

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Tim Swain
DOCKET NO.: 06-00198.001-C-1
PARCEL NO.: 14-28-301-032

The parties of record before the Property Tax Appeal Board are Tim Swain, the appellant, by attorney Clyde B. Hendricks, in Peoria, and the Peoria County Board of Review.

The subject property consists of a 20,900 square foot parcel improved with a 15 year-old, one-story frame-constructed office/retail building that contains 4,798 square feet of building area. The subject is located in Peoria, City of Peoria Township, Peoria County.

Through his attorney, the appellant appeared before the Property Tax Appeal Board claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument the appellant presented an assessment analysis prepared by Vivian E. Hagaman. Hagaman testified she has had 10 years of appraisal experience, 13 years experience as a realtor, and 18 months as a deputy township assessor for Morton Township, Tazewell County.

Hagaman submitted an assessment analysis using five equity comparables. She testified that the report was prepared using information from the property record cards maintained by the assessor. She indicated that the equity comparables were adjusted in relation to the subject for quality grade as well as for condition, desirability and utility (CDU). Her report contained copies of the property record cards for the subject and the comparables from the township assessor's Computer Assisted Mass Appraisal (CAMA) records. She also provided copies of photographs for the subject and the comparables.

Her analysis indicated the subject improvement had a market value as reflected by its assessment of \$56.05 per square foot of building area. Hagaman's analysis indicated the comparables ranged in size from 6,018 to 9,569 square feet of building area. Hagaman's grid analysis indicated the comparables were constructed from 1990 to 2002 for an average of 1995. The comparables had CDUs of 67% to 93% for an average of 78%. The

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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:	\$	51,480
IMPR.:	\$	86,230
TOTAL:	\$	137,710

Subject only to the State multiplier as applicable.

comparables had grades ranging from C to B-05 for an average of C+10. She indicated the comparables had improvement assessments reflecting market values ranging from \$34.80 to \$50.95 per square foot and an average market value of \$43.42 per square foot. The witness indicated the comparables had grade adjustments ranging from \$38.80 to \$53.46 per square foot for a weighted average of \$47.69 per square foot. The witness indicated the comparables had CDU adjustment values ranging from \$35.48 to \$51.06 for a weighted average of \$45.62 per square foot. Based on this analysis, the appellant requested the subject's improvement assessment be reduced to \$15.21 per square foot of building area, reflecting a market value of \$45.62 per square foot, or \$218,885.

During the hearing, Hagaman testified that in her opinion, the comparables and the subject were similar in all features except CDU and age and therefore, no adjustments for other factors were warranted.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$137,710 was disclosed. The subject had an improvement assessment of \$86,230 or \$17.97 per square foot of building area. To demonstrate the subject was equitably assessed, the board of review submitted assessment information on eight comparables. The comparables consist of one-story retail strip, retail/bank, office or office/retail buildings that ranged in size from 5,625 to 14,460 square feet of building area and were of masonry or glass and masonry construction. The structures ranged in age from 9 to 40 years and had improvement assessments ranging from \$125,030 to \$268,170 or from \$15.55 to \$19.76 per square foot of building area.

During the hearing, the board of review claimed retail and office buildings have different square foot construction costs, as detailed in the Marshall and Swift cost manual and the Illinois Real Property Appraisal Manual, and that adjustments must be made for all relevant factors, not just age and CDU.

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 appellant's 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.

Initially, the Board gives little weight to Hagaman's analysis and conclusion because it was based on general subjective characteristics of the buildings such as grade and CDU. The Board finds that this type of analysis does not adequately consider the physical characteristics of the individual buildings such as age, size, ceiling height, type of construction, retail or office use and other features to perform a meaningful analysis of the similarity of the comparable properties to the subject.

As stated by the Supreme Court of Illinois in Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1, 544 N.E.2d 762, 136 Ill.Dec. 76 (1989):

[T]he cornerstone of uniformity is the fair cash value of the property in question. . . . [U]niformity is achieved only when all property with the same income-earning capacity and fair cash value is assessed at a consistent level.

Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d at 21, 544 N.E.2d at 772. In this appeal the appellant failed to demonstrate the comparables and the subject had similar fair cash values but were assessed at substantially lesser or greater proportions of their fair cash values.

In the absence of evidence demonstrating the comparables and the subject have similar fair cash values, the Property Tax Appeal Board will examine the physical characteristics of the subject and the comparables to determine if the buildings are sufficiently similar so as to be indicative of similar fair cash values and thus necessitating similar assessments. The Board gave less weight to the appellant's comparables four and five and the board of review's comparables two, four, five, six, seven and eight because they were significantly larger in building area when compared to the subject. The Board finds the appellant's comparables one, two and three and the board of review's comparables one and three were similar to the subject in terms of size and age. Since the appellant did not provide the improvement assessments of its comparables prior to adjustment by Hagaman, the Board estimated the improvement assessments by dividing the "Assessor's 100% Assessed Value" by three to derive usable improvement assessments for the appellant's comparables. The Board thus finds the aforementioned most representative comparables submitted by the appellant and the board of review had improvement assessments ranging from \$11.60 to \$27.00 per square feet of building area. The subject's improvement assessment of \$17.97 per square foot falls well within this range. Therefore, the Board finds the evidence in the record supports the subject's assessment.

In conclusion, the Board finds the appellant has failed to prove unequal treatment in the assessment process by clear and convincing evidence and the subject's assessment as determined by the board of review is correct and no reduction is warranted.

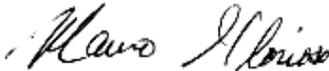
This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member

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: August 24, 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.