

Complete Either Section I or Section II  
RESOLUTION OF COUNTY COMMISSIONERS

Section I: In accordance with 39-1-113(1.5) C.R.S., the commissioners of Ouray County authorize the assessor 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 one thousand dollars or less per tract, parcel, or lot of land or per schedule of personal property.

County Commission Resolution # 2003-029

The Assessor and petitioner mutually agree to an assessed value of \$ 37,545.00 for 45,267.84 for 584.82 total tax for the year(s) 20 01 and an abatement/refund of \$ 1511.98 for 1,1049.42.

PLEASE NOTE: THE TOTAL TAX AMOUNT DOES NOT INCLUDE ACCRUED INTEREST, PENALTIES, AND FEES IF APPLICABLE, PLEASE CONTACT YOUR COUNTY TREASURER FOR FULL PAYMENT INFORMATION.

\_\_\_\_\_  
Petitioner's Signature Date Assessor's Signature Date

If Section I is not complete and/or if petition is for more than \$1,000, Section II must be completed.

Section II: Assessor's recommendation:

Approved - No protest filed in 20 01 or 20 02

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

Note: If a protest was filed please attach copy of NOD (Notice of Determination).

\_\_\_\_\_  
Assessor By: \_\_\_\_\_  
Deputy Assessor

WHEREAS, the County Commissioners of Ouray County, State of Colorado, at a duly and lawfully called regular meeting held on the 16th day of June, A.D. 2003, at which meeting there were present the following members: Commissioners Batchelder, Ferguson, & Hollenbeck

notice of such meeting and an opportunity to be present having been given to the taxpayer and the Assessor of said County and said Assessor Susie Mayfield and taxpayer

McCutlogh Properties, LLC through counsel John Olverholser being present; and

WHEREAS, The Said County Commissioners have carefully considered the within application, and are fully advised in relation thereto,

NOW BE IT RESOLVED, That the Board concur with the recommendation of the assessor and the petition be approved, and an abatement refund be allowed on an assessed valuation of \$ 37,545.00 for \$ 45,267.84 total tax for the year(s) 01 and an abatement/refund of \$ 1511.98 for 1,1049.42.

x \_\_\_\_\_  
Chairman of Board of County Commissioners

STATE OF COLORADO, }  
County of Ouray } ss.

I, Michelle Olin, County Clerk and Ex-officio Clerk of the Board of County Commissioners in and for the County of Ouray, State of Colorado, do hereby certify that the above and foregoing order is truly copied from the records of the proceedings of the Board of County Commissioners for said Ouray County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Ouray, this 16th day of June, A.D. 20 03.

\_\_\_\_\_  
Michelle Olin  
County Clerk  
By \_\_\_\_\_  
Deputy

ACTION OF THE PROPERTY TAX ADMINISTRATOR  
Denver, Colorado, \_\_\_\_\_ 20 \_\_\_\_\_

The action of the Board of County Commissioners, relative to the within petition, is hereby  approved;  approved in part \$ \_\_\_\_\_  denied for the following reason(s)

Petitioners: Complete this side only.

RIDGWAY, Colorado, U.S.A., 81432  
City or Town

To The Honorable Board of Commissioners of OURAY County

Gentlemen:

The petition of McCULLOUGH PROPERTIES, LLC, a COLORADO LIMITED LIABILITY COMPANY

Whose mailing address is: 714 JAMES STREET

GENEVA, ILLINOIS State 60134-0000  
City or Town zip Code

**SCHEDULE NUMBER DESCRIPTION OF PROPERTY AS LISTED ON TAX ROLL**

R001941 OUTLOT 15 MARIE SCOTT VILAG SUBDV RECEPTION 1588999  
4305-174-14-015

Respectfully requests that the taxes assessed against the above property for the years A.D. 2001, 2002, are erroneous, illegal, or due to error in valuation for the following reasons:  
Describe specifically the circumstances surrounding the incorrect value or tax, including owner's estimate of value. (Attach additional sheets if necessary)

SEE ATTACHED EXHIBIT A FOR DESCRIPTION.

(SEE ATTACHED EXHIBIT B FOR EXPLANATION OF AMOUNTS BELOW.) (SEE ATTACHED NOTE ALSO.)

20 <u>01</u> (due in 2002)		20 <u>02</u> (due in 2003)	
Value	Tax	Value	Tax
Original	<u>\$162,010.00 / \$2,290.28</u>	<u>\$134,460.00 / \$2,098.80</u>	
Abate	<u>\$116,712.16 / \$1,649.92</u>	<u>\$96,865.00 / \$1,511.98</u>	
Balance	<u>\$45,297.84 / \$640.36</u>	<u>\$37,595.00 / \$586.82</u>	

Therefore the petitioner requests that the taxes may be abated or refunded in the sum of \$ 3,161.90

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

McCULLOUGH PROPERTIES, LLC Address 714 JAMES STREET, GENEVA, ILLINOIS 60134  
Petitioner

By John W. Overholser Daytime phone number 970-249-3449 (John W. Overholser)  
Agent Date OVERHOLSER & SLEE, LLC  
P.O. BOX 729, MONTROSE, CO 81402

Every petition for abatement or refund filed pursuant to section 39-10-114 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.

