



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

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CHRISTOPHER G.
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Secretary

In the Matter of)
)
 SAV WCL III, LLC)
 APN: 164-02-510-003 and 164-02-510-004)
 Clark County, Nevada)
 PETITIONER)
) Case No. 12-296
 Michele Shafe)
 Clark County Assessor)
 RESPONDENT)
)
 Appeal of the Decision of the)
 CLARK COUNTY)
 BOARD OF EQUALIZATION)

NOTICE OF DECISION

Appearances

Michael Green appeared on behalf of SAV WCL III, LLC (Taxpayer).

Davey Key and Gary Relyea appeared on behalf of the Clark County Assessor's Office (Assessor).

Summary

The matter of the Taxpayer's petition for review of property valuations for the 2012-13 Secured Roll within Clark County, Nevada, came before the State Board of Equalization (State Board) for hearing in Las Vegas, Nevada, on July 16, 2012 after due notice to the Taxpayer and the Assessor.

The Assessor offered new evidence consisting of information on comparable property sales which occurred after the hearing at the Clark County Board of Equalization (County Board). The State Board admitted the new evidence into the record. *See Tr., 7-16-12, p. 337, ll.1-14.* The Taxpayer offered new evidence consisting of a recorded document with an APN number. The motion to admit the evidence died for lack of a second. The State Board did not obtain a majority vote for a decision to admit the evidence; and as a result, the evidence was not admitted. *See Tr., 7-16-12, p. 340, l. 13 through p. 341, l.3.*

The Taxpayer requested the testimony and evidence in SBE Case number 12-295 be incorporated into the current case. *See Tr., 7-16-12, p. 341, ll. 5-8.*

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, APN 164-02-510-003, consists of commercial vacant land containing 13.84 acres and located on West Charleston west of I-215 Beltway in Summerlin, Clark County, Nevada. *See Tr., 7-16-12, p. 338, ll. 1-9; Record, SBE pages 16 and 28.*
- 4) The subject property, APN 164-02-510-004, consists of commercial vacant land containing 17.62 acres and located on West Charleston west of I-215 Beltway in Summerlin, Clark County, Nevada. *See Tr., 7-16-12, p. 338, ll. 1-9 ; Record, SBE pages 17 and 28.*
- 5) The Clark County Board of Equalization (County Board) accepted the Assessor's recommendation to uphold the taxable land value of APN 164-02-510-003 of \$4,521,526 and the taxable land value of APN 164-02-510-004 of \$5,372,689 for a total taxable value of \$9,894,215 plus the common element value of \$1,172 for the 2012-2013 secured roll. *See Record, SBE pages 10 and 33.*
- 6) The State Board found the Taxpayer did not present sufficient evidence to support values different from that established by the County. *See Tr., 7-16-12, p. 345, ll. 2-5.*
- 7) The State Board affirmed the decision of the County Board. *See Tr., 7-16-12, p. 345, ll. 9-19.*
- 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 has jurisdiction to determine this matter.
- 2) The Taxpayer and the Assessor are subject to the jurisdiction of the State Board. In particular, the State Board has jurisdiction to hear Taxpayer's appeal for the 2012-2013 secured roll pursuant to NRS 361.360(1) and NRS 361.400.
- 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 2012-2013 tax year.

- 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 28 DAY OF SEPTEMBER, 2012.



Christopher G. Nielsen, Secretary
CGN/ter