RESOLUTION 2015 - 23

A RESOLUTION ORDERING A REFUND OF TAXES/FEES/ASSESSMENTS PAID

WHEREAS, PEC Design-Build Corp was erroneously assessed for real property under Assessor Code 42475; and,

WHEREAS, the Department of Revenue has provided evidence regarding the change in valuation; and

WHEREAS, the error occurred in tax year 2013, 2012, 2011, 2010 and 2009;

WHEREAS, a hearing was held on January 15, 2015;

NOW THEREFORE, the Lewis and Clark County Commissioners make the following conclusions of law:

- PEC Design-Build Corp has paid the taxes/fees/assessment in error.
- 2. PEC Design-Build Corp has proven a refund is due to them.
- The claim for the refund was filed within five years of the collection.

IT IS HEREBY RESOLVED that, in accordance with Section 15-16-603, MCA, the Lewis and Clark County Commissioners refund the total amount of \$22,553.58 to PEC Design-Build Corp, 34 Centennial Drive, Helena, MT 59601.

Dated this ____day of January, 2015.

LEWIS AND CLARK COUNTY BOARD OF COMMISSIONERS

Andy Hunthausen, Chair

Paulette DeHart, Clerk of the Board

3268091 B: M49 P: 4116 COUNTY 01/15/2015 10:36 AM Pages: 1 of 16 Fees: 0.00 Paulette DeHart Clerk & Recorder, Lewis & Clark MT

NOTE: Taxpayer ID Number/Social Security Number <u>is</u> required by IRS Code 6041(a) and Treas. Reg. Section 1.6041-1(a). Without this taxpayer information, a property tax refund cannot be issued.

Cheryl Green, Supervisor Delinquent Tax Collector 1-406-447-8362



City-County Building 316 North Park Ave. Rm 113 Helena, MT 59623

LEWIS AND CLARK COUNTY

Consolidated Office of Treasurer/Clerk and Recorder

December 31, 2014

Lewis & Clark County Commission 316 N Park Helena MT 59623

Refund Request:

Tax Year 2009

PEC Design-Build Corp

34 Centennial Dr Helena, MT 59601

Assessor Code: 42475

Dear Board of County Commissioners:

Pursuant to 15-16-603, MCA, the taxpayer has requested a tax refund going back five years for 2009 thru 2013 on the above property. Owner filed an AB-26 in 2009 but was denied. Value of land incorrect.

\$1,692.69

	2121 Forestvale Cemetery 8013 Soil & Water	
2009 Refund: \$1,705.38	8013 Soll & Water	4.97
Tax Year 2010	Taxes 2121 Forestvale Cemetery 2518 Open Space 8013 Soil & Water	\$3,278.82 14.84 9.11 8.76

Taxes

2010 Refund: \$3,311.53

Taxes 2121 Forestvale Cemetery 2518 Open Space 8013 Soil & Water	\$4,578.75 21.12 12.98 12.67
Taxes 2121 Forestvale Cemetery 2518 Open Space 8013 Soil & Water	\$5,766.27 25.30 13.17 16.21
Taxes 2121 Forestvale Cemetery 2518 Open Space 8013 Soil & Water	\$7,022.31 30.34 18.02 19.53
	2121 Forestvale Cemetery 2518 Open Space 8013 Soil & Water Taxes 2121 Forestvale Cemetery 2518 Open Space 8013 Soil & Water Taxes 2121 Forestvale Cemetery 2518 Open Space

2013 Refund: \$7,090.20

Total Refund Due \$22,553.58

Thanking you in advance, I am

Cheryl Green
Cheryl Green
Supervisor/Delinquent Tax Collector



Montana Department of Revenue



Steve Bullock Governor

December 22, 2014

Lewis & Clark County Commission 316 N Park Helena Mt 59623

Refund Request:

PEC Design-Build Corporation

3400 Centennial Dr Helena Mt 59601-9769

GEO Code# 05-1786-03-2-07-03-0000

Assessment Code# 42475

Dear Board of County Commissioners:

Pursuant to 15-16-603, MCA, the taxpayer has requested a tax refund for years 2009 through 2013 on the above property. Adjustments have been made for 2014. Revised values as follows:

