PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Michael A. Tracy
DOCKET NO.: 05-01369.001-R-3 through 05-01369.003-R-3
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Michael A. Tracy, the appellant, and the Lake County Board of Review.

The subject properties consist of three parcels hereinafter identified as "002", "004 and "005." The subject parcels are located on or in close proximity to the Lake Michigan shoreline with two parcels ("002" and "004") being located in Moraine Township and "005" being located in Shield's Township. Parcels "004" and "005" are vacant parcels. Parcel "002" is improved with a one and one-half-story style brick dwelling built in 1994 that contains 7,698 square feet of living area. Features of the home include central air-conditioning, one fireplace, an attached 1,690 square foot garage and a partial unfinished basement. Parcel "002" contains 73,314 square feet of land area; parcel "004" contains 60,313 square feet of land area; and parcel "005" contains 12,210 square feet of land area9. All three parcels are contiguous and are located in Lake Forrest, Illinois.

The appellant appeared before the Property Tax Appeal Board claiming both overvaluation and unequal treatment in the assessment process as the bases of the appeal. At the outset of the hearing, the appellant acknowledged that no market value evidence had been submitted in support of his appeal and therefore proceeded with his equity argument only. In support of this argument, the appellant submitted photographs, property record cards and plat maps of the subject's immediate locale. For ease of arguments, the board of review presented a grid analysis of the appellant's five comparable properties. The grid analysis depicts five comparable properties located in close proximity to the subject. The comparables consist of frame, brick, frame and brick or frame and stone dwellings that were built from 1894 to 2003 and range in size from 7,122 to 9,299

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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:

Docket No.	Parcel No.	Land	Improv.	Total
05-01369.001-R-3	16-03-201-002	389,027	873,923	$1,262,950
05-01369.002-R-3	16-03-201-004	643,154	0	$643,154
05-01369.003-R-3	12-34-402-005	40,696	0	$40,696

Subject only to the State multiplier as applicable.

PTAB/eeb/May.09/2005-01369

square feet of living area. The comparables have features that include from four to nine fireplaces, garages that contain from 625 to 1,326 square feet of building area and partial basements with two comparables having some finished basement area. Four of the comparables have central air-conditioning. The comparable properties have improvement assessments ranging from $264,196 to $960,414 or from $29.14 to $122.16 per square foot of living area. The subject has an improvement assessment of $873,923 or $113.53 per square foot of living area.

The comparables are situated on sites ranging from 56,618 to 347,431 square feet of land area with land assessments ranging from $190,498 to $1,863,664 or from $1.86 to $13.43 per square foot of land area. The subject properties have land assessments as follows: "002" is $389,027 or $5.31 per square foot; "004" is $643,154 or $10.66 per square foot; and "005" is $40,696 or $3.33 per square foot of land area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject parcels had assessments as follows: "002" had an improvement assessment of $873,923, and a land assessment of $389,027; "004" had a land assessment of $643,154; and "005" had a land assessment of $40,696. In support of the subject's improvement assessment, the board of review submitted a summary argument, property record cards and a grid analysis of seven comparable properties. Proximity of the comparables in relation to the subject was not disclosed, however, one of the comparables has the same neighborhood code as the subject, as assigned by the local assessor. The comparables consist of 1.5, 1.75 and 2.0 story style brick, frame and brick or frame and stone dwellings built from 1984 to 2003 and range in size from 5,496 to 8,894 square feet of living area. Features of the comparables include central air-conditioning; from one to six fireplaces; garages that contain from 693 to 1,296 square feet of building area and partial basements with four comparables having some finished basement area. These properties have improvement assessments ranging from $607,365 to $975,577 or from $102.66 to $137.00 per square foot of living area. The comparables were situated on sites ranging from 35,607 to 104,429 square feet of land area and had land assessments ranging from $202,695 to $987,611 or from $2.37 to $13.09 per square foot of land area. Based on this evidence, the board of review requested confirmation of the subject assessments.

During cross-examination, the board of review revealed that only comparable #7 was a lakefront property. Further, Martin Paulson, the Chief County Assessment Officer for Lake County testified that the subject's immediate locale was revalued in 2005. Based on market sales new calculations were made based on "lake influence." The method used distinguished between those properties having lakefront and/or "lake influence" from inland sites whereby the market value of properties were adjusted because of their location in proximity to the Lake Michigan and the influence on market value of properties immediately near the

lake. The valuation approach used "table land" at $50 per square foot up to 65,000 square feet of land area and $10 per square foot of "table land" over 65,000. Further, "bluff land" was valued at $5 per square foot. In 2005 the subject's immediate locale was mapped by "GIS" satellite measurements and aerial photographs, along with field inspections to revalue the subject's area. The derived amounts were the result of 16 land sales and other assessment data for both Shields and Moraine Township. The sales data used to validate these amounts was not submitted into evidence. It was further revealed that only one of the appellant's comparables ("004") received an increase because of its lake front location. During questioning by the hearing officer, Paulison testified interior property and lake front property were all assessed alike if the parcels had a significant influence from Lake Michigan.

