

Super 8 Management, Inc.

v.

City of Keene

Docket No. 4881-88

DECISION

The "Taxpayer" appeals, pursuant to RSA 76:16-a, the "City's" 1988 assessment of \$2,596,600 (land, \$153,800, buildings, \$3,442,800) on a 61-unit hotel (the Property). For the reasons stated below, the appeal for abatement is denied.

The Taxpayer failed to appeal, but consistent with our rule, TAX 102.03(g), the Taxpayer was not defaulted. This decision is based on the evidence presented to the board.

The Taxpayer has the burden of showing the assessment was disproportionately high or unlawful, resulting in the Taxpayer paying an unfair and disproportionate share of taxes. See RSA 76:16-a, Tax 201.04(e); Appeal of Town of Sunapee, 126 N.H. 214, 217 (1985). We find the Taxpayer failed to carry its burden and prove any disproportionality.

The Taxpayer argued in their written submissions the assessment was excessive because the Taxpayer's income approach analysis demonstrated a value of only \$1,050,995.

The City argued the assessment was proper because:

1) the property was a prime site, especially in terms of its visibility and its direct on and off the road access;

2) the Property's value was enhanced by the probability in 1988 that a large mall would be built adjacent to the Property; and

3) the land price paid by the Taxpayer was below market because it was based on a 1983 purchase and sales price, not a then current (1987) value; and

4) a 1989 nearby sale of land only indicated the Property's land value was approximately \$950,000.

The City admitted its allocation between land and building was in error, and it should be more like - \$950,000, land; \$1,646,600, building.

We find the Taxpayer failed to prove its assessment was disproportional. We also find the City supported the Property's assessment. We note the Taxpayer's income approach incorrectly deducted property taxes as an expense and added a percentage to the capitalization rate for taxes.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

Paul B. Franklin, Member

Ignatius MacLellan, Member

Date: August 5, 1991

I certify that copies of the within Decision have this date been mailed, postage prepaid, to Property Assessment & Tax Services, Inc., representative for Super 8 Motel of Keene, NH, taxpayer; and the Chairman, Board of Assessors of Keene.

Brenda L. Tibbetts, Clerk

Date: August 5, 1991

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