Tax Year: 2009	Class Code	Market Value	Taxable Value
From	2207	191167	5601
То	2207	134905	3953

Tax Year: 2010	Class Code	Market Value	Taxable Value
From	2207	279299	7876
То	2207	169652	4784

Tax Year: 2011	Class Code	Market Value	Taxable Value
From	2207	364158	9905
То	2207	203132	5525

PEC Design-Build Cc. poration December 22, 2014 Page 2

Tax Year: 2012	Class Code	Market Value	Taxable Value
From	2207	446069	1173
То	2207	235479	6193

Tax Year: 2013	Class Code	Market Value	Taxable Value
From	2207	526022	13361
То	2207	235479	6193



If you should have any questions, please do not hesitate to contact our office.

Thanking you in advance, I am,

Karie Frydenlund

Lead PVS - Lewis & Clark, Broadwater & Meagher County

(406)444-7978

5 S Last Chance Gulch

Helena, MT 59601

kfrydenlund@mt.gov



Lewis and Clark County Board of Commissioners 316 N. Park Avenue Helena, MT 59623

OF MON	Re: Tax Geo		42475	
Dear Commissioners:				
Consider this my request for a trequest I am providing you the	ax refund for the following inform	e above-ref ation.	erenced property. As a part of this	3
Name and address of the legal	owner:			
PEC Design- 2400 Centena Helena, MT	Build Co	,		
Legal Description of the property	/ (or other prope		tion):	
Amount of refund and year for what Year(s) Amount Reason for the refund request:	553.58			_
				_
Were taxes paid under protest: If not, what is the reason they wer	Yes e not paid unde	No er protest?		
Attached is other information for you	our consideratio	on: Ye	s No	
Thank you for your consideration.			INO	
Sincerely,				
Signature of Taxpayer	other	Dat	1-8-15 te	

[Form revised 3/07]

Date: 12/30/2014 Time: 11:55:46

LEWIS AND CLARK COUNTY, TREASURER

Oper: cgreen

Tax Year: 2009 Tax Code: 42475

VALUATION / ASSESSMENT								
			Туре	Description	Qty	Market Value	Taxable Value	
1	2207	4	RV	COMMERCIAL CITY/TOWN LOTS	2.27	191,167	5,601	
					110808	_191,167	_ 5,60 T	3247

	SPECIAL DISTRICT INFORMATION							
Spec Dist	Description	Legal# Type	Flat/Rate/ %/Mill	Quantity/ Taxable	Amount			
2121 0008 8013 0070 0001 0060	FORESTVALE CEM STORM WATER UTL SOIL & WATER OPEN SPACE MAINT STREET MAINT #1 TREE MAINT	All Mill All Pet All Mill All Pet All Pet All Pet	3.28000 100.000 2.11000 100.000 100.000 100.000	5,601.00 26.29 5,601.00 21.78 1,826.26 10.00	18.37 26.29 11.82 21.78 1,826.26 10.00			
				-	1,914.5			

Tax Year 2009	Stmt#	Dist	Levy Dist		Description		Billed	st HAl Stat	LF Due Date	21 Billed	ıd HA Stat	LF Due Date
2009 2009 2009 2009 2009 009	5429	0008 0060 0070 2121	01 01 01 01 01 01	01 01 01 01	Tax District 01 STREET MAINT #1 STORM WATER UTL TREE MAINT OPEN SPACE MAINT FORESTVALE CEM SOIL & WATER TOTAL:	2334.82 10.65 6.85	2,013.76 913.13 13.15 5.00 10.89 9.19 11.82	PD PD PD PD PD	04/25/2010 04/25/2010 04/25/2010 04/25/2010 04/25/2010 04/25/2010 04/25/2010	2,013.75 913.13 13.14 5.00 10.89 9.18 0.00	PD PD PD PD	05/26/2010 05/26/2010 05/26/2010 05/26/2010 05/26/2010 05/26/2010

