

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Gene Retzer  
DOCKET NO.: 06-00142.001-C-3  
PARCEL NO.: 14-07-100-026

The parties of record before the Property Tax Appeal Board are Gene Retzer, the appellant, by attorney Robert W. McQuellon III, Peoria, Illinois; and the Peoria County Board of Review.

The subject property consists of an automobile dealership that is improved with two, one-story commercial buildings of concrete exterior construction that were built in 2004. The buildings contain 26,237 and 30,869 square feet of building area, respectively, or a total of 57,106 square feet of building area including mezzanine storage. The improvements are situated on an 11.28 acre or 491,357 square foot site.

The appellant appeared before the Property Tax Appeal Board through counsel claiming a lack of uniformity regarding the subject's land and improvement assessments. In support of the inequity claim, the appellant submitted property record cards and an assessment analysis of the subject and three suggested comparables. The evidence was prepared by Robert W. McQuellon of McQuellon Consulting, Inc., who was present at the hearing for direct and cross-examination. McQuellon testified he was paid a flat fee for preparing the evidence. In addition, McQuellon testified additional compensation was contingent on a favorable result of the appeal.

The comparables are comprised of one-story structures that were built from 1972 to 1990 and are used as automobile dealerships like the subject. The comparables are located 1 mile from the subject. The structures range in size from 27,817 to 43,988 square feet of building area and are situated on lots that range in size from 52,272 to 223,898 square feet of land area. The comparables have improvement assessments ranging from \$210,040 to \$516,900 or from \$7.55 to \$11.75 per square foot of building area and land assessments ranging from \$73,900 to \$229,460 or from \$1.02 to \$1.50 per square foot of land area. The subject property has an improvement assessment of \$1,250,150 or \$21.89 per square foot of building area and a land assessment of \$654,220 or \$1.33 per square foot of land area.

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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 Peoria County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 654,220  
IMPR.: \$ 1,250,150  
TOTAL: \$ 1,904,370

Subject only to the State multiplier as applicable.

McQuellon testified the subject is assessed two to three times higher than the comparables. McQuellon testified the comparables are older in age and have lower quality grades when compared to the subject. After considering adjustments for these differences when compared to the subject, McQuellon testified the subject property should have an improvement assessment of \$20 per square foot of building area. Based on this evidence, the appellant requested a reduction in the subject's land and improvement assessments.

Under cross-examination, McQuellon agreed the subject has a quality grade of "A+5" as assigned by the township assessor whereas the comparables have quality grades of "B" or "C". McQuellon also agreed the subject property is considerably newer in age than the comparables. McQuellon agreed the value and overall quality of the subject is superior to the comparables. McQuellon testified he was aware that the subject has a nice fireplace unlike the comparables, but did not think it added much value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$1,904,370 was disclosed. In response to the appeal, the board of review argued the appellant did not disclose the adjustment amounts for age and quality grade applied to the comparables. In addition, the board of review argued the appellant failed to properly adjust the comparables for differences to the subject in condition, quality grade and other factors.

In support of the subject's assessment, the board of review utilized the same three comparables as contained in the appellant's evidence, but adjusted the comparables for differences to the subject in percentage good (depreciation), quality grade and the amount of paving. The adjustment amounts were based upon values detailed on the subject's and comparables' property record cards using the Computer Assisted Mass Appraisal (CAMA) system. Comparable 1 was adjusted 34% upward for the difference in depreciation, 41% upward for quality grade difference and \$353,550 for the difference in the amount of paving when compared to the subject. Thus, the board of review calculated comparable 1 has an adjusted improvement assessment of \$24.88 per square foot of building area. The same formula was used to adjust comparables 2 and 3, resulting in adjusted improvement assessments of \$23.41 and \$22.44 per square foot of building area, respectively.