In addition, the board of review argued that the appellant's comparable #4 should not be considered by the Property Tax Appeal Board in its analysis because this property receives a preferential assessment based on a certificate from the Illinois Historic Preservation Agency. The certificate was issued in 2001 and runs through 2008 based on 35 ILCS 200/10-17. Based on this evidence the board of review requested the subject's total assessment be confirmed.

During rebuttal, the appellant argued that the assessment totals for all three parcels should be taken into account when compared to the comparables submitted by the board of review. In total, the appellant's land comparables had an assessment of $2,086,595 which is higher than any single comparable submitted by the board of review. Further, the appellant argued that only one of the board of review's comparables is lake front property similar to the subject, and therefore are inferior to the subject.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds that a reduction in the subject's assessment is not warranted. The appellants' argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has not overcome this burden.

The Board finds the parties submitted a total of eleven comparables for its consideration (appellant's comparable #3 was also used by the board of review as comparable #7). The Board finds appellant's comparables #1, #2, #4 and #5 were dissimilar to the subject in exterior construction, size, preferential assessment treatment, amenities and/or age when compared to the

subject. In addition, the Board finds the board of review's comparables #1, #4 and #7 were dissimilar to the subject in amenities, basement finish and/or size when compared to the subject. Because of these differences, these properties were given reduced weight in the Board's analysis. The Board finds the appellant's comparables #3 and the board of review's comparables #2, #3, #5 and #6 were most similar to the subject. The Board recognizes the board of review's comparables were located in a different neighborhood code than the subject, however, the unrefuted testimony was that these homes were each considered "high-value" homes within the subject's market area. The most representative comparables had improvement assessments ranging from $106.91 to $137.00 per square foot of living area, which supports the subject's improvement assessment of $113.53 per square foot of living area. The subject's improvement assessment falls within the range established by the most representative comparables contained in this record.

The appellant also argued the subject's land assessments were not uniform when compared to similar properties. The appellant argued that all three of his land parcels should be considered together when making comparisons with other properties. In addition, the appellant argued that six of the board of review's comparables were interior lots, dissimilar to the subject. The record disclosed that only one of the appellant's parcels ("004") was lakefront property.

With regard to the subject's land assessment, the parties relied on the same eleven comparables used for the improvement comparisons. The Board finds the land comparables submitted by the parties ranged in size from 102,228 to 347,431 square feet of land area and had land assessments ranging from $190,498 to $1,863,664 or from $1.86 to $13.43 per square foot of land area. The subject properties under appeal ranged in size from 12,210 to 73,314 square feet with land assessments as follows: ("002") was $389,027 or $5.31 per square foot; ("004") was $643,154 or $10.66 per square foot; and ("005") was $40,696 or $3.33 per square foot. Each of these three assessments falls within the range established by the land comparables contained in this record.

The Board further finds the appellant failed to present any substantive evidence indicating the subject's land assessments were inequitable or incorrect. The Board recognizes the appellants' premise that the subject’s land value should be considered as a whole, however, they consist of three separate and distinct parcels. Moreover, the testimony revealed that land within the subject's immediate locale is assessed at various levels depending on their proximity and influence from Lake Michigan. Only one of the appellant's parcels is lakefront property; one has a lake view and the other is assessed as excess land. Each of these parcels were assessed at a different level and are consistent with the methodology used throughout the subject's immediate market area. Without credible evidence showing the subject's land assessment was inequitable or not

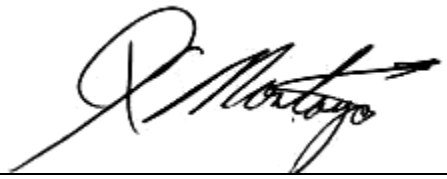
reflective of fair market value, the appellant failed to show the subject's land assessments were incorrect.

The board of review also presented testimony and documentation revealing the land valuation methodology utilized in the subject's immediate market area. The valuation approach used consisted of "table land" at $50 per square foot up to 65,000 square feet and $10 per square foot of "table land" over 65,000 square feet. "Bluff land" was valued at $5 per square foot. The Board finds the evidence depicts the subject's land values were calculated using a uniform assessment methodology as described in the board of review's evidence. The appellant submitted no evidence refuting this assessment methodology or valuation calculations.

For a further check of uniformity using a per square foot unit of comparison, the Board finds the subject property's land assessments are equitable. For the subject's lakefront parcel ("004") the Board gave most weight to appellant's comparable #3 which is also the board of review's comparable #7. This lakefront property contained 75,423 square feet of land area and had a land assessment of $987,611 or $13.09 per square foot of land. The subject's ("004") parcel, also lakefront property, had a land assessment of $643,154 or $10.66 per square foot of land area, which is less than this lakefront comparable. As a result of this analysis, the Board finds the appellant failed to show that the subject lot was inequitably assessed by clear and convincing evidence and no reduction is warranted.

The Board finds the appellant presented no evidence that would suggest the board of review's comparables were located in a dissimilar market area as the subject or evidence that would refute the per square foot values applied to the subject lots in arriving at its final land assessment. In summary, the Board finds the appellant failed to present substantive evidence indicating the subject's land assessments were inequitable or incorrect.

This is a final administrative decision of the Property Tax Appeal Board which is 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: June 19, 2009

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 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.