Sen TAX 1692.69

FV 7.72

S/W 4.97

1705.38

Myund

Tyler Technologies Tax-Wise County Taxation Software

Date: 12/30/2014 Time: 11:54:30

LEWIS AND CLARK COUNTY, TREASURER

Oper: cgreen

Tax Year: 2010 Tax Code: 42475

VAL	UATION / ASSESSMEN	\overline{T}
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egal#	Class Code	Class	Туре	Description	Qty	Market Value	Taxable Value	
1	2207	4	RV	COMMERCIAL CITY/TOWN LOTS	2.27	279,299	7,876	
					1217	68 279,299	7,876	3434

SPECIAL DISTRICT INFORMATION

Spec Dist	Description	Legal# Type	Flat/Rate/ %/Mill	Quantity/ Taxable	Amount
2121 8013 2518 0001 0070 0008 0060	FORESTVALE CEM SOIL & WATER OPEN-SPACE LANDS STREET MAINT #1 OPEN SPACE MAINT STORM WATER UTL TREE MAINT	All Mill All Mill All Mill All Pct All Pct All Pct All Rate	3.34000 1.97000 2.05000 100.000 100.000 100.000 10.000	7,876.00 7,876.00 7,876.00 124.12 17.00 27.79 1.00	26.31 15.52 16.15 124.12 17.00 27.79 10.00
				_	236.89

BILLING HISTORY (SELECTED TAX YEAR: 2010)

Tax Year	Stmt#	Spec Dist	-	Sub	Description		Billed	st HA		21 Billed	nd HAI	LF Due Date
2010 2010 2010 2010 2010 2010 2010 2010	9898 9898 9898 9898 9898 9898 9898	0008 0060 0070 2121 2518	01 01 01 01 01 01 01	01 01 01	Tax District 01 STREET MAINT #1 STORM WATER UTL TREE MAINT OPEN SPACE MAINT FORESTVALE CEM OPEN-SPACE LANDS SOIL & WATER TOTAL:	2534.77	2,906.80 62.06 13.90 5.00 8.50 13.16 8.08 15.52	PD PD PD PD PD PD PD	11/30/2010 11/30/2010 11/30/2010 11/30/2010 11/30/2010 11/30/2010 11/30/2010 11/30/2010	2,906.79 62.06 13.89 5.00 8.50 13.15 8.07 0.00	PD PD PD PD PD PD PD PD	11/30/2010 11/30/2010 11/30/2010 11/30/2010 11/30/2010 11/30/2010 11/30/2010 11/30/2010

Gen TAX 3278.82 FV 14.84 0/8 9.11 5/W 8.76 3311.53

Date: 12/30/2014 Time: 11:51:02

LEWIS AND CLARK COUNTY, TREASURER

Oper: cgreen

Tax Year: 2011 Tax Code: 42475

	VALUATION / ASSESSMENT										
_egal#	Class Code	Class	Type	Description	Qty	Market Value	Taxable Value				
1	2207	4	RV	COMMERCIAL CITY/TOWN LOTS	2.27	364,158	9,905				
					13235	364,158	9,905	3600			

SPECIAL DISTRICT INFORMATION

Spec Dist	Description	Legal#	Туре	Flat/Rate/ %/Mill	Quantity/ Taxable	Amount
2121 8013 0016 0061 0070 0001 0008 2518	FORESTVALE CEM SOIL & WATER LANDFILL MONITORING URBAN FOREST MGMT OPEN SPACE MAINT STREET MAINT #1 STORM WATER UTL OPEN-SPACE LANDS	All All	Rate Pct Pct Pct	3.35000 2.01000 100.000 20.00 100.000 100.000 100.000 2.06000	9,905.00 9,905.00 6.00 1.00 17.00 125.98 28.21 9,905.00	33.18 19.91 6.00 20.00 17.00 125.98 28.21 20.40
					_	270.68

BILLING HISTORY (SELECTED TAX YEAR: 2011)

