

**OFFICIAL NOTICE  
DECISION OF BOARD OF CIVIL AUTHORITY**

**To:**  
Uday Dholakia  
375 Notch Road  
Mendon, VT 05701

**Appellant notified by certified mail on:**  
August 22, 2019

Your appeal to the Board of Civil Authority concerning the appraisal of your property, identified in the Grand List Book with school property account number (SPAN): 384-119-12469 has been given careful consideration, with the following results:

**Result of Grievance:**

		<b>Value(s) Set by BCA</b>
Total Listed Value*	\$94,500	Total Listed Value* \$94,500
Nonresidential Allocation	\$94,500	Nonresidential Allocation \$94,500
Homestead Allocation	\$0	Homestead Allocation \$0
Housesite LV	\$94,500	Housesite LV \$94,500

\*If the parcel is enrolled in the use value appraisal program, the BCA must establish the contributory values as required by 32 V.S.A. section 3756. Use attachment U.

**Date Appeal Filed:** July 02, 2019      **BCA Hearing Notice Date:** July 29, 2019

**Date, Time Place of BCA Hearing:** July 29, 2019; 6:00 p.m.; Mendon Town Office

**BCA Members Present:** Al Wakefield, Dick Wilcox, Betsy Reddy, Lindsey MacCuaig, Geoff Wells, Ann Singiser, Marie Conway, Nancy Gondella

**Appearing for Listers:** Spencer Potter – Vermont Municipal Assessor

**Appearing for Appellant:** Uday Dholakia

**Summary of Testimony/Argument By:**

**Appellant:** Mr. Dholakia purchased the property for \$11,000 and change and it has no water, not buildable, no sewer. It was his understanding that a property should be valued at the purchase price. The value of the property may have been around \$94,000 when the Cortina was up and running but now that the business has closed, he doesn't think the land is worth that

anymore. He said that back when he owned the Cortina in 2002 we were doing really well and then we sold it in 2006 and it went downhill. This piece of land had been subdivided prior to the sales of the land. Back when the Cortina Inn was doing 4 million in sales and we were the owners, 94,000 was a fair for this piece of land but now I don't think it is even worth 11,000. We should go with what I paid for it. G. Wells asked so if you owned the Cortina and subdivided off this lot, did you sell the lot or who did you buy the lot from in 2016? Mr. Dholakia said the Cortina had owners but he wasn't part of that ownership, he came into the picture at the very end so he acquired the land then. Mr. Dholakia said his plan was to build a small house but there was too much to do to the land. G. Wells asked if any perk testing had been done. Mr. Dholakia replied no, he hasn't even stepped foot on the property. N. Gondella asked if there was any written evidence that he would like to present and he replied no.

**Evidence Presented:**

**Appellant:** None

**Listers:** Spencer Potter submitted the property lister card (marked as exhibit Dholakia T-1) and a map of the parcel (marked as exhibit Dholakia T-2). He stated that the sale that Mr. Dholakia is referring to was actually a tax sale. He stated there used to be a house on the property but it burned down. An arm's length transaction is a strong indicator of market value, however a tax sale in his opinion is not one of those transactions. Therefore, he did not consider that sale as one and that's why he denied the grievance.

**Property Inspected By:**

Dick Wilcox  
Geoff Wells  
Ann Singiser

**Statute requires minimum of three members.**

**Date of inspection:** 08/05/2019 – 9:00 a.m.

**Report of Inspection Committee:** See Attached Inspection Report

**Board's Decision with Reasons:**


1. We find that Uday Dholakia is the owner of a 3.4 acre lot on US Route 4 in Mendon. The lot is located on the north side of US Route 4, has direct access to the highway, is mostly cleared in the area abutting US Route 4, and is wooded in the back.
2. The subject property was last sold in November, 2016 for \$13,000. Since this was a tax sale purchase, the BCA discounted this sale.
3. The lot has convenient access to the Alpine Pipeline.
4. Neither the Assessor nor the Appellant submitted comparable sales.

5. Considering the lack of evidence to the contrary, BCA voted unanimously to deny the appeal and retain the current value of \$94,500 for the subject property.

**Certificate:** I hereby certify that this is a true record of the action taken on this appeal by the Board of Civil Authority of the Town of Mendon.

