



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Becker Group
DOCKET NO.: 07-00475.001-C-3
PARCEL NO.: 18-09-209-030

The parties of record before the Property Tax Appeal Board are Becker Group, the appellant, by attorney Joseph J. Solls, of Joseph J. Solls, Ltd. in Peoria; and the Peoria County Board of Review.

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: \$457,980
IMPR: \$4,562,710
TOTAL: \$5,020,690**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 48,090 square foot parcel improved with a 16 story commercial office building containing 284,532 square feet of office area. The subject property has a concrete exterior and was built in 1992. The property is located in the City of Peoria Township, Peoria County.

The appellant appeared before the Property Tax Appeal Board, through counsel, contending assessment inequity in the improvement assessment as the basis of the appeal. The appellant is not disputing the subject's land assessment. In support of the inequity argument the appellant presented an assessment analysis prepared by Vivian E. Hagaman. Hagaman testified she has experience as a broker, appraiser and a certified assessor.

Hagaman prepared an assessment analysis, Appellant's Exhibit No. 1, using four equity comparables. The data used in her analysis was taken from the property record cards for the subject and the comparable properties. The comparables, consisting of offices,

medical facilities and a bank, were located within 5 blocks of the subject. They ranged from 125,247 to 179,022 square feet of total building area. The brick or concrete comparables were built from 1925 to 1999 and ranged from 6 to 11 stories. The properties had improvement assessments ranging from \$1,437,300 to \$3,182,180 or from \$8.03 to \$24.77 per square foot of building area. Hagaman testified that the subject's property record card was incorrect, and the subject actually has 155,642 square feet of office space and 25,724 square feet of parking deck. Hagaman further testified that appellant's comparable #1 had 76,493 square feet of office space leaving 24,377 square feet of parking deck; comparable #2 had 156,000 square feet of office space, however, only 85,567 square feet or 64% was taxable. For comparable #2 Hagaman used 60% of the 156,000 square feet in her calculations to arrive at 99,853 square feet. Dividing this amount by the total improvement assessment indicated comparable #2 had an improvement assessment of \$21.48 per square foot of office area. The subject was depicted as having an improvement assessment of \$21.16; a grade of "B" and a CDU of 90%. She indicated that the equity comparables were adjusted in relation to the subject for grade as well as for condition, desirability and utility (CDU). She testified that using CDU is an attempt to relate loss in value due to condition, desirability and utility. She indicated that condition relates to actual age versus effective age, desirability focuses on the economic obsolescence and utility focuses on functional obsolescence. She further explained her analysis dealt only with the improvement assessment and not the land. 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. The comparables had grades ranging from "C+10" to "A+05" with a CDU ranging from 50% to 90%. After adjusting for grade and CDU, Hagaman opined the comparables had per square foot improvement assessments ranging from \$5.20 to \$23.55 per square foot of office space. Hagaman testified that she would discount comparable #3 as an outlier. Based on this analysis, the appellant requested the subject's improvement assessment be reduced to \$20.92 per square foot of building area using 181,366 square feet.

Under cross-examination Hagaman could not recall how many floors of parking space the subject contained. She testified that she totally dismissed the parking garage from her calculations. Hagaman admitted that the subject's property record card indicated four floors of parking deck with each having 25,724 square feet of parking area. She further admitted that the subject had 181,366 square feet of office area and 102,896 square feet of parking area for a total square foot of building area of 284,262. Hagaman testified that she used the total improvement assessment, which included all of the parking area, the elevators and all amenities for each building and divided that number by just the office space. Hagaman testified that her compensation for this appeal was 25% of what attorney Joe Solls made and was contingent on whether they win the appeal.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$5,020,690 was disclosed. The subject was depicted as having an improvement assessment of \$4,562,710 or \$16.35 per square foot of building area. To demonstrate the subject was equitably assessed, the board of review submitted assessment information on the two of the same comparables used by the appellant and an additional property. The board of review's grid analysis depicts the subject has 279,054 square feet of building area and a grade of "A+10." The subject is depicted as having an improvement assessment of \$16.35 per square foot of building area which includes office space plus parking. Gary Shadid, board of review member, testified that the subject's square footage was taken from the subject's property record card and is believed to be true and correct.

A revised grid analysis was presented into the record subsequent to the hearing.¹ The revised grid analysis depicts the subject contains 284,532 square feet of building area with four floors of parking deck that is not valued on the property record card. Comparable #1 has 76,493 square feet of office area with no value for the parking deck area; comparable #2 has 185,815 actual square feet of building area, however, only 156,020 is taxable; #3 has 181,727 square feet of office space; #4 has 128,458 square feet of office area with the parking deck having no value and comparable #4 has 128,458 square feet of office space with no value for the parking deck area and #5 has 57,109 square feet of office space. The comparables are depicted as having improvement assessments ranging from \$1,268,202 to \$3,182,180 or from \$7.91 to \$26.00 per square foot of improvement with the subject having an improvement assessment of \$16.04 per square foot of office space.² 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 Board further finds a reduction in the subject's assessment is not supported by the evidence in the record.

The appellant contends assessment inequity in the improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1, 544 N.E.2d 762, 136 Ill.Dec. 76 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data submitted by the parties, the Board finds

¹ The appellant and board of review were ordered by the hearing officer to submit a revised grid analysis depicting whether the total improvement assessment for the subject and each comparable included the parking garages.

² The appellant did not refute this information as being incorrect.

a reduction to the subject's improvement assessment is not warranted.

Initially, the Board gives little weight to Hagaman's analysis and conclusion. First, Hagaman testified her fee was contingent on the outcome of the appeal. The Property Tax Appeal Board finds the fact the appellant's opinion witness' fee is contingent on the tax savings undermines her objectivity to give unbiased opinion testimony and detracts from the credibility of her analysis. Second, the Board finds that Hagaman's analysis 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 and features to make a meaningful analysis of the similarity of the comparable properties to the subject property.

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 assessment inequity. The Board gave reduced weight to the appellant's comparable #3 in the revised analysis because it is significantly older than the subject. In addition, the Board gave reduced weight to comparable #2 because this comparable is receiving a reduced assessment based on a medical facility exemption. The Board finds the remaining comparables are most similar to the subject even though they are substantially smaller than the subject. The remaining comparables have improvement assessments ranging from \$19.99 to \$26.00 per square foot of building area, which supports the subject's improvement assessment of \$16.04 per square foot of office area. The subject's improvement assessment is below the range established by the most similar comparables contained in this record.

In conclusion, after considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is equitable and

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a reduction in the subject's improvement assessment is not 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Shawn R. Lerbis

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 20, 2010

Allen Castrovillari

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.