Tax Year	Stmt#	Spec Dist	Levy Dist		Description		1 Billed	st HAI Stat	LF Due Date	2r Billed	nd HA	LF Due Date
2011 2011 2011 2011 2011 2011 2011 2011	5216 5216 5216 5216 5216 5216 5216 5216	0001 0008 0016 0061 0070 2121 2518	01 01 01 01 01 01 01 01	01 01 01 01 01 01 01 01	Tax District 01 STREET MAINT #1 STORM WATER UTL LANDFILL MONITORING URBAN FOREST MGMT OPEN SPACE MAINT FORESTVALE CEM OPEN-SPACE LANDS SOIL & WATER	12.06 12.06 1.42 1.24	3,596.56 62.99 14.11 3.00 10.00 8.50 16.59 10.20 19.91	PD PD PD PD PD PD PD	11/16/2011 11/16/2011 11/16/2011 11/16/2011 11/16/2011 11/16/2011 11/16/2011 11/16/2011	3,596.55 62.99 14.10 3.00 10.00 8.50 16.59 10.20 0.00	PD PD PD PD PD PD PD	11/16/2011 11/16/2011 11/16/2011 11/16/2011 11/16/2011 11/16/2011 11/16/2011 11/16/2011
					TOTAL:		3,741.86		×	3,721.93		

Gen TAX 4578.75

FV 21.12

0/5 /2.98

5/w 12.67

4625.52 refund

Tyler Technologies Tax-Wise County Taxotion Suftware

Date: 12/30/2014 Time: 11:50:20

LEWIS AND CLARK COUNTY, TREASURER

Oper: cgreen

Tax Year: 2012 Tax Code: 42475

VALUATION / ASSESSMENT										
Legal#	Class Code	Class	Туре	Description	Qty	Market Value	Taxable Value			
1	2207	4	RV	COMMERCIAL CITY/TOWN LOTS	2.27	446,069	11,732			
					14262	1 _446,069	11,732	3751		

SPECIAL DISTRICT INFORMATION

Spec Dist	Description	Legal#	Туре	Flat/Rate/ %/Mill	Quantity/ Taxable	Amount
2121 8013 0061 0016 0001 0008 0223 0070 2518	FORESTVALE CEM SOIL & WATER URBAN FOREST MGMT LANDFILL MONITORING STREET MAINT #1 STORM WATER UTL LIGHT DISTRICT #223 OPEN SPACE MAINT OPEN-SPACE LANDS	All All All All All All	Pct Pct Rate	3.17000 2.03000 20.00 100.000 100.000 100.000 0.01 100.000 1.65000	11,732.00 11,732.00 1.00 6.00 132.28 28.92 98,663.40 17.00 11,732.00	37.19 23.82 20.00 6.00 132.28 28.92 724.19 17.00 19.36
					_	1.008.76

BILLING HISTORY (SELECTED TAX YEAR: 2012)

Tax Year	Stmt#	Spec Dist	Levy Dist	Sub	Description		Billed	st HAI Stat	770 TO 1000 Sept. 1000		d HA	
							Diffed	Stat	Due Date	Billed	Stat	Due Date
2012 2012 2012 2012	7840 7840	0008	01 01 01	01 01 01	Tax District 01 STREET MAINT #1 STORM WATER UTL	2710.10	4,238.19 66.14 14.46	PD	11/28/2012 11/28/2012 11/28/2012	4,238.18 66.14 14.46	PD	11/28/2012 11/28/2012 11/28/2012
2012 2012 2012 2012	7840	0070	01 01 01 01	01 01 01 01	LANDFILL MONITORING URBAN FOREST MGMT OPEN SPACE MAINT LIGHT DISTRICT #223		3.00 10.00 8.50 362.10	PD PD	11/28/2012 11/28/2012 11/28/2012	3.00 10.00 8.50	PD PD PD	11/28/2012 11/28/2012 11/28/2012
2012 2012 2012	7840 7840 7840	2518	01 01 01	01 01 01	FORESTVALE CEM OPEN-SPACE LANDS SOIL & WATER	11.89	18.60 9.68 23.82	PD PD	11/28/2012 11/28/2012 11/28/2012 11/28/2012	362.09 18.59 9.68 0.00	PD PD	11/28/2012 11/28/2012 11/28/2012 11/28/2012
					TOTAL:	/	4,754.49		-	4.730.64		11/20/2012

