

**BEFORE THE NEBRASKA TAX EQUALIZATION
AND REVIEW COMMISSION**

UNITED OF OMAHA
LIFE INSURANCE CO.,

Appellant,

v.

DOUGLAS COUNTY BOARD
OF EQUALIZATION,

Appellee.

Case No. 01C-79

**FINDINGS AND ORDERS
(STIPULATION)**

THIS CAUSE comes on for hearing before the Nebraska Tax Equalization and Review Commission on the 22nd day of February, 2002. Based upon the Notice of Appeal filed by Appellant, and the Stipulation and Joint Motion to Dismiss filed by the parties, the Commission finds and determines as follows:

I.

That pursuant to Neb. Rev. Stat. §77-5007 (2001 Supp.), the Commission has jurisdiction over the Parties hereto and over the subject matter of this Appeal.

II.

That the subject matter of this Appeal is the assessed value of certain real property for tax year 2001, which real property is legally described in the appeal.

III.

That on the 25th day of July, 2001, the Appellee determined that the real property which is the subject matter of this appeal had a value for purpose of taxation in the amount of \$122,400.00.

IV.

That on the 21st day of August, 2001, the Appellant filed a Notice of Appeal, alleging that the assessed value of the subject property was excessive.

V.

That on the 20th day of February, 2002, the parties filed a Stipulation, which would result in a stipulated total assessed value for purposes of taxation in the amount of \$216,298.00 for tax year 2001.

VI.

That the parties also filed a Joint Motion to Dismiss. That the Stipulation raises a material question of fact, to-wit, the actual or fair market value of the subject property as of the assessment date. That although the Stipulation resolves the material question of fact, an order of dismissal would not resolve the question of fact. That therefore the Joint Motion to Dismiss must be denied.

VII.

That from the record before it, the Commission finds and determines that the actual or fair market value of the subject property as of the assessment date was \$216,298.00 as stipulated to by the parties. Based on this finding the Commission must conclude that the decision of the County was unreasonable and arbitrary. That therefore the County's decision to deny the protest must be vacated and reversed.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the order of the County Board of Equalization of Douglas County, Nebraska, which set the assessed value of the subject property for tax year 2001, is hereby vacated and set aside.
2. That the subject property legally described as Lot 6, United Benefit Replat No. 2, and one-half (½) vacated alley on the South, an addition to the City of Omaha, as surveyed, platted and recorded, in the County of Douglas, State of Nebraska, shall be valued for purposes of taxation for tax year 2001, as follows:

Land	\$ 207,430
Improvements	\$ 8,868
Total	\$ 216,298

3. That the parties' request for a dismissal of this appeal is hereby denied.
4. That any request for relief by any party not specifically granted by this order is denied.
5. That this decision, if no appeal is filed, shall be certified within thirty days to the Douglas County Treasurer, and the Douglas County Assessor, pursuant to Neb. Rev. Stat. §77-5018 (2001 Supp.).
6. That this Order shall not be used or construed as a determination of the assessed value of the subject property in any other proceeding pertaining to the valuation of the subject property for any tax year other than tax year 2001.
7. That each party is to bear its own costs in this matter.

IT IS SO ORDERED.

DATED this 22nd day of February, 2002.



Seal

Handwritten signature of Robert L. Hans in cursive.

Robert L. Hans, Commissioner

Handwritten signature of Susan S. Lore in cursive.

Susan S. Lore, Commissioner

Handwritten signature of Mark P. Reynolds in cursive.

Mark P. Reynolds, Chairman