



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

DWSMC Holdings, LLC
APN: 176-04-412-009
Clark County, Nevada
RESPONDENT

Appeal of the Decision of the
CLARK COUNTY
BOARD OF EQUALIZATION

Case No. 13-244

NOTICE OF DECISION

Appearances

Stephanie Jones and Heather Drake appeared on behalf of the Clark County Assessor's Office (Assessor).

Steven Fink appeared on behalf of DWSMC Holdings, LLC (Taxpayer).

Summary

The matter of the Assessor'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 Henderson, Nevada, on June 4, 2013 after due notice to the Taxpayer and the Assessor.

The Assessor offered new evidence of comparable sales. The State Board admitted the new evidence into the record. *See Tr., 6-4-13, p. 337, l. 24 through p. 338, l. 18.*

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.
- 4) The subject property is 2.39 net acre parcel located on Warm Springs east of Durango and West of Teneya in Clark County, Nevada. The property is zoned C2 with a planned land use of BDRP. The parcel is graded and has curbs, gutters and sidewalks. *See Record, SBE page 28; 30-31; Tr., 6-4-13, p. 336, l. 23 through p. 337, l. 4.*
- 5) The Clark County Board of Equalization (County Board) ordered that the total taxable value for the subject property of \$676,705 be reduced to \$3.75 per square foot, or \$390,407 for the 2013-2014 secured roll. *See Record, SBE pages 8 and 37; Tr. 6-4-13, p. 337, ll. 5-6.*
- 6) The Assessor presented sufficient evidence to support a value different from that established by the County Board. The State Board found the comparable sales, particularly Sales 1 and 2 as adjusted, supported \$4.50 per square foot on a net basis. In addition, the State Board found the \$4.50 per square foot was within the range considered by the County Board. *See Tr., 6-4-13, p. 361, l. 20 through p. 363, l. 15.*
- 7) The State Board found the taxable value of the subject property should be increased to \$468,486 based on \$4.50 per square foot. *See Tr., 6-4-13, p. 363, l. 13 through p. 364, l. 25.*
- 8) 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. *NRS 361.360.*
- 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. *NRS 361.395.*
- 4) The assessed value as adjusted by the State Board is 35% of taxable value as required by NRS 361.225.
- 5) The subject property is appraised, as adjusted, at the proper taxable value in accordance with NRS 361.227.
- 6) 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 granted based on the above Findings of Fact and Conclusions of Law. The Clark County Comptroller is instructed to correct the assessment roll by adjusting the assessed valuation of the subject property as follows:

2013-2014 Secured Roll

Parcel Number 176-04-412-009	Taxable Value		Assessed Value	
	Established by County Board of Equalization	Revised By State Board	Established by County Board of Equalization	Revised by State Board
Land	\$390,407	\$468,486	\$136,642	\$163,970
TOTAL	\$390,407	\$468,486	\$136,642	\$163,970

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 1 DAY OF AUGUST, 2013.



Christopher G. Nielsen, Secretary
CGN/ter