

2024 ABATEMENT REQUEST – Staff Notes

Union Avenue Holdings, LLC

Map 324, Block 220, Lot 2 – Assessed Value \$1,005,700

The taxpayer cites as the primary rationale for the abatement the amount of physical depreciation attributed to each improved area of Map 324, Block 220, Lot 2 (Spinaker Cove Condominium unit C-1). This unit is comprised of 40,078 square feet of exclusive use land that has 314 feet of frontage on Paugus Bay of Lake Winnepesaukee. In addition to this exclusive use land, the unit has rights of access, rights to use common areas of the Spinaker Cove Condominium, exclusive use of a defined condominium dock space (unit 1-38). From there are four additional boat docks that extend into the lake from the exclusive use area that appear to be limited to the use of unit c-1.

The unit is improved with a building that totals 32,788 square feet of area that is primarily used as boat storage and repair areas. The age of this building ranges from 70 to 100 or so years. The overall condition of the building is average for the age.

The significance of value for the building associated with unit C-1 is not the depreciated condition or cost: it is the impact that its physical presence has on the highest and best use of the property. The shoreline protection act provides for the re-use of a building's footprint when it lies within the protected area of the shore. That is a substantial amount of area that will impact the proximity of any adaptation of the unit to a higher intensity use.

There is also a value to the Littoral Rights, or rights to utilize the waterfrontage in the permitting and construction of additional boat slips.

The sale of the property for \$650,000 on 3/2/2023 does not appear to be an arms-length transaction, as there is no independent verification that there was public marketing of the property.

Map 327, Block 220, Lot 3 – Assessed Value \$545,700

This is a vacant parcel directly adjacent to Map 324, Block 220, Lot 2 that contains 21,780 sf of land that has a total of 423 feet of frontage on Paugus Bay. Access through existing rights of way that include licensed use of the State of NH railroad right of way. Other access to the lot is through existing 16' rights of way that lead directly to Union Avenue.

The land area and additional frontage are critical in any redevelopment of these parcels and have an extensive impact on value.

There is also a value to the Littoral Rights, or rights to utilize the waterfrontage in the permitting and construction of boat slips.

The sale of the property for \$45,000 on 3/2/2023 does not appear to be an arms-length transaction, as there is no independent verification that there was public marketing of the property.

Map 327, Block 220, Lot 4 - Assessed Value \$48,000

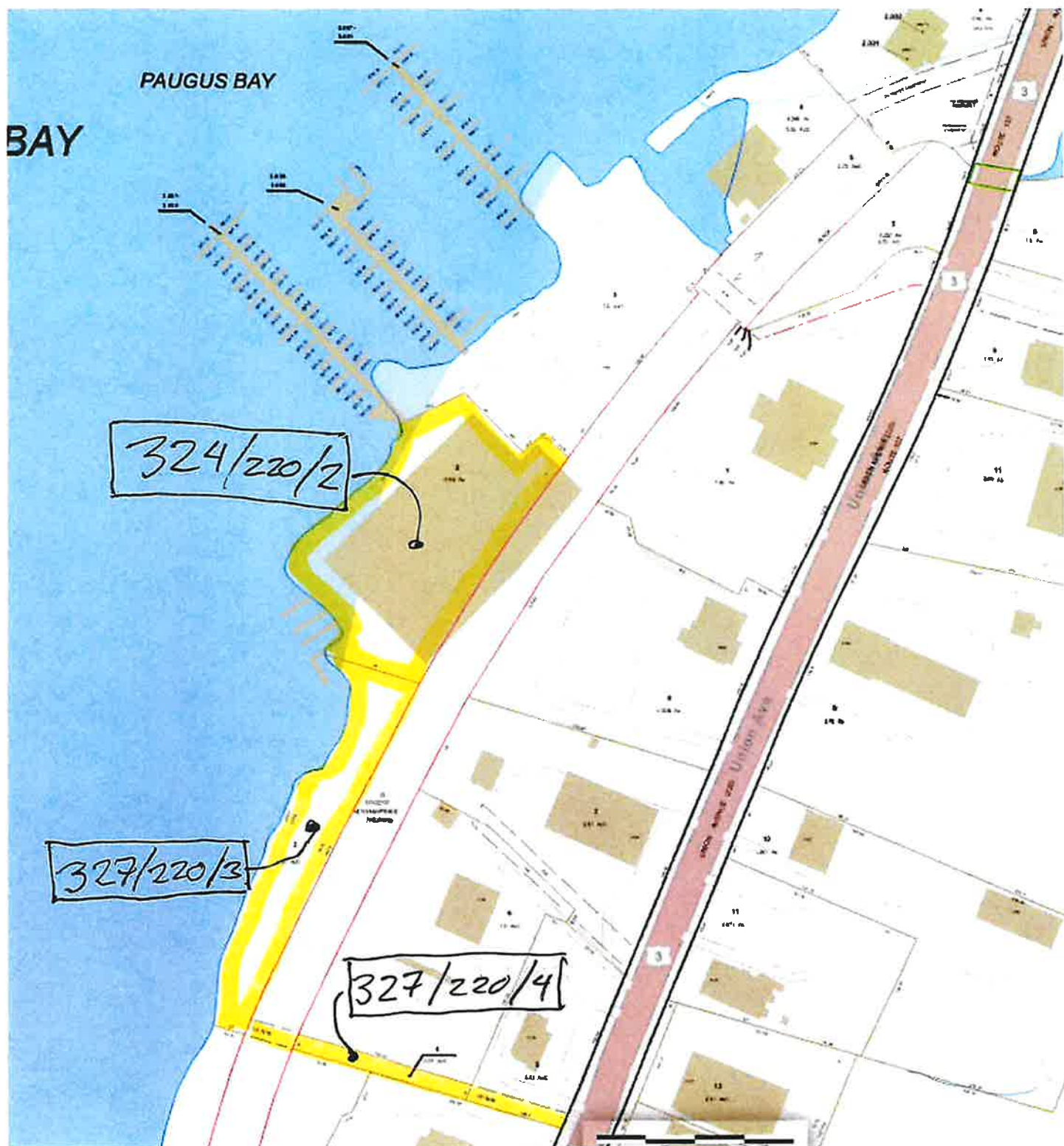
This vacant property provides 16' wide right of way access to Map 327, Block 220, lot 3.

