

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Anthony Karkazis
DOCKET NO.: 03-01390.001-R-1
PARCEL NO.: 06-34-400-013

The parties of record before the Property Tax Appeal Board (PTAB) are Anthony Karkazis, the appellant, by Attorney Mitchell Klein of the law firm of Schiller, Klein & McElroy, P.C., in Chicago, and the Lake County Board of Review.

The subject property consists of ten acres of land and a metal storage garage building containing approximately 4,000 square feet. The subject is located in Avon Township, Lake County. The subject is incorporated into the Village of Grayslake.

The appellant argued that the subject's entire ten acres should be assessed as farm land. Currently, 8.73 acres are assessed as farm land, while 1.27 acres are assessed as commercial land. In support, the appellant submitted an affidavit from the appellant and an appraisal of the subject property. Photographs of the subject and a brief in support of the requested reduction were submitted. Based on the appellant's evidence, the owner's affidavit from Anthony Karkazis contains the following: that he, the owner, operates a business on the property which provides landscape design, planting and maintenance service, along with the sale of plant material to its customers; that, the property is ten acres of which 100% is used solely for this business; that the entire property is used for the growing of plant material sold to the customers; that nine acres are the nursery and one acre is for storage; and, that there has never been any retail business associated with the property.

The appraisal, authored by Norbert L. Gold, real estate appraiser, values the subject as \$268,000 as of January 14, 2002. The appraiser notes that the subject's immediate areas that

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Lake County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	34,297
IMPR.:	\$	77,526
TOTAL:	\$	111,823

Subject only to the State multiplier as applicable.

PTAB/mmg

border the property are zoned agricultural; the subject is zoned limited industrial. The subject is currently used as a tree nursery with a steel pole garage. There is also a leased facility for an antenna owned by AT&T Wireless.

The appraiser valued the subject using the market value approach. Using four sales of properties in the subject's area ranging from five to 78 acres and zoned agricultural, the appraiser disclosed sales prices that ranged from \$16,600 to \$33,000 sales prices per acre. After reconciling this data, the appraisal opined the subject's per acre value at \$20,000, for a total of \$200,000 for the subject's ten acres. The appraiser added the garage value of \$50,000 and the depreciated cost of paving of \$10,000, and arrived at an appraised value of \$268,000, as of January 14, 2007. The appraiser chose not to value the AT&T antenna, since it is the property of AT&T and not the subject's owner.

Based upon its evidence, the taxpayer requested that the total assessment be reduced to \$13,579, of which \$1,387 is for land assessment and \$12,192 for the improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$111,823, was presented. The land assessment is \$34,297 and the improvement assessment is \$77,526. The previous assessment for the land set by the assessor was \$201,641, which was subsequently reduced upon a finding that 8.73 acres should have been assessed as vacant farm land. The board also submitted assessment data for and descriptions of four properties suggested as comparable to the subject. The properties are located within the same township as the subject. Three of the comparables contain from one to four and one-half acres of residential land and from three to 13 acres of farm land. These comparables contain totals from four to over 15 acres per site while the subject contains a ten acre site. The assessments range from \$1,037 to \$119,770, on market values that range from \$3,112 to \$359,346.

The board submitted a brief in support of its current assessment citing that the appellant's appraisal was for a previous year and that the sales utilized by the appraiser in his market value approach were not considered arm's length transactions. The board's notes also included a listing of commercial vacant land sales from Grayslake, Round Lake, and other related areas, however; no descriptive information was provided. The board requested confirmation of the subject's assessment.

After considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds that the evidence in the record does not support a reduction in the subject's assessment.

When overvaluation is claimed the burden of proving the value of the property is by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Adm.Code §1910.65(c)). Having considered the evidence and testimony presented, the PTAB finds that the appellant has not met this burden and a reduction is not warranted.

Of the evidence submitted by the parties, the PTAB finds that the appellant's evidence is not sufficient to establish that the entire parcel is being used solely the purposes alleged. While the affidavit contends that the only purpose of the subject is for agricultural purpose, the evidence states that a commercial structure sits on the property. Further, there exists an AT&T tower on the site that is the subject of a lease arrangement with the owner for business purposes, which the appellant's appraiser assigned no value.

The board of review provided evidence from the township assessor that the subject property was properly assessed based upon its improvement on the site, as well as the AT&T tower. The board correctly reduced the subject's assessment to reflect that 8.73 acres of the ten acres are used for agricultural purposes. A further reduction is not warranted. The assessor also provided four comparables that support the subject's current assessment for which the PTAB finds effectively rebut the appellant's argument that the subject is over assessed. These comparables exhibit prices and features that support the value of the subject site and its current assessment. Lastly, the appellant's appraiser does not give support to the taxpayer's argument that the entire property is being used for the purposes cited. Its market value finding is limited and does not effectively reason the conclusion of \$268,000. As correctly disputed by the board of review, the appraiser's use of comparables is questionable. The board's evidence provides more persuasive data as to the subject's correct assessment.

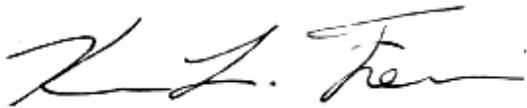
On the basis of the evidence submitted by the parties, the Property Tax Appeal Board finds that the evidence has not demonstrated that the subject is assessed in excess of that which market value dictates. Therefore, the Property Tax Appeal Board finds that a reduction in the subject's assessment is not warranted.

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This is a final administrative decision of the Property Tax Appeal Board are subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: September 28, 2007



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the

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subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.