  
\_\_\_\_\_, Vice-Chair  
Board of Civil Authority

Filed in the town clerk's office on 8/21, 2019 at 4:00 p..m.  
To be recorded in the Grand List Book of April 1, 2019.

Attest:   
Town Clerk

**32, V.S.A. § 4461. Time and manner of proposal.**

If you are aggrieved by this decision you may appeal either to the Director of the Division of Property Valuation and Review or to the Superior Court of the county in which the property is situated. The appeal to either the director or the superior court is governed by Rule 74 of the Vermont Rules of Civil Procedure and is commenced by filing a notice of appeal with the town clerk within 30 days of the day this decision was mailed to you by the town clerk (date of entry noted on first page). The town clerk transmits a copy of the notice to the director or to the superior court as indicated in the notice and shall record or attach a copy of the notice in the grand list book.

Be sure your appeal indicates which avenue of appeal you wish to pursue (court or director), clearly identifies the property under appeal, and is accompanied by the correct filing fee. The appeal to the Superior Court shall be accompanied by a \$295 fee for each parcel being appealed; the fee is \$70 per parcel on appeal to the Director. If the property under appeal is enrolled in the use value appraisal program, please indicate that in your appeal. If the property under appeal contains a homestead, please include that information.



Town of Mendon  
2282 US Route 4  
Mendon, VT 05701  
Telephone (802) 775-1662  
mendonclerk@comcast.net

MEMORANDUM

To: Board of Civil Authority  
Mendon, VT

From: Uday Dholakia Inspection Committee

Re: Inspection Committee Report

Date: August 8, 2019

We conducted an inspection of the property owned by Uday Dholakia located at 0 Route 4 at 9:00 a.m. on August 5, 2019. The inspection committee was comprised of Dick Wilcox, Ann Singiser, and Geoffrey Wells who inspected the property later that day.

The property is a narrow deep 3.5 acre lot located on the north side of Route 4 with direct access to the highway, mostly cleared in the area abutting Route 4 and wooded in the back. The lot should be considered buildable since it has convenient access to the Alpine Pipeline.

The highest and best use of the property is commercial or residential.

The value under appeal is \$94,500. The appellant did not supply any supporting hard data, sales, listings, or Rutland County market data, to support a change in value. The assessor stands by the 2005 valuation and no new sales supporting the value were offered.

Our recommendation, which passed on a 3 to 0 vote, is to maintain the valuation of \$94,500 considering the lack of evidence presented.

Richard Wilcox

A. Singiser

Ann Singiser

## BCA Hearings

Date: 07/29/2019  
Hearing time: 6:00 p.m.

**Present:** Al Wakefield, Dick Wilcox, Betsy Reddy, Lindsey MacCuaig, Geoff Wells, Ann Singiser, Marie Conway – BCA members, Spencer Potter – assessor, Uday Dholakia – appellant, Nancy Gondella – Chair/Town Clerk, Jesse Bridge – Secretary/Assistant Town Clerk

**Call to Order:** N. Gondella called the meeting to order at 5:47 p.m. and asked to approve the organizational minutes from 7/22/2019. Motioned by G. Wells, 2<sup>nd</sup> by A. Singiser. All were in favor. N. Gondella reminded everyone that Weinberg hearing is rescheduled for August 12, 2019 at 4:00pm and the Weinbergs have been notified. All BCA members are sworn in. N. Gondella asked everyone to think about availability for next meeting, August 20 at 4:00 has been set. Appellant arrives at 5:58pm. Appellant and Assessor were sworn in. N. Gondella asked appellant if he has received the rules, and he had. N. Gondella asked if anyone needs to excuse themselves from the hearing due to conflicts of interest, no one does.

**Appellant Info:** Uday Dholakia

**Parcel ID:** 04-02-83.000

**Case Introduction:** Spencer Potter introduced the subject property as 3.5 acres of land being located at on US Route 4 valued at \$94,500.

