



Board Summary Report

**File #:** 24-286

**Agenda Date:** 6/11/2024

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**To:** Board of County Commissioners

**Through:** Ronald A. Carl, County Attorney

**Prepared By:**  
Karen Thompsen, Paralegal

**Subject:**  
Approval of a Stipulated Abatement Reduction

**Purpose and Request:**

The purpose of this request is for the adoption of a resolution approving the following abatement/refund as recommended by the Assessor’s Office and expressly agreed to by the taxpayer, along with the taxpayer’s express waiver of their right to a hearing before the Board’s appointed referee.

Petitioner: Lochness Properties Inc.

Parcel No.: 2077-04-1-00-044

Tax Year 2022: Original Value: \$3,306,000 Corrected Value: \$2,892,784

Tax Year 2023: Original Value: \$5,016,000 Corrected Value: \$3,483,514

**Background and Discussion:** Though C.R.S. § 39-1-113(1) provides that the Board cannot enter a decision on an abatement petition unless a hearing is had thereon except in the case of a petition for abatement or refund in the amount of ten thousand dollars or less that is settled by written mutual agreement between the taxpayer and Assessor’s Office, this petitioner has executed an express waiver of their right to a hearing and stipulated to the Assessor’s recommended abatement/refund approval. Accordingly, the Board may enter its decision approving this stipulated abatement/refund. In situations where an abatement refund exceeds ten thousand dollars, the Board’s recommended approval must be submitted to the Property Tax Administrator for further review and approval under C.R.S. § 39-1-113 before the abatement can be fully administered. The abatement/refund has been recommended by the Assessor’s Office and expressly agreed to by the taxpayer.

**Alternatives:** The Board can deny this abatement, in which case petitioner is likely to file for further appeal with the Board of Assessment Appeals.

**Fiscal Impact:** If any abatement is approved, a portion of the taxes collected on the properties for which abatements are approved will need to be reduced and/or refunded if already paid, along with the payment of statutory interest on the refunded amounts as specified in C.R.S. § 39-10-114.

**Alignment with Strategic Plan:**

- Be fiscally sustainable
- Provide essential and mandated service
- Be community focused

**Concurrence:** The Assessor's Office and the County Attorney support this recommendation.

**Resolution:** A draft resolution is attached.