



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

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CHRISTOPHER G.
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Secretary

In the Matter of

Michele Shafe
Clark County Assessor
PETITIONER

Tropicana East Shopping Center
APN: 162-24-401-011, 162-24-401-012,
162-24-401-017
Clark County, Nevada
RESPONDENT

Appeal of the Decision of the
CLARK COUNTY
BOARD OF EQUALIZATION

Case No. 13-238

NOTICE OF DECISION

Appearances

Brian Kelly and Mary Ann Weidner appeared on behalf of the Clark County Assessor's Office (Assessor).

Chris Glidewell of Pivotal Tax Solutions appeared on behalf of Tropicana East Shopping Center (Taxpayer).

Summary

The matter of the Taxpayer's petition for review of property valuations for the 2013-14 Secured Roll within Clark County, Nevada, came before the State Board of Equalization (State Board) for hearing in Las Vegas, Nevada, on September 16, 2013 after due notice to the Taxpayer and the Assessor.

The State Board, having considered all evidence, documents and testimony pertaining to the valuation of the property in accordance with NRS 361.227, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

- 1) The State Board is an administrative body created pursuant to NRS 361.375.
- 2) The State Board is mandated to hear all appeals of property tax assessments pursuant to NRS 361.360 and NRS 361.400.
- 3) The Taxpayer and the Assessor were given adequate, proper and legal notice of the time and place of the hearing before the State Board, and the matter was properly noticed pursuant to the Open Meeting Law at NRS 241.020. *See Record, SBE page 264.*
- 4) The subject property consists of part of a shopping center known as Renaissance Center East, containing 40,548 gross square feet and built in 1976, and located on 3.95 acres at the corner of Tropicana and Eastern, in Las Vegas, Clark County, Nevada. *See Record, SBE pages 235, 246-248; Tr., 9-16-13, p. 252, l. 22 through p. 253, l. 3.*
- 5) The Clark County Board of Equalization (County Board) ordered the total taxable value for the subject property of \$2,424,123 be reduced to \$1,791,521 for the 2013-2014 secured roll. The decision was based on a 14% capitalization rate to account for a perceived risk for contaminated property. *See Record, SBE pages 12 and 258.*
- 6) The State Board found the value established by the County Board did not exceed full cash value, even without further consideration of evidence, or lack thereof, of contamination. The State Board found the Assessor did not overcome the burden to disprove the decision of the County Board. *See Tr., 9-16-13, p. 281, l. 1 through p. 284, l. 22; p. 285, ll. 3-5.*
- 7) The State Board affirmed the decision of the County Board. *See Tr., 9-16-13, p. 285, ll. 3-15.*
- 8) The assessed value as previously determined by the County Board is 35% of taxable value.
- 9) Any finding of fact above construed to constitute a conclusion of law is adopted as such to the same extent as if originally so denominated.


CONCLUSIONS OF LAW

- 1) The Taxpayer timely filed a notice of appeal, and the State Board accepted jurisdiction to determine this matter.
- 2) The Taxpayer and the Assessor are subject to the jurisdiction of the State Board.
- 3) The State Board has the authority to determine the taxable values in the State.
- 4) The subject property is appraised at the property taxable value without further adjustment, in accordance with NRS 361.227.
- 5) Any conclusion of law above construed to constitute a finding of fact is adopted as such to the same extent as if originally so denominated.

DECISION

The Petition of the Assessor is denied based on the above Findings of Fact and Conclusions of Law. The Clark County Comptroller is instructed to certify the assessment roll of the county consistent with this decision.

BY THE STATE BOARD OF EQUALIZATION THIS 17th DAY OF JANUARY, 2014.

A handwritten signature in black ink, appearing to read 'Christopher G. Nielsen', written over a horizontal line.

Christopher G. Nielsen, Secretary
CGN/ter