The adjustments were performed by Michael Fortune, Chairman of the Peoria County Board of Review and Dave Ryan, the Chief County Assessment Officer, whom were present at the hearing for direct and cross-examination. McQuellon III objected to Ryan providing testimony because his name and signature did not appear on the evidence submitted by the board of review. The Property Tax Appeal Board hereby overrules the objection. The Board finds Ryan is the Chief County Assessment Officer for Peoria County and

the Clerk to the Peoria County Board of Review. Ryan's testimony will be given its natural probative weight.

Under cross-examination, Ryan agreed by using the value amounts detailed on property record cards for adjustments is self validating, meaning the descriptive and assessment values contained on the property record card are true and correct. He did not perform an independent analysis to quantify the adjustment amounts. Ryan testified the subject buildings combined size is 57,106 square feet of building area including the mezzanine levels as detailed on its property record card. Ryan agreed the board of review did not submit any alternative comparables to support the subject's assessment.

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 no reduction in the subject property's assessment is warranted.

The appellant argued the subject property was inequitably assessed. 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 evidence, the Board finds the appellant has not overcome this burden of proof.

With respect to the subject's improvement assessment, the Property Tax Appeal Board finds the record contains three suggested comparables for consideration. The Board finds the comparables vary significantly when compared to the subject in age and size. The comparables have improvement assessments ranging from \$210,040 to \$516,900 or from \$7.55 to \$11.75 per square foot of building area. The subject property has an improvement assessment of \$1,250,150 or \$21.89 per square foot of building area. The Board finds the evidence and testimony is clear that the comparables used by both parties were the best available as of the assessment date and the comparables are superior to the subject in terms of quality and value. (See transcript, pages 5, 7 and 18). After considering adjustments to the most similar comparables for differences when compared to the subject, the Board finds the subject's higher improvement assessment is well justified and no reduction is warranted.

With respect to the subject's land assessment, the Property Tax Appeal Board finds the record contains three comparables for consideration. The Board finds the land comparables not particularly similar to the subject in size. The comparables have land assessments ranging from \$73,900 to \$229,460 or from \$1.02 to \$1.50 per square foot of land area. The subject

property has a land assessment of \$654,220 or \$1.33 per square foot of land area, which falls within the range established by the land comparables on a per square foot basis. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's land assessment is supported and no reduction is warranted.

When an appeal is based on assessment inequity, the appellant has the burden to show the subject property is inequitably assessed by clear and convincing evidence. Proof of an assessment inequity should consist of more than a simple showing of assessed values of the subject and comparables together with their physical, locational, and jurisdictional similarities. There should also be market value considerations. The supreme court in Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395, 169 N.E.2d 769, discussed the constitutional requirement of uniformity. The court stated that "[u]niformity in taxation, as required by the constitution, implies equality in the burden of taxation." (Apex Motor Fuel, 20 Ill.2d at 401) The court in Apex Motor Fuel further stated:

"the rule of uniformity ... prohibits the taxation of one kind of property within the taxing district at one value while the same kind of property in the same district for taxation purposes is valued at either a grossly less value or a grossly higher value. [citation.]

Within this constitutional limitation, however, the General Assembly has the power to determine the method by which property may be valued for tax purposes. The constitutional provision for uniformity does [not] call ... for mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute in its general operation. A practical uniformity, rather than an absolute one, is the test. [citation.]" Apex Motor Fuel, 20 Ill.2d at 401.

In this context, the Supreme Court stated in Kankakee County that the cornerstone of uniform assessments is the fair cash value of the property in question. According to the court, uniformity is achieved only when all property with similar fair cash value is assessed at a consistent level. Kankakee County Board of Review, 131 Ill.2d at 21. Again, the Board finds the evidence and testimony offered by both parties reveal the subject property is more valuable than the comparables, which justifies its higher assessment. Therefore, the Board finds no reduction is warranted.

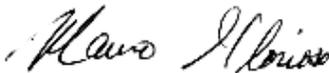
This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



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: February 20, 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.