



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

APPELLANT: Christopher Wright  
DOCKET NO.: 07-02751.001-R-1  
PARCEL NO.: 09-10-151-009

The parties of record before the Property Tax Appeal Board are Christopher Wright, the appellant, and the Kane 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 Kane County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$63,714  
**IMPR.:** \$238,723  
**TOTAL:** \$302,437

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject riverfront parcel of 1.860-acres has been improved with a two-story frame and masonry constructed single-family dwelling built in 2004 that contains 4,048 square feet of living area. Features include a full unfinished<sup>1</sup> walkout basement, central air conditioning, three fireplaces, an attached 1,038 square foot garage, an 858-square-foot deck, and a 364 square foot in-ground swimming pool. The property is located in St. Charles, St. Charles Township, Kane County.

The appellant appeared before the Property Tax Appeal Board contending in his Residential Appeal form unequal treatment in the assessment process as the basis of the appeal having marked assessment equity as the basis of the appeal. At hearing and in his evidence, appellant argued overvaluation of the subject property based upon its assessment. Furthermore, appellant's primary argument concerned the land assessment methodology; only

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<sup>1</sup> Appellant's Residential Appeal form reported an unfinished basement; the assessor wrote the subject was "not assessed for a finished basement."

a minor assessment reduction was requested with regard to the improvement assessment.

In support of the overvaluation and inequity arguments, the appellant presented documents regarding (1) the history of the subject's assessment changes over the previous four years, (2) data on land purchases made by speculative developers which appellant contends the assessor has considered in determining the subject's land assessment, (3) nearby non-riverfront land assessments which have not had land assessment increases, and (4) articles regarding a real estate recession.

Appellant outlined the assessment history of the subject and reported the property had the following percentage total assessment changes: from 2004 to 2005 after an appeal to the Kane County Board of Review a decrease of 4%; from 2005 to 2006 another 4% decrease; and from 2006 to 2007 after an appeal to the Kane County Board of Review an increase of 17%, which prior to the appeal had been a 25% increase. Appellant's data further broke down the assessment changes for both the land and improvement assessments. From 2004 to 2005 the land assessment increased 39%; from 2005 to 2006 the land assessment decreased 1%; and from 2006 to 2007 the land assessment increased 51%. After an appeal, from 2004 to 2005 the improvement assessment decreased 9%; from 2005 to 2006 the improvement assessment decreased 5%; and from 2006 to 2007 the improvement assessment increased 11%.

Next, appellant presented four properties, three of which were improved, one with a dwelling that was demolished and two with dwellings that were subsequently renovated; appellant contends these four sales were considered by the township assessor in calculating riverfront land assessments. These properties had land sizes ranging from 2.164 to 12.81-acres and sold between September 2002 and May 2006 for prices ranging from \$573,500 to \$906,876 or from \$70,794 to \$399,723 per acre, including any improvements. Appellant further reports that each of these four properties was subsequently subdivided into either two, four or seven parcels. Among these, one parcel of 1.66-acres was deeded to the Forest Preserve District of Kane County and 5.24-acres was "declared community property [deeded to a homeowners association] to escape taxes." Of the fifteen newly subdivided parcels, the thirteen which are not government owned total 17.22-acres and have total 2007 land assessments of \$2,860,802 or \$166,133 per acre. Appellant concludes that these values are "artificial" since these parcels remain unsold and some are in foreclosure proceedings because the developer cannot sell them.

The next data submission from appellant concerned 31 riverfront, non-riverfront, other "Route 31," and Bluff Drive properties. Appellant submitted summary data displaying the 2004 and 2007 building and land assessments of these properties and presented the percentage change in building and land assessments from 2004 to 2007 for each. Attached to the summary were individual sheets

describing the land size of each of the properties, but no details on the improvements were included.

Lastly, appellant submitted copies of three articles, two of which were dated in March 2008 and one was from July/August 2005. Appellant concludes these articles regarding falling home prices and an overvalued housing market support his request for assessment relief.

The appellant also reported on the Residential Appeal form that in September 2004 both the land and building were purchased for \$848,000. The appellant also acknowledged that in 2001 the subject land was purchased for \$186,000. On the basis of this analysis, the appellant requested a reduction in the land and improvement assessments of the subject to \$281,351. Appellant requested that the land assessment be reduced to \$42,843 or an estimated fair market value of \$128,529. He further requested that the improvement assessment be reduced to \$238,507 or a \$216 improvement assessment reduction.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$302,437 was presented. The subject's land assessment of \$63,714 reflects an estimated market value of \$191,448 or \$102,929 per acre for the parcel using the 2007 three-year median level of assessments for Kane County of 33.28%. Based on the total assessment, the subject property has an estimated fair market value of \$908,765.

In support of the subject's assessment, the board of review submitted a two-page letter from Colleen Lang, St. Charles Township Assessor, along with information on sales of riverfront properties, sales of non-riverfront properties, and a grid analysis of five comparables which had been presented by the appellant for his Kane County Board of Review appeal. At hearing, the board of review representative noted that riverfront lots are premium lots with a view of the Fox River making them more valuable than non-riverfront lots.

Both Dave Medlin and Diane Hemmingsen from the St. Charles Township Assessor's Office testified with regard to the land assessment methodology. In summary and as set out in the assessor's letter, riverfront property, like the subject, has a market value of \$150,000 per acre up to 1.25-acres on a site basis; each portion in excess of 1.25-acres and not in the floodplain is valued at \$75,000 per acre; and each portion in excess of the initial site and located in the floodplain is valued at \$6,000 per acre. Therefore, the subject parcel has 1.25-acres with a market value of \$187,500 and 0.610-acres in the floodplain with a market value of \$3,660.

