



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

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Governor

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DEONNE CONTINE
Secretary

In the Matter of

Signal Butte Investors, LLC)
APN: 160-22-817-001, 160-22-817-002,)
160-22-815-016, 160-22-815-007, 160-22-817-003,)
160-22-817-183, 160-22-817-182, 160-22-817-181)
Clark County, Nevada)
PETITIONER)

Case No. 15-225

Michele Shafe)
Clark County Assessor)
RESPONDENT)

Appeal of the Decision of the)
CLARK COUNTY)
BOARD OF EQUALIZATION)

NOTICE OF DECISION

Appearances

Nick Ruiz of Paradigm Tax Group, appeared on behalf of Signal Butte Investors (Taxpayer).

Brian Kelly 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 2015-16 Secured Roll within Clark County, Nevada, came before the State Board of Equalization (State Board) for hearing in Henderson, Nevada, on May 5, 2015 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. The Department provided evidence to show the Taxpayer received notice of the hearing. *See Record, SBE pages 86-88.*
- 4) The subject property is a 60,192 square foot retail center, built in 2003, known as Montelago Village at Lake Las Vegas located on 5.50 acres on Strada Di Villaggio, Henderson, Clark County, Nevada. *See Record, SBE pages 80; Maps, SBE pages 74-76; Tr., 5-5-15, p. 264, ll. 8-14.*
- 5) The Clark County Board of Equalization (County Board) ordered that the total taxable value for the subject property of \$7,983,697 be reduced to \$7,210,830 for the 2015-2016 secured roll. *See Record, SBE pages 19 and 85; Tr. 5-5-15, p. 264, ll. 15-17.*
- 6) The Taxpayer presented sufficient evidence to support a value different from that established by the County Board. The State Board found the subject property has never done well. The State Board examined the income indicator developed by the Assessor and found that while the potential gross income might be realized, potential buyers would apply a high capitalization rate to the potential gross income because of the high risk of vacancy and poor operating history of the subject property. The State Board found a capitalization rate of 14% was appropriate, and using that cap rate, found an income indicator of value of \$85 per square foot. The State Board found \$85 per square foot was consistent with market sales of some high vacancy retail properties in the Las Vegas valley. *See Tr., 5-5-15, p. 272, l. 21 through p. 275, l. 8.*
- 7) The State Board found the taxable value of the subject property should be reduced to \$5,150,593 with the taxable value of the land remaining the same and the obsolescence applied to the improvements. *See Tr., 5-5-15, p. 275, l. 9 through p. 276, l. 13.*
- 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, as adjusted, at the proper taxable value in accordance with NRS 361.227. 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 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:

2015-2016 Secured Roll

Parcel Number 160-22-817-002 et al	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	\$1,519,641	\$1,519,641	\$531,875	\$531,875
Improvements	\$6,464,056	\$3,630,952	\$2,262,419	\$1,270,833
TOTAL	\$7,983,697	\$5,150,593	\$2,794,292	\$1,802,708

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 16th DAY OF JULY, 2015.



Deonne Contine, Secretary
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