



Council-Tax Administration

Brad Neff

Tax Administrator

Salt Lake County Government Center
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Salt Lake City, UT 84114-4575

February 27, 2024

The Salt Lake County Council
2001 South State, N2200
Salt Lake City, Utah 84190-1010

Attn: Laurie Stringham, Chair

RE: Request by Holt Capital, LLC to grant an alleged illegal and erroneous correction and abate taxes for the 2022 tax year on parcel 15-20-202-013-0000 (Recommend grant)

Council Members:

The Property Tax Committee, at a meeting on February 15, 2024, considered the request on the above-mentioned parcel. The Committee recommends the request be granted.

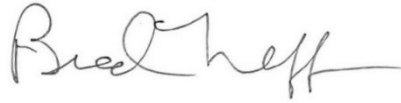
The subject property consists of a single building that contains 29,916 square feet. It is situated on 2.45 acres and is of class B construction. The building has been classified as an industrial building but is considered an office building. The Assessor and the owner stipulated a value reduction for the 2023 tax year, and the Board of Equalization adopted this value for the 2023 tax year. Upon review, the parties determined that the assessment record contained an appraiser memo from August 2021 in which the appraiser noted having changed the property type from industrial to office, however the appraiser failed to change the valuation to reflect the property as office space.

Utah Code §59-2-1321 provides for a refund of taxes paid related to an illegal and erroneous assessment. The Utah Supreme Court has made clear that requests under 1321 are only to be granted under extreme and exceptional circumstances because allowing a broad remedy after the appeal time has passed would work hardships on taxing entities where budgets have been predicated on the un-appealed assessment values and the tax revenue has already been expended for public purposes. A taxpayer may only obtain relief under 1321 when they can point to an error that is "readily apparent from county records". The error must be such that the taxpayer need only notify the county to look at its own records to identify it.

In this matter, the Assessor acknowledges that it was readily apparent from the County record that the building should have been valued as an office rather than an industrial building. The failure to correctly value the property resulted in erroneous taxes being billed to Hold Capital. Consequently, an abatement of taxes is appropriate for tax year 2022.

The Property Tax Committee recommends an abatement of taxes for the 2022 tax year in the amount of \$33,358.73. The Treasurer's office shall determine the final amount to be abated and may make any necessary adjustments for penalty and/or interest accrued.

Sincerely,

A handwritten signature in black ink that reads "Brad Neff". The signature is written in a cursive style with a long horizontal stroke at the end.

Brad Neff, Chair
Property Tax Committee

cc Holt Capital, LLC
9067 S. West Temple Dr #303
West Jordan, UT 84088

cc Treasurer's Office