

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: The Clubs at River City
DOCKET NO.: 06-00147.001-C-2
PARCEL NO.: 14-06-276-006

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

The subject property is comprised of three interconnected buildings of metal exterior construction that were built in phases from 1975 to 1993. The three structures total 83,420 square feet of building area including mezzanine. Features include a main workout area, a basketball court, and a clubhouse area with men and women's locker rooms. In addition, the property features one indoor pool and three outdoor pools. The subject property is also improved with restaurant/snack bar and a lounge area, but they were not functioning or operational as of the January 1, 2006, assessment date at issue in this appeal.

The appellant appeared before the Property Tax Appeal Board through counsel claiming a lack of uniformity regarding the subject's improvement assessment. 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 of metal or masonry construction that were built from 1968 to 1973. Comparables 1 and 2 are used as tennis clubs and comparable 3 is a warehouse. The comparables are located ½ of a mile from the subject. The structures range in size from 39,082 to 100,672 square feet of building area and have improvement assessments ranging from \$170,540 to \$414,970 or from \$3.43 to \$4.36 per square foot of building area. The subject property has an improvement assessment of \$416,200 or \$4.99 per square foot of building 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:	\$	100,240
IMPR.:	\$	416,200
TOTAL:	\$	516,440

Subject only to the State multiplier as applicable.

McQuellon testified the subject property suffers from functional obsolescence due to its conglomeration of three buildings and significant physical depreciation, which was not addressed in the equity analysis. McQuellon next testified regarding a health club facility located in downtown Peoria. However, the Property Tax Appeal Board will not consider this testimony because the property was not timely submitted as a comparable property by either party pursuant to the Official Rules of the Property Tax Appeal Board.

Under cross-examination, McQuellon agreed comparables 1 and 2 are inferior older metal structures as reflected by their lower quality grades when compared to the subject. McQuellon agreed comparables 1 and 2, which are owned by the same person, are actually part of the same health club, are basically just tennis clubs and not health clubs like the subject, and are not of the same quality of construction as the subject.

Under redirect-examination, McQuellon testified a large portion of the subject property is very similar to the tennis centers identified as appellant's comparables 1 and 2. McQuellon testified the subject's original structure has had piecemeal additions on four different occasions and its layout is not as competitive as modern structures.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$516,440 was disclosed. In response to the appeal, the board of review argued the appellant's comparables 1 and 2 are of lesser overall quality than the subject. In addition, the board of review argued appellant's comparable 3 is significantly older than the subject and is a warehouse, not a health club facility, yet it is assessed at 74% of the subject, showing the subject property is equitably assessed.

In support of the subject's assessment, the board of review submitted three suggested comparables. The comparables are comprised of a part one-story and part two-story and two, one-story structures of metal or masonry construction that were built from 1966 to 1980. Comparables 1 and 2 are used as warehouses and comparable three, in part, is used as a health club facility. The structures range in size from 36,520 to 68,280 square feet of building area and have improvement assessments ranging from \$268,700 to \$687,710 or from \$6.41 to \$12.65 per square foot of building area.

Under cross-examination, Gary Shadid, member of the Peoria County Board of Review, testified comparables 1 and 2 are distribution warehouses, dissimilar to the subject, but similar to comparable 3 submitted by the appellant. Shadid agreed comparable 3, identified as Landmark Recreational Facility, has movie theatres, a bowling alley, and an Off Track Betting facility. However, Shadid testified the assessment for the health club portion of

this property was isolated at \$687,710 or \$12.65 per square foot of building for comparison to 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 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.

The Property Tax Appeal Board finds the record contains six suggested comparables for consideration. The Board finds the comparables have varying degrees of similarity and dissimilarity when compared to the subject in age, size, features and use. The Board gave less weight to comparable 3 submitted by the appellant and comparables 1 and 2 submitted by the board of review. These suggested comparables are warehouse type structures, dissimilar to the subject. The Board finds the remaining three comparables are most similar to the subject, recognizing two comparables are slightly older and one comparable is slightly newer than the subject. In addition, these comparables are smaller in size when compared to the subject. Two comparables are used as tennis facilities and one comparable, in part, is a health club facility like the subject. They have improvement assessments ranging from \$170,540 to \$687,710 or from \$3.43 to \$12.65 per square foot of building area. The subject property has an improvement assessment of \$416,200 or \$4.99 per square foot of building area, which falls within the range established by the most similar comparables in this record. After considering adjustments to the most similar comparables for differences when compared to the subject, the Board finds each of the comparables individually support the subject's improvement assessment. Therefore, no reduction is warranted.

The constitutional provision for uniformity of taxation and valuation does not require 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 enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables contained in the record disclose that properties are not assessed at identical levels,

all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence. As a result of this analysis, the Board finds no reduction in the subject's assessment is warranted.

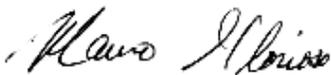
This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



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.