



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

APPELLANT: Chicago Title Land 120473  
DOCKET NO.: 07-04330.001-R-1  
PARCEL NO.: 14-33-401-016

The parties of record before the Property Tax Appeal Board are Chicago Title Land 120473, the appellant, by attorney James P. Hecht in Woodstock, and the McHenry 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 **McHenry** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$79,375  
**IMPR.:** \$0  
**TOTAL:** \$79,375

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of vacant lot containing approximately 58,806 square feet of land area. The property is located in Crystal Lake, Nunda Township, McHenry County.

Counsel for the appellant appeared before the Property Tax Appeal Board. As part of the Residential Appeal form, appellant requested an oral hearing on this matter, but at the time of hearing, counsel simply stood on the written record.

The appellant contends the market value of the subject property is not accurately reflected in the property's assessed valuation. In support of the overvaluation argument, the appellant submitted an appraisal report of two parcels identified as 14-33-401-016 and 14-33-401-017. While an appeal had been filed as to parcel 14-33-401-017 and assigned as Docket No. 2007-04329, that case was dismissed by letter dated January 25, 2010 for failure to timely submit evidence by December 5, 2008. Thus, the Property Tax Appeal Board only has jurisdiction with regard to the subject parcel 14-33-401-016.

The 13-page appraisal report was prepared by Gary W. Fritz of Fritz Appraisal in Geneva, Illinois. The appraiser was not present to provide testimony and/or be cross-examined with regard to the report. The appraiser reported parcel 14-33-401-011 was split into three parcels in June, 2007. The parcel, prior to the split, was said to be 4.1-acres with a 2006 assessment reflecting an estimated market value of \$365,418 or an assessment equivalent to \$2.05 per square foot.

As to the subject parcel of 58,806 square feet or 1.35-acres, the appraiser stated the lot "has approximately 25% of land used for storm water management." The appraiser then listed three comparable sales of vacant commercial land said to be located in Crystal Lake. The comparables ranged in size from 1.57 to 2.12-acres or 68,389 to 92,347 square feet of land area. These comparables sold between October 2004 and September 2005 for prices ranging from \$220,000 to \$310,000 or from \$3.22 to \$3.36 per square foot of land area. In analyzing these comparable sales, the appraiser wrote in pertinent part:

No adjustment for time or zoning as commercial vacant property has been stable at best in the market place. Locations were similar as size was fairly similar in size. A negative adjustment was required for utility for both lots.

After adjustments, the market value for the subject property ranged from \$2.50 to \$3.50 per square foot of land area. A reasonable conclusion of land value is \$3.00 per square foot of land area . . . .

(Fritz report, p. 10) Based on the foregoing analysis, the appraiser then estimated the subject's market value at \$176,418 (\$3.00 per square foot x 58,806 square feet).

Based on this evidence, the appellant requested the subject's assessment be reduced to \$35,000 or a market value of approximately \$105,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject property totaling \$79,375 was disclosed. The subject's assessment reflects a market value of \$238,722 or \$4.06 per square foot of land area using the 2007 three year median level of assessments for McHenry County of 33.25%. In support of the assessment, the board of review submitted an analysis prepared by the Nunda Township Assessor.

The township assessor reported that appellant's suggested comparables #1 and #3 were located in the Crystal Lake Watershed District and that comparable #2 was part of an assemblage for a ten lot single-family subdivision.

The assessor described the subject property as Lot 1, a corner parcel, in Erick Street Commons Subdivision, a newly platted three lot commercial subdivision in Crystal Lake. In support of the subject's assessment, the township assessor presented three sales of vacant commercial sites in Crystal Lake with commercial zoning and served by city water and sewer. The three comparables ranged in size from 1.16 to 5.09-acres or from 50,612 to 221,703 square feet of land area. These properties sold between July 2005 and September 2006 for prices ranging from \$280,662 to \$950,000 or from \$4.17 to \$7.90 per square foot of land area. A Deputy Township Assessor for Nunda Township was called as a witness and discussed this evidence which established that the subject's estimated market value was below these most similar comparable sales. The assessor's submission also included an analysis of adjustments to the comparable sales for market conditions, location, size, access/visibility, and configuration which resulted in a range of adjusted sales prices from \$4.17 to \$7.47 per square foot of land area. The township assessor then concluded the subject would have a market value of \$5.00 per square foot or \$294,000, rounded.

The board of review representative also, despite the absence of the appraiser, raised an issue whether the report prepared by Fritz was in fact an appraisal which followed the guidelines of the Uniform Standards of Professional Appraisal Practice (USPAP).

In summary and based on the evidence presented, the board of review requested confirmation of the subject's assessment.

Under cross examination, the deputy township assessor distinguished between the subject lot, a corner parcel, and parcel 14-33-401-017 (previously discussed as dismissed) which is an interior parcel.

On further inquiry by the Hearing Officer, the Deputy Township Assessor explained that the appellant's comparables #1 and #3 located in the watershed district are highly regulated and restricted by the city of Crystal Lake due to potential impact on the lake itself. Likewise, appellant's comparable #2 was dissimilar to the subject given its residential zoning whereas the subject is commercially zoned for use as a strip center.

After hearing the testimony and considering the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds a reduction in the subject's assessment is not supported by the evidence in the record.

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 must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill. App. 3d 179, 183, 728 N.E.2d 1256 (2<sup>nd</sup> Dist. 2000). After an analysis of the

evidence, the Board finds the appellant has not overcome this burden.

In the absence of the appraiser for the hearing to address questions as to the selection of the comparables and/or the adjustments made to the comparables in order to arrive at the value conclusion set forth in the appraisal, the Board will consider only the appraisal's raw sales data in its analysis and give no weight to the final value conclusion made by the appraiser. The Property Tax Appeal Board finds the appraisal report is tantamount to hearsay. Illinois courts have held that where hearsay evidence appears in the record, a factual determination based on such evidence and unsupported by other sufficient evidence in the record must be reversed. LaGrange Bank #1713 v. DuPage County Board of Review, 79 Ill. App. 3d 474 (1979); Russell v. License Appeal Comm., 133 Ill. App. 2d 594 (1971). In the absence of an appraiser being available and subject to cross-examination regarding methods used and conclusion drawn, the Board finds that the appraisal conclusion of an estimated market value of the subject of \$176,418 or \$3.00 per square foot of land area is significantly diminished and cannot be deemed conclusive as to the value of the subject property.

In summary, the record contains six suggested comparable sales for the Board's consideration presented by both parties. The Board has given less weight to the appellant's suggested comparables due to their locations in a watershed district and a residential neighborhood, respectively, as described by the board of review. In contrast, the Board finds board of review comparables #1 and #3 were most similar to the subject in location, size, and zoning. They sold for prices of \$4.17 and \$7.90 per square foot of land area. The subject's assessment reflects an estimated market value of \$238,722 or \$4.06 per square foot of land area which is below the most similar comparables on a per-square-foot basis. After considering adjustments to the comparables for any differences when compared to the subject, the Property Tax Appeal Board finds the subject's estimated market value as reflected by its assessment is supported 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 M. Louie*

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: March 18, 2011

*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.