

Moffat County Board of County Commissioners
221 W Victory Way Suite 130 Craig, CO 81625

March 10, 2020

County Board of Equalization Hearing

In attendance: Ray Beck, Chairman; Donald Broom, Vice Chair; Don Cook, Board Member; Erin Miller, Moffat County (Deputy) Clerk & Recorder; Chuck Cobb, Moffat County Assessor; Rebecca Tyree, Moffat County Attorney; Loy Jones, Assessor's Office; John Zimmerman, Value West, Inc.; Shauana Merrill, paralegal/timekeeper

Call to Order
Pledge

Commissioner Beck explained the Board of Equalization process. The Board appreciates both parties for participating in this process. Our goal is to come to a fair conclusion of value with regard to this property. We would like to have a valuation that is fair for the taxpayer as well as fair for the other taxpayers in the county. In order to do this, we will hear first from the taxpayer and then from the County Assessor. Both parties will be sworn in. Each will be given 10 minutes for initial comments. Please do not interrupt each other during this period. Persons in the meeting room should not react to statements being made in an auditory or physical manner. After your initial 10 minutes, each board member will have an opportunity to ask questions. After a brief question period, you will be given an additional 5 minutes of rebuttal and conclusion time. As time allows, the Board may ask additional questions at the end of the meeting. Total time allotment for each hearing is not to exceed 15 minutes. We will then make one of the following decisions: Deny, Adjust, or Continue. We may also give other specific instructions to the Assessor with regard to the subject property.

1:30-2:30 pm - : Walmart - R011298
(Robert Hill, representative for Walmart phoned in)

Mr. Hill was sworn in by Commissioner Beck. Hill explained that in the last 5-10 years, big box retail stores have all undergone a loss in business, therefore making the building not worth as much to a second generation buyer. Walmart is hoping to get a dialog going with the Assessor's Office

John Zimmerman was sworn in. The 2017 Abatement Petition was initially addressed. This petition was deemed as not a valid petition, because the subject property was protested during 2017, filed by Louis Newman (a legal contractor that no longer works for Walmart). Zimmerman passed out a copy of the petition. Mr. Hill stated that he would withdraw the 2017 petition. Zimmerman stated that Mr. Newman agreed to the value that was set by the County when this protest was put forth in 2017; by inference, since the

2018 value was the same, Zimmerman asked the BOCC if they would ask Hill to withdraw the 2018 protest. Hill stated that, at this time, they would not withdraw the 2018 protest because Walmart wants to start a dialog with the Assessor's Office for abatement.

Zimmerman went on to testify that the 2017 and the 2018 valuations are based on a June 30, 2016 valuation. The value, as determined by the Assessor's Office was \$8,241,969.

Taxpayers who protest property tax assessments have the burden of proving that the assessment is incorrect. The petitioner provided no evidence to support a lower valuation for the subject property. There were two exhibits provided by the petitioner: 1) A table that identified the property with the parcel number and a few descriptive bits of information about the property, along with requested value. 2) An apparent presentation from a conference which broadly presents vague information about the "Big Box Valuation Realities". Neither of these exhibits offers any information about the subject property and it falls far short of meeting any burden of proof requirements as required by law. The Assessor's Office reviewed the valuation of the subject property, despite the weakness of the abatement petition, and determined that the value is fair and equitable and is appropriate for the subject property, as of June 30, 2016 appraisal date.

Here are some key points to illustrate that this tax agent has not met the burden of proof required:

1. There is zero property specific evidence provided
2. The presentation submitted as support for the petition has no geographic information
3. The presentation submitted cites sources from after the allowable appraisal date of June 30, 2016
4. The agent supplies no support for the value being requested
5. The owner of this property protested the valuation of this property in 2017 and did not appeal the Assessor's valuation after the protest was denied

Zimmerman (and the Assessor's Office) recommended that the CBOE deny this abatement petition immediately.

Hill tried to make his point by comparing the value of the Walmart in Moffat County to the value of other properties in larger areas on the Front Range. He questioned that the price per square foot to build a new building (\$30-\$40/square foot) is less than it would be to sell the current building with the current tax value (\$80/square foot).

Zimmerman emphasized that the Walmart in Moffat County was not comparable to any of the other Walmart stores on the Front Range. They have no competition; there is no danger of this store closing.

The board did not have to make a decision today; they can take all this information under advisement and make a decision in the future.

In regular session, Commissioner Cook made a motion to deny Walmart's abatement petition for 2018. Commissioner Broom seconded. Motion carried 3-0. Mr. Hill was informed that the County would respond to Walmart in writing.

Meeting Adjourned

2:10 pm

Submitted by: Erin Miller, (Deputy) Clerk & Recorder

Approved by: Ray Beck

Broom

Approved on: March 17, 2020

Attest by: Erin Miller



The Assessor's office reviewed the valuation of the subject property despite the weakness of the abatement petition and determined that the value is fair and equitable and is appropriate for the subject property as of the June 30, 2016 appraisal date.

Here are some key points to illustrate that this tax agent has not met the burden of proof required:

1. There is ZERO property specific evidence provided.
2. The presentation submitted as support for the petition has NO GEOGRAPHIC INFORMATION.
3. The presentation submitted cites sources from after the allowable appraisal date of June 30, 2016.
4. The agent supplies NO support for the value being requested.
5. The owner of this property protested the valuation of this property in 2017 and did not appeal the Assessor's valuation after the protest was denied.



Enter Map Title...

Web Print: 03/08/2020

0 376 752 Feet

This map is a user-generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



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PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Moffat

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: December 26, 2019
Month Day Year

Petitioner's Name: Walmart Inc / Sams Inc

Petitioner's Mailing Address: 702 SW 8th Street

Bentonville AR 72716
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
See Attached Exhibit A	See Attached Exhibit A

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 2018 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.)

As the attached independent analysis confirms, the sale prices of mega-big box stores reflect steep declines off of cost due to a rapidly changing climate for "walk-in" customers in the age of on-line retailing. Petitioner believes that its market value for its stores in Colorado should reflect the sales prices it has obtained and others have as well in Colorado. See attached analysis at p. 29.

Petitioner's estimate of value: \$ 3,984,440 (2018)
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.

 Petitioner's Signature Daytime Phone Number (_____) _____

By /s/ Robert A. Hill Daytime Phone Number (952) 426-7373
 Agent's Signature*

*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 _____			
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____
<input type="checkbox"/> 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: _____ Protest? <input type="checkbox"/> No <input type="checkbox"/> Yes (If a protest was filed, please attach a copy of the NOD.)			
<input type="checkbox"/> Assessor recommends denial for the following reason(s):			
_____ Assessor's or Deputy Assessor's 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 _____		
	<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 _____ 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 _____ (*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 that the petition be (*approved--approved in part--denied*) with an abatement/refund as follows:

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 petition, is hereby

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

 Secretary's Signature Property Tax Administrator's Signature Date