

# Order of the Thurston County Board of Equalization

Property Owner: 302 BINGHAMPTON LLC

Parcel Number(s): 21609310300

Assessment Year: **2018**

Petition Number: 18-0601

Having considered the evidence presented by the parties in this appeal, the Board hereby:

☐ sustains      ☒ overrules      the determination of the assessor.

### **Assessor's True and Fair Value Determination**

<input checked="" type="checkbox"/> Land	\$ 35,600
<input checked="" type="checkbox"/> Improvements	\$ 170,300
<input type="checkbox"/> Minerals	\$
<input type="checkbox"/> Personal Property	\$
<b>TOTAL:</b>	<b>\$ 205,900</b>

## **BOE True and Fair Value Determination**

<input checked="" type="checkbox"/> Land	\$ 35,600
<input checked="" type="checkbox"/> Improvements	\$ 154,400
<input type="checkbox"/> Minerals	\$
<input type="checkbox"/> Personal Property	\$
<b>TOTAL:</b>	<b>\$ 190,000</b>

This decision is based on our finding that: The Board overrules the Assessor's determination of value based on the testimony and evidence presented.

The Petitioner, Bojana Foster, testified about the percentage of the increase in the assessment. Ms. Foster contends that the building is now encroaching two to three feet on the City's right-of-way. Ms. Foster testified that: both she and the City were given title to a strip of land, but that in litigation, the City prevailed; the City has not required her to move the building at this time; there would be a requirement to disclose the encroachment to any potential buyer; the building cannot be relocated on top of the septic system; and the estimate for moving the building is \$124,000.

The Assessor was represented by Teresa Hoyer, Commercial Appraiser, who provided a written Response including a market-adjusted cost approach and a sales comparison approach in support of the current assessed value. Ms. Hoyer testified that: the property owner not being aware of the encroachment issue at the time of her purchase is not something that the Assessor can account for in the assessment; the Assessor has applied a 10 percent adjustment to the cost of the building to account for the encroachment; the cost of moving the building is as much as the value of the building, making it such that if the building was required to be moved, it would likely be removed; the subject property's assessed value is below the low end of the comparable sales; and the encroaching building is currently occupied and rented. Ms. Hoyer further testified that: she has spoken with the City's planner and confirmed that while there are improvements in the City's plan, there are currently not funds for the design, let alone the construction, and that the 10 percent adjustment seemed reasonable based on a ten-year holding period.

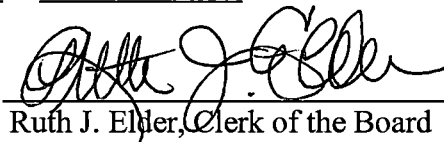
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The Board finds the Petitioner's arguments regarding the impact of the encroachment on the true and fair market value of the subject property to be compelling. The Board finds that additional consideration is warranted for the encroachment. The Board concludes that the Petitioner provided clear, cogent, and convincing evidence sufficient to overcome the Assessor's presumption of correctness and to warrant a reduction in the valuation.

Dated this 19<sup>th</sup> day of March, 2019

  
John L. Morrison, Chairman

  
Ruth J. Elder, Clerk of the Board

**NOTICE**

This order can be appealed to the State Board of Tax Appeals by filing a notice of appeal with them at PO Box 40915, Olympia, WA 98504-0915 or at their website at [bta.state.wa.us/appeal/forms.htm](http://bta.state.wa.us/appeal/forms.htm) within thirty days of the date of mailing of this order. The Notice of Appeal form is available from either your county assessor or the State Board.

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**Distribution:** • Assessor • Petitioner • BOE File

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**SHIPPED APR 04 2019**