

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Agracel, Inc.
DOCKET NO.: 06-02879.001-C-3 through 06-02879.003-C-3
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Agracel, Inc., the appellant, by attorney Q. Anthony Siemer of Siemer, Austin, Resch, Fuhr & Totton, Effingham, Illinois; and the Effingham County Board of Review.¹

The subject property consists of a one-story building with 575,598 square feet of building area that was constructed in 1969. The building is of a pre-engineered steel, tilt up concrete and metal construction. The improvements are located on a 44.3 acre site in Effingham, Douglas Township, Effingham County.

The appellant contends overvaluation as the basis of the appeal. In support of this market value argument the appellant submitted documentation disclosing the subject property sold in January 2005 for a price of \$2,100,000 or \$3.65 per square foot of building area. The appellant also provided information on three comparable sales of large commercial or industrial buildings ranging in size from 144,518 to 441,480 square feet of building area located in the Illinois cities of Taylorville, Mt. Vernon and Centralia. The sales occurred from September 2002 to January 2005 for prices ranging from \$499,192 to \$1,575,900 or from \$3.45 to \$4.15 per square foot of building area. The appellant also presented information disclosing that the property was the subject matter of an appeal before the Property Tax Appeal Board the previous year under Docket No. 05-02519.001-C-3. In that appeal, the Property Tax Appeal Board reached a decision finding

¹ Although requested to do so on April 16, 2008, September 11, 2008, October 27, 2008 and January 19, 2009, the Effingham County Board of Review failed to provide a certificate to the Property Tax Appeal Board demonstrating that taxing districts were notified of the appeal as required by Section 1910.40(f) of the rules of the Property Tax Appeal Board (86 Ill.Adm.Code 1910.40(f)) and Section 16-180 of the Property Tax Code (35 ILCS 200/16-180).

(Continued on Next Page)

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Effingham County Board of Review is warranted. The correct assessed valuation of the property is:

Docket No.	Parcel No.	Land	Impr.	Total
06-02879.001-R-1	03-11-032-122	\$11,400	\$10,000	\$21,400
06-02879.002-R-1	03-11-032-123	\$126,670	\$540,600	\$667,270
06-02879.003-R-1	03-11-032-124	\$15,460	\$0	\$15,460

Subject only to the State multiplier as applicable.

the subject property had a market value of \$2,100,000 as of the January 1, 2005 assessment date. The subject property has a total assessment of \$2,575,510 which reflects a market value of approximately \$7,684,200 using the 2006 three year median level of assessments for Effingham County of 33.53%.

The board of review did not submit its "Board of Review Notes on Appeal" nor any evidence in support of its assessed valuation of the subject property.

After reviewing the record 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 Board further finds the evidence in the record supports a reduction in the subject's assessment.

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 the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 $\frac{1}{3}$ % of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970).

A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983).

The appellant in this appeal submitted documentation disclosing the subject property was purchased in January 2005 for price of \$2,100,000. To further demonstrate the sale price was reflective of market value the appellant provide information on three comparables sales. The comparables were improved with buildings ranging in size from 144,518 to 441,480 square feet of building area and were located in the Illinois cities of Taylorville, Mt.

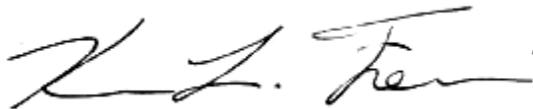
Vernon and Centralia. The sales occurred from September 2002 to January 2005 for prices ranging from \$499,192 to \$1,575,900 or from \$3.45 to \$4.15 per square foot of building area. The Board finds these sales support the conclusion the subject's purchase price was reflective of market value. The record also disclosed that the Property Tax Appeal Board found the subject property had a market value of \$2,100,000 as of January 1, 2005. The board of review did not submit any evidence in support of its assessment of the subject property or to refute the appellant's argument as required by Section 1910.40(a) of the Official Rules of the Property Tax Appeal Board. The subject's total assessment of \$2,575,510 reflects a market value of approximately \$7,684,200 using the 2006 three year median level of assessments for Effingham County of 33.53%, which is excessive in light of the appellant's evidence.

Based on this evidence the Property Tax Appeal Board finds the subject property had a market value of \$2,100,000 as of January 1, 2006. Since market value has been established the 2006 three year median level of assessments for Effingham County of 33.53% shall apply.

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.



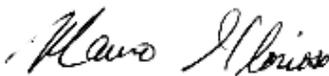
Chairman



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: July 28, 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.