## EXHIBIT A

Circumstances surrounding the incorrect value and tax including owner's estimate of value:

This property consists of 37.595 acres of unimproved, bare ground. The Petitioner is presently making no use of the property. The Petitioner has no plans for future use of the property. The Petitioner is currently marketing the property for sale and has been so doing for an extended period of time. The Town of Ridgway has zoned the property such that no use can be made of the property until the Town has rezoned the property. (See the letter from Ridgway Town Administrator Clifton attached hereto as Exhibit 1.) At such time as a new owner develops a plan for the property and obtains the necessary approval of the plan from the Ridgway Town government, the land will then have value for residential and/or commercial use. However, and in the meantime, the property has only nominal speculative value such as \$1,000.00 per acre. (Obviously, the property is being marketed for sale for more than the \$1,000.00 per acre value in hopes of finding a developer; but, until the property sells, the asking price does not establish value.) Thus, the prior taxes assessed against the property are erroneous and are due to error in valuation.



# TOWN OF RIDGWAY

INCORPORATED MARCH 20, 1891

---

P.O. BOX 10 · 201 NORTH RAILROAD · RIDGWAY, COLORADO 81432 · (970) 626-5308 FAX (970) 626-3962

---

May 1, 2003

To Whom this may Concern:

I have been requested to summarize the uses by right pertaining to a particular tract of land located within the Town limits of Ridgway. The parcel in question is described as Outlot 15, Marie Scott Village Subdivision. The parcel is approximately 37.6 acres.

This outlot is currently subject to an "FD" Future Development zoning designation. As such, it is very restricted in terms of land use opportunities at this point in time. The parcel can be used, as a right, for agricultural purposes. Insofar as the parcel is in excess of 35 acres, it could also be used for a single-family residence. A single-family residence, in turn, would require the extension of utilities and road infrastructure.

As it is currently zoned, no other development potential exists for this tract. A rezone of the property will be prerequisite to other uses, and it is not certain if such a rezone would be approved at this time. The process would involve a public hearing.

Should any additional information be required, please give me a call.

Very Truly Yours,



Greg Clifton  
Town Manager

EXHIBIT

1

tabbles

## EXHIBIT B

Determination of abatement and refund amounts using the value of \$1,000.00 per acre for the value of the property in 2002 and then using simple ratios for comparisons to past valuations and taxes:

2002:

37.595 acres of property @ \$1,000.00 per acre = \$37,595.00 (total value for 2002)

$\$37,595.00$  (total value)/ $X = 134,460.00$  (2002 valuation)/ $\$2,098.80$  (2002 taxes paid)  
 $X = \$586.82$  (2002 tax amount under requested change in valuation)

2001:

$\$1,000.00$  per acre (value for 2002)/ $X = \$134,460.00$  (2002 valuation)/ $\$162,010.00$  (2001 valuation)

$X = \$1,204.89$  per acre (value for 2001)

37.595 acres @ \$1,204.89 per acre = \$45,297.84 (total value for 2001)

$\$45,297.84$  (total value)/ $X = \$162,010.00$  (2001 valuation)/ $\$2,290.28$  (2001 taxes paid)  
 $X = \$640.36$  (2001 tax amount under requested change in valuation)

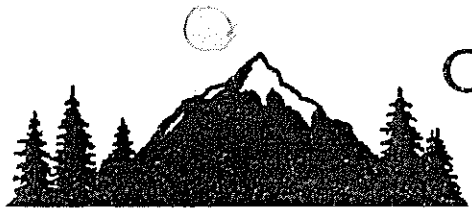
Refund:

$\$2,098.80$  (2002 taxes paid) +  $\$2,290.28$  (2001 taxes paid) =  $\$4,389.08$  (total taxes paid)

$\$586.82$  (2002 tax amount under requested change in valuation) +  $\$640.36$  (2001 tax amount under requested change in valuation) =  $\$1,227.18$  (total tax amount under requested changes in valuation)

$\$4,389.08$  (total taxes paid) -  $\$1,227.18$  (total tax amount under requested changes in valuation) =  $\$3,161.90$  (refund)

Note: In the interim from the time this Petition was prepared and the time it was submitted for review, Petitioner received from the Ouray County Assessor's Office the 2003 Real Property Notice Of Valuation for Outlot 15 of Marie Scott Village. The 2003 Valuation indicated a current year valuation of \$67,760.00 as compared to the prior year valuation of \$134,460.00 - a decrease of \$66,700.00. Abatement/refund amounts for the years 2001 and 2002 requested under the within Petition could possibly be fairly based upon an extrapolation of the 2003 \$67,760.00 valuation back in time for the years 2001 and 2002.



Ouray  
County  
Commissioners



DON BATCHELDER  
BILL FERGUSON  
TOM HOLLENBECK

541 4th Street • P.O. Box C • Ouray, Colorado 81427 • 970-325-7320 325-4961 • Fax 970-325-0452

May 27, 2003

John Olverholser  
Olverholser & Slee, LLC  
Post Office 729  
Montrose, CO 81402

Re: Notice of Hearing – Petition for Refund of Property Taxes for McCullough Properties, LLC. Tax Schedule No. R001941

Dear Mr. Olverholser,

A hearing to consider the request for property tax abatement on schedule no. R001941 has been scheduled before the Board of Ouray County Commissioners on Monday, June 16, 2003, at 10:00 a.m., in the Commissioners Meeting Room, located at 541 4<sup>th</sup> Street, Ouray, Colorado. Approximately thirty minutes has been set aside for this hearing and you have the right, behalf of McCullough, LLC to attend this hearing if you so desire. The Ouray County Assessor is recommending approval of your petition. The Board will make its decision on the basis of the assessor's recommendation and any input received at the aforementioned hearing.

If you have any questions, please feel free to contact Connie I. Hunt, County Administrator at 970-325-7263.

Sincerely,

Shelli D. Banks  
Clerk of the Board of County Commissioners

cc: County Assessor  
Abatement File