In support of the market value of the subject land, the assessor listed five sales of four vacant parcels and one parcel where the dwelling was demolished which the assessor characterized as arm's-length transactions. The sales were of parcels ranging in size from 1.034 to 3.32-acres and sold between July 2004 and July

2007 for prices ranging from \$265,000 to \$800,000 or from \$106,640 to \$265,957 per acre.

In her letter, the assessor further addressed the sales comparables previously cited by the appellant and reported three sales of the subsequently split parcels which occurred in July 2007. The assessor further reported that several of the split properties were not truly riverfront properties subsequent to the split.

As to the non-riverfront comparables cited by the appellant, the assessor noted this subdivision known as Rivers Edge is not similar to the subject in location (not riverfront) and has parcels of approximately ½-acre in size. The assessor further provided sales data supporting the current land assessments in this subdivision. As a result of this analysis, the board of review requested confirmation of the subject's assessment.

In the course of cross-examining the township assessor, the appellant acknowledged that the assessor has uniformly assessed all riverfront land, including the subject, but appellant reiterated his contention that the valuation determination was inappropriately skewed by speculative purchases made by developers who overpaid for properties which are now not selling. For instance, appellant focused on one sale price of one acre to Kane County for about \$56,000 which he felt represented the more accurate fair market value of neighboring lands. In further rebuttal at hearing, appellant contended the re-sales of the subsequently split properties were not arm's length transactions since the owner sold the parcels to relatives and thus these sales should not be considered in determining an appropriate market value for riverfront properties.

The appellant also questioned the characterization of land along the river which floods as being a premium lot. The board of review representative noted, and the appellant conceded, that portions of the property which are located in the floodplain are assessed at a reduced amount; other portions of the land which do not flood are asserted to be of significant value with a premium view.

Lastly, in addressing a May 2006 sale of 3.32-acres presented by the board of review for \$800,000 or \$240,964 per acre on which a dwelling was demolished, appellant contended that a developer subdivided the parcel land and built two dwellings of \$1.75 and \$1.95 million for the other. The properties went into foreclosure and the more highly priced property eventually sold for \$1.25 million. From this data, appellant argued that the subject parcel and neighboring parcels were being unfairly valued based on the acts of the speculative developer.

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 that the appellant has failed to support the contentions of overvaluation and/or unequal treatment in the assessment process.

The appellant attempted to demonstrate the subject's assessment was inequitable because of the percentage increases in its assessment from year to year. The Board finds this type of analysis is not an accurate measurement or a persuasive indicator to demonstrate assessment inequity by clear and convincing evidence. The Board finds rising or falling assessments from year to year on a percentage basis do not indicate whether a particular property is inequitably assessed. The assessment methodology and actual assessments together with their salient characteristics of properties must be compared and analyzed to determine whether uniformity of assessments exists. The Board finds assessors and boards of review are required by the Property Tax Code to revise and correct real property assessments, annually if necessary, that reflect fair market value, maintain uniformity of assessments, and are fair and just. This may result in many properties having increased or decreased assessments from year to year of varying amounts and percentage rates depending on prevailing market conditions and prior year's assessments.

As to the land inequity argument, 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 that the appellant has failed to overcome this burden.

The Board finds that the appellant conceded the uniformity of land assessments of the subject and similar riverfront properties at the hearing of this matter. Appellant acknowledged that the assessor has uniformly determined the assessment of riverfront land of 1.25-acres or less based upon a \$150,000-per acre market value with additional non-floodplain land at \$75,000 per acre market value and additional floodplain land at \$6,000 per acre market value. Thus, the Board finds in light of both the testimony and evidence, the land assessment methodology of riverfront property is uniform and supports the subject's land assessment.

To the extent that appellant was seeking to have the subject property assessed like non-riverfront property in the Rivers Edge subdivision, the Property Tax Appeal Board finds that due to the lack of similarity between property located along a river with a river view as compared to properties not located along a river and lacking a river view, the Board has given no weight to these suggested comparable properties. The appellant has failed to establish by clear and convincing evidence that the subject riverfront property was inequitably assessed as compared to non-riverfront properties in the Rivers Edge subdivision.

The appellant contends the assessment of the subject land is excessive and not reflective of its market value. 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 (3<sup>rd</sup> Dist. 2002). The Board finds the evidence in the record does not support a reduction in the subject's assessment.

The parties presented nine sales comparables of land, one of which was common between the parties. The land sizes varied from 1.034 to 12.81-acres and sold between September 2002 and July 2007 for prices ranging from \$265,000 to \$906,876 or from \$70,794 to \$399,723 per acre of land. The subject's land assessment of \$63,714 reflects an estimated market value of \$191,448 or \$102,929 per acre for the parcel. The Board finds the subject's land assessment reflects a market value that falls within the range established by the most similar land comparables on a per acre basis and is at the lower end of the range of the comparable sales. It is noted that the subject's estimated fair market value, for instance, is less than one-half the per-acre sale price of the 3.32-acres which sold in May 2006 for \$240,964 per acre and which appellant characterized as a speculative purchase by a developer which eventually went into foreclosure after the development of homes priced at over \$1 million. After considering the most comparable sales on this record, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's land assessment is not warranted on this record.

The Board finds the appellant submitted insufficient comparable data to analyze the subject's improvement assessment as compared to other comparable properties. To analyze the subject dwelling either based on equity or overvaluation, the appellant must submit sufficient information on comparable dwellings to analyze the similarity of the properties in terms of location, age, size, amenities and other features. The appellant simply failed to provide details of the comparable dwellings for the Property Tax Appeal Board to analyze the correctness of the subject's improvement assessment. As a result, the appellant has failed to establish that the improvement assessment is incorrect on grounds of either inequity or overvaluation.

For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed or by a preponderance of the evidence that the subject property is overvalued. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established 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.

*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: January 26, 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.