

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

Sweetbriar II, LLC,  
c/o Hy-Vee Food Stores,  
Appellant,

v.

Douglas County Board of Equalization,  
Appellee.

Case Nos: 15C 0439 & 16C 0079

**ORDER FOR DISMISSAL WITH  
PREJUDICE**

1. Commissioners Robert W. Hotz and Nancy J. Salmon held a hearing in this appeal on June 13, 2017, at the Tax Equalization and Review Commission Hearing Room, Sixth Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.
2. Brian S. Kruse, attorney for the Taxpayer, was present at the hearing.
3. Shakil A. Malik, Deputy Douglas County Attorney, was present for the Douglas County Board of Equalization (the County Board).
4. The Subject Property (Subject Property) is commercial parcel with a legal description of: Huntington Park Rep 4\* Lot 1 Block 0 Irreg 20.98 AC in Douglas County, Nebraska.

**Background**

5. The Douglas County Assessor assessed the Subject Property at \$7,506,600 for tax year 2015.
6. The Taxpayer protested this value to the Douglas County Board of Equalization (County Board).
7. The County Board determined that the taxable value of the Subject Property was \$7,506,600 for tax year 2015.
8. The Douglas County Assessor assessed the Subject Property at \$7,506,600 for tax year 2016.
9. The Taxpayer protested this value to the County Board.
10. The County Board determined that the taxable value of the Subject Property was \$7,506,600 for tax year 2016.
11. The Taxpayer appealed these determinations of the County Board to the Tax Equalization and Review Commission (the Commission).
12. At the hearing, the Appellant made an oral motion to dismiss the above captioned appeals.

**ORDER**

**IT IS THEREFORE ORDERED THAT:**

1. The above captioned appeals are dismissed with prejudice.

2. This decision, if no appeal is filed, shall be certified within thirty days to the Douglas County Treasurer, and the officer charged with preparing the tax list for Douglas County as follows:

Diane Battiato  
1819 Farnam Stre. Ste H09 Civic Center  
Omaha, NE 68183-1000

John Ewing  
1819 Farnam St., Rm H03  
Omaha, NE 68183

as required by Neb. Rev. Stat. §77-5018 (2016 Cum. Supp.).

3. Each party is to bear its own costs in this matter.
4. This Order shall only be applicable to tax years 2015 and 2016.
5. This Order is effective on June 16, 2017.

**SIGNED AND SEALED**

**Seal**

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Robert W. Hotz, Commissioner

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Nancy J. Salmon, Commissioner