Gen TAX 5966.27 25.30 FV 015 13.17 5/W 16.21 5820.95

refund

LEWIS AND CLARK COUNTY, TREASURER

Oper: cgreen

Tax Year: 2013 Tax Code: 42475

VALUATION / ASSESSMENT									
_egal#	Class Code	Class	Туре	Description	Qty	Market Value	Taxable Value		
1	2207	4	RV	COMMERCIAL CITY/TOWN LOTS	2.26	526,022	13,361		
					152800	_526,022	13,361	3881	

SPECIAL DISTRICT INFORMATION

Spec Dist	Description	Legal#	Type	Flat/Rate/ %/Mill	Quantity/ Taxable	Amount
2121	FORESTVALE CEM	All	Mill	3.20000	13,361.00	42.76
8013	SOIL & WATER	All	Mill	2.06000	13,361.00	27.52
0223	LIGHT DISTRICT #223		Rate	0.01	98,663,40	516.01
0001	STREET MAINT #1		Pct	100.000	134.93	134.93
0016	LANDFILL MONITORING	All	Pct	100.000	6.00	6.00
8000	STORM WATER UTL	All	Pct	100.000	29.79	29.79
0061	URBAN FOREST MGMT	All	Rate	20.00	1.00	20.00
0070	OPEN SPACE MAINT	All	Pct	100.000	20.00	20.00
2518	OPEN-SPACE LANDS	All	Mill	1.90000	13,361.00	25.39
					-	822.40

BILLING HISTORY (SELECTED TAX YEAR: 2013)

Tax	G	Spec	Levy					st HAI	LF	21	d HA	LF
Year	Stmt#	Dist	Dist	Sub	Description		Billed	Stat	Due Date	Billed	Stat	Due Date
2013	6110	0000	01	01	Tax District 01	2874.85	4,948.58	PD	11/26/2013	4,948.58	PD	05/23/2014
2013	6110	0001	01	01	STREET MAINT #1	000000	67.47		11/26/2013	67.46		05/23/2014
2013	6110	8000	01	01	STORM WATER UTL		14.90	1000	11/26/2013	14.89	1000	05/23/2014
2013	6110	0016	01	01	LANDFILL MONITORING		3.00	PD	11/26/2013	3.00	1700000	05/23/2014
2013	6110	0061	01	01	URBAN FOREST MGMT		10.00	PD	11/26/2013	10.00		05/23/2014
2013	6110		01	01	OPEN SPACE MAINT		10.00	PD	11/26/2013	10.00	PD	05/23/2014
2013	6110		01	01	LIGHT DISTRICT #223	(/)	258.01	PD	11/26/2013	258.00	PD	05/23/2014
2013	6110		01	01	FORESTVALE CEM	12.42	21.38	PD	11/26/2013	21.38	PD	05/23/2014
2013	6110		01	01	OPEN-SPACE LANDS	7.37	12.70	PD	11/26/2013	12.69	PD	05/23/2014
2013	6110	8013	01	01	SOIL & WATER	7.99	27.52	PD	11/26/2013	0.00		00/20/2011
					TOTAL:		5,373.56		-	5,346,00		

Gen TAX 7022.31 F.V. 30.34 0.5 18.02 5/W 19.53 7090.20



Montana Department of Revenue



December 29, 2014

Lewis & Clark County Commission 316 N Park Helena Mt 59623

4054442980

Refund Request:

PEC Design-Build Corporation

3400 Centennial Dr Helena Mt 59601-9769

GEO Code# 05-1786-03-2-07-03-0000 Assessment Code# 42475 (Revised)

Dear Board of County Commissioners:

Pursuant to 15-16-603, MCA, the taxpayer has requested a tax refund for years 2009 through 2013 on the above property. Adjustments have been made for 2014. Revised values as follows:

Tax Year: 2009	Class Code	Market Value	Taxable Value	
From	2207	191167		5601
То	2207	110808		3247

Tax Year: 2010	Class Code	Market Value	Taxable Value		
From	2207	279299	7876		
То	2207	121768	3434		

Tax Year: 2011	Class Code	Market Value	Taxable Value		
From	2207	364158	9905		
То	2207	132357	3600		

PEC Design-Build Corporation December 22, 2014

Page 2

Tax Year: 2012	Class Code	Market Value	Taxable Value		
From	2207	446069	1173		
То	2207	142621	3751		

Tax Year: 2013	Class Code	Market Value	Taxable Value
From	2207	526022	13361
То	2207	152800	3881

If you should have any questions, please do not hesitate to contact our office.

