



## 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. The Department provided evidence to show the Taxpayer received notice of the hearing. *See Record, SBE page 51.*
- 4) The subject property is 104,397 square foot building constructed in 1974. Approximately 37,574 square feet is a fitness center currently occupied by 24 Hour Fitness, the balance of the building, approximately 66,853 square feet is a discount store with some service area and was previously occupied by Harley Davidson. This building is situated on a 8.04 acre parcel located at 2605 South Eastern Avenue, on the northwest corner of Eastern and Karen, just south of Sahara, in Winchester, Clark County, Nevada. *See Record, SBE page 30; Maps, SBE pages 43-45; Tr., 6-15-16, p. 37, ll. 3-14.*
- 5) The Clark County Board of Equalization (County Board) ordered the total taxable value for the subject property of \$5,063,246 be upheld for the 2016-2017 secured roll. *See Record, SBE pages 12 and 49; Tr. 6-15-16, p. 37, ll. 15-17.*
- 6) The State Board found the Taxpayer did not present sufficient evidence to support values different from that established by the County Board. The State Board found the taxable value does not exceed market value based on the price per square foot from comparable sales, particularly comparable sales 3 through 5. The State Board also found the Assessor had appropriately adjusted the vacancy rate to account for vacancies in the income indicator of value, which value also supported the Assessor's taxable value. *See Tr., 6-15-16, p. 59, l. 8 through p. 60, l. 24; p. 62, l. 9 through p. 64, l. 5.*
- 7) The State Board affirmed the decision of the County Board. *See Tr., 6-15-16, p. 64, ll. 6-24.*
- 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.
- 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 proper taxable value as previously determined by the County Board in accordance with NRS 361.227 for the 2016-2017 tax year. The assessed value is 35% of taxable value.
- 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 Taxpayer 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 10<sup>th</sup> DAY OF AUGUST, 2016.

Deonne Contine

Deonne Contine, Secretary  
DC/ter