

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Arthur Olson
DOCKET NO.: 06-01812.001-R-1
PARCEL NO.: 05-27-300-017

The parties of record before the Property Tax Appeal Board are Arthur Olson, the appellant, and the Kane County Board of Review

The subject property consists of a one-story frame dwelling built in 1975 containing 1,968 square feet of living area. Features include a full unfinished basement, central air-conditioning, a fireplace, a 480 square foot garage, three sheds and a pole building. The subject improvement is situated on a 2.9 acre site in Plato Township, Elgin, Illinois.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted photographs, a letter from a realtor and a grid sheet detailing two suggested comparables. The comparables were situated on 2.7 and 5.29 acre lots, respectfully. One home, of frame construction, was 30 years old; contained a partial unfinished basement, central air-conditioning and a 624 square foot garage along with a building containing 720 square feet. The other home, of frame construction, contained a full unfinished basement, central air-conditioning, a 576 square foot garage and another building containing 1,776 square feet of building area. No sales information for the comparables was presented.

The appellant testified that the subject's garages flood due to a drainage easement created by the county. Because of the flooding issue, the appellant argued that the subject's value was diminished. In support of this contention, the appellant introduced a letter from a realtor which estimated that the flooding issues caused the subject's value to be diminished by 10% to 20%. In addition, the appellant introduced the Kane County Board of Review's final decision notice into evidence. The subject's total assessment of \$114,248 reflects a market value of \$342,778 using the 2006 three year median level of assessments for Kane County of 33.33% as determined by the Illinois Department of Revenue.

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

LAND:	\$	58,328
IMPR.:	\$	55,920
TOTAL:	\$	114,248

Subject only to the State multiplier as applicable.

During cross-examination, the appellant testified that his comparables experienced flooding, but not to the extent his property did. No other information regarding the subject's market value or diminution in value was presented. 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's final assessment of \$114,248 was disclosed. In support of the subject's assessment, the board of review offered three comparable sales with property record cards. The comparables were one-story frame dwellings built from 1977 to 2001. The properties ranged in size from 1,868 to 2,160 square feet of living area and were situated on lots that contains from 2.31 to 2.9 acres. Two of the comparables had a full unfinished basement. Each home had central air-conditioning and a garage. The comparables sold from October 2005 to June 2007 for prices ranging from \$365,000 to \$418,000 or from \$172.58 to \$213.60 per square foot of living area, including land.

Kane County Board of Review member John Voreis testified that the subject was granted a 12.5% reduction in value because of the flooding issues. In addition, Voreis testified that the comparable information submitted by the appellant was incorrect. Based on the property record cards the subject contains 1,968 square feet of living area and a 480 square foot garage. In addition, Voreis offered corrected assessment information regarding appellant's comparables #1 and #2.

During cross-examination, Voreis admitted that none of the board of review's comparables had flooding issues similar to the subject. Based on this evidence, the board of review requested confirmation of 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 appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds based on a review of the evidence a reduction in the subject's assessment is not warranted.

The Board finds the appellant failed to provide evidence of his opinion to support a diminution in value to the subject as a result of flooding. The appellant argued the comparables submitted by the board of review are not similar to the subject because they did not flood like the subject. The Board finds the appellant failed to submit any evidence of similarly situated homes to establish the loss in value caused by the flooding. The only evidence showing a loss in value is a letter prepared by a

realtor, which depicted the subject's value was reduced by 10% to 20% because of flooding, however, the realtor was not present for direct examination or subject to cross-examination. Therefore the Board gives little weight to this conclusion. The record also disclosed the board of review granted the appellant a 12.5% reduction in value because of the flooding issue which is within the range established by the realtor. The appellant's evidence contains no sales data to demonstrate an alternative value for the subject. The Board finds the appellant failed to demonstrate with market data that there would be a direct correlation or dollar for dollar difference in value between comparable properties and the subject to account for flooding.

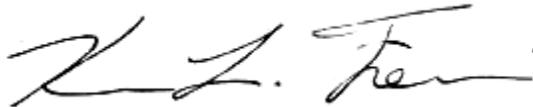
The board of review's sales comparables are the only sales comparables contained in the record. The board recognizes these properties are not subject to the same flooding conditions as the subject, however, these properties sold from October 2005 to June 2007 for prices ranging from \$172.58 to \$213.60 per square foot of living area, including land. The subject's total assessment of \$114,248 reflects a market value of \$174.18 per square foot of living area including land. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's assessment is supported by the most similar sales comparables contained in this record.

The Board finds the appellant failed to prove by a preponderance of the evidence the subject's assessment was 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

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: December 5, 2008



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.