Thanking you in advance, I am,

Karie Frydenlund Lead PVS – Lewis & Clark, Broadwater & Meagher County (406)444-7978 5 S Last Chance Gulch Helena, MT 59601 kfrydenlund@mt.gov



BOARD OF COUNTY COMMISSIONERS

Andy Hunthausen

Michael A. Murray

Susan Good Geise

City County Building 316 North Park Avenue Helena, Montana 59623 Phone 406.447.8304 Fax 406.447.8370

Montana Department of Revenue C/O Judy Tice 5 South Last Chance Gulch Helena, MT 59601

October 17, 2014

RE:

Request to Property Assessment Division

To Whom It May Concern:

It has recently come to our attention that the Department of Revenue is now requiring a letter from the Board of County Commissioners in order to review retroactive tax valuations.

Please let this letter serve as our request that the Department provide the past 5 years of values for the following taxpayer in Lewis and Clark County.

PEC Design-Build Corp

Tax Code: 42463

Tax Code: 42464

Tax Code: 42475 X

In addition, as your policy notes (3.4b), the County Commission has the authority to retroactively authorize refunds for up to five years. As you also know, the Department of Revenue is the entity charged with tracking tax information and is the only entity capable of reviewing tax information from the previous five years. As such, please consider this letter as our request to process any and all retroactive tax valuations when requested by our designated representative.

Sincerely,

lichael A. Murray - Chair

Susan Good Geise

Commissioner

Andy Hunthausen - Commissioner

PEC Design-Build, Corp.

October 13, 2014

Lewis & Clark County Commission 316 N. Park Helena, MT 59623

Refund Request: PEC Design-Build Corporation

3400 Centennial Drive Helena, MT 59601

Assessment Code# 0000042475 Geocode#05-1786-03-2-07-03-0000

Dear Board of County Commissioners:

Pursuant to 15-16-603, MCA, we are requesting a refund for the above referenced property. Please find documentation regarding the request. We filed an AB-26 in 2009 which was denied. We reviewed our tax statements in 2014 and discovered the inequity in values within the subdivision. We filed our CTAB appeal with the Department of Revenue. The Department of Revenue had mistakenly coded this property in the wrong neighborhood. They have since discovered the error and have changed 2014 values to make it fair and equitable. We are requesting additional consideration for a refund of the taxes paid in 2009, 2010, 2011 and 2012 based on the findings from the most recent review process.

Thanking you in advance,

Didi Augustine Peccia

President, PEC Design-Build, Corp.

didi@augustineproperties.com

406-431-4426

Owner(s): PEC DESIGN-BUILD CORPORATION

2014 Property Assessment Notice Property Subject to Taxation

Lewis & Clark County Dept of Revenue Office 5 South Last Chance Gulch Helena, MT 59601-4178 Date: 8/21/2014 Assessment Code: 0000042475

Levy District: 048701 2013 Mill Levy: 743.950

THIS IS NOT A TAX BILL. For details about your property taxation values, please visit your local Department of Revenue office or call (406) 444-4000.

Legal Description Geocode NOB HILL SUBD, S03, T09 N, R03 W, BLOCK 4, Lot 2, PHASE IV COS #3100615 05-1786-03-2-07-03-0000	Property Classification	Current Year Taxable Percent	Quantity	Value Before Reappraisal	As of	lue As of	Taxable Previous	e Value Current Year
	2207 - Commercial City or Town Lots	2.470%	2.27	113,505	113,505	207,400	13,361	4,02
			Totals	113,505	113,505	207,400	13,361	4,021

^{*}Agricultural and forest land values are based on the productive capacity of the land

NOTE: The total values in the shaded columns provide the best value change comparisons and reflect the Montana Legislature's reappraisal mitigation strategy. Livestock reflected on this notice are exempt from property tax but are subject to a per capita fee that is billed in November separately from any property tax.

If you have questions or concerns, please contact your local Department of Revenue office. We welcome hearing from you.