50,415	-\$4,924.11

COMMERCIAL / ALL OTHER PROPERTIES

Tax Year	Mill Levy	Assessment Rate
2021	87.13	29.00%

Tax Year	Mill Levy	Assessment Rate
2022	97.671	29.00%

	Actual Value	Assessed Value	Taxes
Original	0	0	\$0.00
Corrected	0	0	\$0.00
Abate/Refund	0	0	\$0.00

	Actual Value	Assessed Value	Taxes
	1,290,900	374,361	\$36,564.21
	670,400	194,416	\$18,988.81
	620,500	179,945	\$17,575.41

AG LAND ONLY

Tax Year	Mill Levy	Assessment Rate
2021	87.13	29.00%

Tax Year	Mill Levy	Assessment Rate
2022	97.671	29.00%

	Actual Value	Assessed Value	Taxes
Original	0	0	\$0.00
Corrected	0	0	\$0.00
Abate/Refund	0	0	\$0.00
Correct Totals	0	0	0.00

Tax Year: 2021

State Abstract Codes Individual Value

Breakouts:	COM Land		
	COM Bldgs		
	RES Land		
	RES Bldgs		
	AG Land		
	COM Bldgs		
	COM Bldgs		
			\$0

Addl Bldgs
(as needed)

	Actual Value	Assessed Value	Taxes
	97,400	28,246	\$2,758.82
	20,283	5,882	\$574.51
	77,117	22,364	\$2,184.31
Correct Totals	1,438,083	252,242	14,835.60

Tax Year: 2022

State Abstract Codes Individual Value

	COM Land	2112	\$525,900
	COM Bldgs	2212	\$144,500
	RES Land	1112	\$725,400
	RES Bldgs	1212	\$22,000
	AG Land	4127	\$2,083
	AG Bldgs	4279	\$18,200
	COM Bldgs		
			\$1,438,083

	2021	2022
Full Value:	\$0	\$1,438,083
Tax rebate:	\$0.00	\$14,835.60

We don't need a grand total line, approval is per year

Approved by: Brian Floyd 6-5-2023

Approval by Supervisor only if refund is \$1-\$4,999
Approval by Ken if refund is \$5,000 - \$10,000
Approval by Cindy if refund is >= \$10,000