**Appellant Testimony:** Mr. Dholakia stated that he bought the property for \$11,000 and change and it has no water, not buildable, no sewer. It was his understanding that a property should be valued at the purchase price. The value of the property may have been up there back then when the Cortina was up and running but now that the business has closed, he doesn't think the land is worth that anymore. He said that back when he owned the Cortina in 2002, we were doing really well and then we sold it in 2006 it went downhill. This piece of land had been subdivided prior to the sales of the land. Back when the Cortina Inn was doing 4million in sales and we were the owners, 94,000 is fair for this piece of land but now I don't think it is even worth 11,000. We should go with what I paid for it. N. Gondella asked if Spencer had any questions, he did not. L. MacCuaig asked what year he bought the property, Mr. Dholakia replied he wasn't really sure maybe 2016-2017. G. Wells asked so if you owned the Cortina and subdivided off this lot did you sell the lot or who did you buy the lot from in 2016? Mr. Dholakia said the Cortina had owners but he wasn't part of that ownership, he came into the picture at the very end so he acquired the land then. G. Wells asked was the property advertised for sale? Mr. Dholakia said no his plan was to build a small house but there was too much to do to the land. N. Gondella asked is there was something prohibiting him from getting onto the pipeline? Mr. Dholakia replied no he just doesn't see the need to pursue it right now, there's a lot that would go into it. There was discussion about where exactly is the

property. G. Wells asked if any perk testing had been done. Mr. Dholakia replied no, he hasn't even stepped foot on the property. N. Gondella asked who he purchased the property from? Was it when you were an owner of the Cortina? Mr. Dholakia replied no, I was never an owner of the Cortina, I purchased it from three or four owners. N. Gondella asked if they were people he knew? Mr. Dholakia replied no. N. Gondella asked if there was any written evidence that he would like to present and he replied no.

**Evidence Presented:** None

**Listers' Testimony:** Spencer Potter submitted the property lister card (marked as exhibit Dholakia T-1) and a map of the parcel (marked as exhibit Dholakia T-2). He stated that the sale that Mr. Dholakia is referring to was actually a tax sale. He stated there used to be a house on the property but it burned down. An arm's length transaction is a strong indicator of market value, however a tax sale in his opinion is not one of those transactions. Therefore, he did not consider that sale as one and that's why he denied it.

**Evidence Presented:** Dholakia T-1, Dholakia T-2

**Appellant response:** Mr. Dholakia asked Spencer when was the last town wide reappraisal. N. Gondella replied that it was in 2005. Mr. Dholakia said here it is 2019 and he doesn't think you could put a price tag on it and that it will sell at all, with the closing businesses on Route 4 and the downfall of the Inn. At this point he would take any offer he got.

**Follow up:** G. Wells asked Spencer if there was a well, he did not know. N. Gondella asked if Spencer had any comps, he replied he did not. There was a discussion about comps in the area and nothing could be compared. Mr. Dholakia said there are other pieces of land for sale in Mendon and he is curious what other property owners are asking for price? N. Gondella replied that that information would have been up to him to gather and present to us. We can only consider what the appellant and assessor have presented. Mr. Dholakia asked if a 3.5 acre land usually goes for \$30,000/acre in Mendon? L. MacCuaig asked if that is based on commercial? Spencer replied that a building site on Route 4 is different than in a residential site or on Wheelerville, he based his decision on the information he was given and the grievance. B. Reddy asked if the BCA members are allowed to do any research on their own? N. Gondella replied no you can only go by what has been presented here and the site visit. Discussion continues about scheduling site visit.

**Inspection Committee Members:** Geoff Wells, Ann Singiser, and Dick Wilcox

**Date of Inspection:** Monday August 5, 2019 at 9:00 a.m.  
There being no further business, the hearing was recessed at 6:20 p.m. and will reconvene hearing on Tuesday August 20, 2019 at 4:00.

**Inspection Report:** D. Wilcox presented the report stating this is open land on Route 4, 3.5 acres, direct access to route 4 and alpine pipeline, residential or commercially zoned.

It is valued at \$94,500 and was purchased at tax sale for \$13,000. There was not any evidence presented to contradict value therefore it is recommended to remain at current assessed value.

**Discussion:** A. Singiser mentioned that there was really no evidence to contradict the value and therefore no reason to budge from Spencer's assessment. M. Conway said it can't be compared to the tax sale.

Jesse Bridge – Secretary/Asst. Clerk

Nancy Gondella – Chair/Town Clerk