The sale of the property for \$5,000 on 3/2/2023 does not appear to be an arms-length transaction, as there is no independent verification that there was public marketing of the property.

Recommendation

If the properties had been typically exposed to the market the fairly recent sale might have been some indication of their market value(s). There is no information provided that claims or indicates that the property was ever exposed to the open market. The buyer and the seller are owners of extensive properties in the lower Paugus Bay and Lakeport area and may have been aware of the property's availability directly from the owner.

It is recommended that the total value of these three parcels of \$1,599,400 be sustained, and that no abatement should be granted.



Property Location UNION AV
Vision ID 2171

Account # 749

Map ID 327/ 220/ 3/ /
Bldg # 1

Bldg Name
Sec # 1 of 1

Card # 1 of 1

State Use 3920
Print Date 03-13-2025 11:19:46

CURRENT OWNER		TOPO		UTILITIES		STRT / ROAD		LOCATION		CURRENT ASSESSMENT				1501 LACONIA, NH VISION											
UNION AVENUE HOLDINGS LLC PO BOX 6720 LACONIA NH 03247		4 Rolling						1 None	Description COM LAND	Code 3920	Appraised 545,700	Assessed 545,700													
		SUPPLEMENTAL DATA																							
		Alt Prcl ID 58 220 8B OWNOCC N REVIEW ZONE 1 UC ZONE 1 % 100 GIS ID 327-220-3 ZONE 2 ZONE 2 % WARD WARD 6 Assoc Pid#																							
										Total		545,700		545,700											
RECORD OF OWNERSHIP				BK-VOL/PAGE		SALE DATE		Q/U V/I		SALE PRICE		VC		PREVIOUS ASSESSMENTS (HISTORY)											
UNION AVENUE HOLDINGS LLC				3555 0831		03-02-2023		U V		45,000		24		Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed			
IRWIN JAMES R & SONS INC				1684 0558		09-21-2001		Q I		92,000		00		2024	3920	545,700	2023	3920	140,100	2022	3920	116,800			
BROX RAYMOND				1684 0556		09-06-2001		U I		0		1													
BROX RAYMOND & BROX FRANK				1566 0796		12-23-1999		U V		13,330		1													
BROX STANLEY B ESTATE				0486 0135		06-26-1967		U V		0				Total		545,700	Total		140,100	Total		116,800			
EXEMPTIONS				OTHER ASSESSMENTS																					
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int	This signature acknowledges a visit by a Data Collector or Assessor																
Total			0.00																						
ASSESSING NEIGHBORHOOD																									
Nbhd		Nbhd Name		Cyclical Group		TIF District		ID Code																	
0001				D																					
NOTES																									
LOT BEHIND PYROFAX GAS										NO DOCK WITHOUT CITY+															
ROW THRU										STATE APPROVAL															
SURVEY IN 12-82																									
R=NO HUMAN CONTACT=																									
CITY WATER SUPPLY																									
										Appraised Bldg. Value (Card) 0															
										Appraised Xf (B) Value (Bldg) 0															
										Appraised Ob (B) Value (Bldg) 0															
										Appraised Land Value (Bldg) 545,700															
										Special Land Value 0															
										Total Appraised Parcel Value 545,700															
										Valuation Method C															
										Total Appraised Parcel Value 545,700															
BUILDING PERMIT RECORD										VISIT / CHANGE HISTORY															
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	Date	Id	Type	Is	Cd	Purpost/Result											
									06-09-2023	PS	S		10	VACANT LAND											
									10-20-1989	99			99	MMC INFO											
LAND LINE VALUATION SECTION																									
B	Use Code	Description	Zone	LA	Land Type	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustmen	Adj Unit P	Land Value									
1	3920	UNDEV-C	UC			21,780	SF	2.51	1.00000	5	1.00	PB3			1.0000	25.06	545,700								
1	3920	UNDEV-C	UC			423	FF	0.00	1.00000	0	1.00	50	1.700		0.0000	0	0								
Total Card Land Units															0.50	AC	Parcel Total Land Area					0.50	Total Land Value		545,700

A black and white photograph showing a dense forest of tall, thin trees, likely pines or cypresses, with thick foliage. In the foreground, there is a grassy clearing. To the right, a body of water is visible, reflecting light. A date stamp '06/09/2023' is located in the bottom right corner of the image.

HD
RECEIVED
31
B

2024 APPLICATION FOR ABATEMENT

Please Type or Print Clearly

ONE APPLICATION FOR EACH PROPERTY APPEALED

Upon completion of this form return to:

**City of Laconia/Assessors
45 Beacon St. East
Laconia, NH 03246**

FEB 28 2025

ASSESSOR'S OFFICE
LACONIA, NH

Date: 2/19/25

SECTION A. Party(ies) Applying (Owner(s)/Taxpayer(s))

Name: UNION AVENUE HOLDINGS LLC

Mailing Address: PO BOX 6720, LACONIA, NH 03247 Email address: KAmell@WescottLawNH.com
Telephone No: (Cell): _____ (Home): _____

*If abatement is granted and taxes have been paid, interest on the abatement must be paid in accordance with RSA 76:17-a. Any interest paid to the taxpayer must be reported by the municipality to the Internal Revenue Service, in accordance with federal law. Prior to the payment of an abatement with interest, the taxpayer shall provide the municipality with the applicant's social security number or federal tax identification number. Municipalities shall treat the social security or federal tax identification information as confidential and exempt from a public information request under RSA 91-A. The W-9 form required is enclosed with this application.

SECTION B. Party's (ies') Representative if other than Person(s) applying (Also complete Section A)

Name(s): Kyle Amell

Mailing Address(es): Wescott Law, PA - 28 Bowman St. Laconia, NH 03246

Telephone Number(s): (Work): 603-524-2166 (Cell): _____

SECTION C. Property(ies) for which Abatement is Sought

For the property on which the abatement is sought, please fill in the following:

Map: 327 Block: 220 Lot: 3 Tax Account. #: 2171 749

2024 Assessed Valuation: \$ 545,700

Property Location:

Union Ave

CODE OF THE CITY OF LACONIA CHAPTER 215, ARTICLE 1 § 215-1

All delinquent taxes, charges or fees due to the City of Laconia from any person, business or other entity shall in all cases be deducted from any monies that may become due such person, business or other entity from the City of Laconia and such person, business or other entity shall receive the balance over and above the amount due for such delinquent taxes, charges and fees. The City's right to off-set shall be limited by applicable New Hampshire law and all such set-offs shall be credited first against interest due and then against principal. The City shall have no right to set-off against wages due any employee of the City.

Passed and approved the 18th day of October 1990.

List other property in the municipality owned in the same name(s), even if abatements for the other property(ies) have not been sought. The taxpayer's entire real property estate must be considered in determining whether the appealed property is disproportionately assessed.

<u>Town Parcel ID#</u>	<u>Street Address</u>	<u>Description</u>	<u>Assessment</u>
324/220/2	Union Ave	Warehouse/Marina	\$1,005,700
324/220/3.038	1198 Union Ave #1-38	Boatslip	\$60,000
327/220/4	Union Ave	Vacant Land	\$48,000

SECTION E. Reasons for Abatement Application

RSA 76:16 provides that an abatement may be granted for "good cause shown". "Good cause" generally means: 1) establishing an assessment is disproportionate to market value and the municipality's level of assessment; or 2) establishing poverty and inability to pay the tax. This form can be utilized for either basis of requesting an abatement. **The taxpayer has the burden to prove good cause for an abatement.** To carry this burden, the taxpayer generally must show what the property was worth on April 1 of the year appealed. The property's market value would then be compared to the assessment by using the municipality's assessment ratio. Therefore, comparable sales or other market information are an essential part of most abatement applications.

1) If claiming disproportionality, state with specificity all the reasons supporting your application. Statements such as "taxes too high", "disproportionately assessed" or "assessment exceeds market value" are insufficient. Generally, specificity requires the taxpayer to present material on the following (all may not apply):

- a) **Physical data** -- incorrect description or measurement of property (if you are appealing your assessment due to factual error(s), please explain in detail. Please furnish the assessor's office with any and all information, which supports your reasons. Examples: Sketch of building(s) with outside dimensions, building contracts, surveys, deeds, site plans, appraisals, pictures, etc. If you are questioning land area or frontage, a deed or survey must be included.); and/or
- b) **Market data** -- the property's value on the April 1 assessment date, supported by comparable sales, income analysis, or a professional opinion of value; and/or
- c) **Assessment data** -- the property's assessment exceeds the general level of assessment shown by comparing the property's market value and the city-wide level of assessment.

NOTE: If you have an appraisal or other documentation, please submit it with this application.

- 2) If claiming poverty or inability to pay, state in detail why abatement of taxes is appropriate as opposed to some other relief such as relocating, refinancing, or obtaining some alternative public assistance. Ansara v. City of Nashua, 118 N.H. 879 (1978).

(Attach additional sheets if needed.)

Please see attached

SECTION F. Taxpayer's(s') Opinion of Market Value

State your opinion of the market value of the property(ies) appealed as of April 1 of the year under appeal.

Map/Block/Lot# 327/220/3 Appeal Year Market Value \$ 109,140

Map/Block/Lot# _____ Appeal Year Market Value \$ _____

SECTION G. Sales, Rental and/or Assessment Comparisons

List the properties you are relying upon to show over assessment of your property(ies). If you are appealing an income producing property, list the comparable rental properties and their rents (attach additional sheet if necessary).

<u>Map/Block/Lot</u>	<u>Property Address</u>	<u>Sale Price</u>	<u>Date of Sale</u>	<u>Assessment</u>	<u>Rent(s)</u>
Please see attached					

SECTION H. Certification by Party(ies) Applying

Pursuant to BTLA Tax 203.02(d), **the applicant(s) MUST sign the application**. By signing below, the Party(ies) certifies and swear(s) under the penalties of RSA ch. 641, the application has a good faith basis, and the facts stated are true to the best of my/our knowledge.

Signature of Property Owner(s) and Representatives

Date: 2/24/25

X

(Signature) [Signature]
UNION AVENUE HOLDINGS LLC, by Doug Epperson - Manager

X

(Signature) _____

SECTION I. Certification and Appearance by Representative (If other than Party (ies) Applying)

By signing below, the applying party's representative certifies and swears under penalties of RSA ch. 641:

1. All certifications in Section H are true;
2. The Party (ies) applying has (have) authorized this representation and has (have) signed this application;
and
3. A copy of this form was provided to the person applying.

Date: 2/28/25

X

(Representative's Signature) [Signature]

SECTION J. Disposition of Application* (CITY USE ONLY)

RSA 76:16, II states: the municipality "shall review the application and shall grant or deny the application in writing by July 1 after notice of tax date..."

Abatement Request: **Granted** _____ **Revised Assessment \$** _____

Denied _____

Date _____

Signature of the Board of Assessors: _____

Union Avenue Holdings LLC
Map 324, Block 220, Lot 2
Map 327, Block 220, Lot 3
Map 327, Block 200, Lot 4

SECTIONS E, F & G

Lot 2

The factual information on the tax assessment card is incorrect. The three boat storage buildings were constructed circa 1920 and 1940 and have reached the end of their economic lives. According to *Marshall & Swift Valuation Service*, the economic life of an average boat storage building is 25 years. The effective age is more than 26 years; therefore, according to *Marshall & Swift* the correct amount of depreciation should be 80%, not 40% as reflected on the tax assessment cards. The following is a summary of the correct depreciation.

	RCN	Physical	Functional	RCNLD
Building #1	\$747,568	80%	10%	\$74,757
Building #2	\$747,568	80%	10%	\$74,757
Building #3	\$747,568	80%	10%	\$74,757

The following is a summary of the correct assessment for the property.

Appraised Bldg. Value	\$224,270
Appraised Xf	\$5,400
Appraised Ob	\$14,700
Appraised Land Value	<u>\$450,000</u>
Correct Assessment	\$694,370

The correct assessment of \$694,370 is further supported by the sale of the property in March 2023 for \$650,000.

Lot 3

The assessment of the vacant 0.50 acre land parcel is not supported by sale data. There is a right of way that crosses through the parcel rendering its development potential limited at best. Additionally, this lot is largely inaccessible from the street and in the drinking water protection area. The waterfront setback requirements further limit buildability. By applying a 0.2 condition factor, the correct assessed value calculates to \$109,140.

Lot 4

This parcel is 16' x 182' and is not developable. The condition factor is inadequate as this parcel has little to no value. The correct condition factor should be 0.10 and the correct assessment calculates to \$4,800.