



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

APPELLANT: Daniel Hansen
DOCKET NO.: 08-00055.001-R-1
PARCEL NO.: 05-20-452-001

The parties of record before the Property Tax Appeal Board are Daniel Hansen, the appellant; and the Ogle County Board of Review.

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

LAND: \$9,654
IMPR.: \$0
TOTAL: \$9,654

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a vacant 1.09 acre residential lot located in Byron Township, Ogle County, Illinois.

The appellant submitted evidence to the Property Tax Appeal Board claiming the subject's land assessment was not reflective of its fair market value. In support of this claim, the appellant submitted Real Estate Transfer Declarations and a market analysis detailing 12 suggested comparable land sales. The comparables range in size from 1.0 to 2.29 acres and are located in close proximity within the subject's subdivision. They sold from August 2001 to December 2008 for prices ranging from \$28,900 to \$48,500 or from \$20,087 to \$39,623 per acre.

The record also disclosed the appellant purchased the subject property in February 2006 for \$29,000 or \$26,605 per acre after being exposed to the open market for 11 years.

In a letter addressing the appeal, the appellant argued all land in the subject's subdivision is over-assessed based on the most recent land sales. The appellant also indicated thirteen land

sales have occurred in the subject's subdivision since 2001. The appellant calculated the average sale price was \$28,874 per acre and the median sale price was \$28,750 per acre. Five land sales occurred from February 2006 to December 2008. The appellant calculated the average sale price was \$27,428 per acre and the median sale price was \$26,605 per acre. Based on this evidence, the appellant requested a reduction in the subject's land assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's land assessment of \$14,911 was disclosed. The subject's land assessment reflects an estimated market value of \$44,791 or \$41,092 per acre using Ogle County's 2008 three-year median level of assessments of 33.29%.

In support of the subject's assessment, the board of review submitted a response letter signed by the Byron Township Assessor and the Ogle County Supervisor of Assessments along with five attachments. The board of review acknowledged the appellant purchased the subject property in February 2006 for \$29,000. However, the subject property was re-assessed in 2007 to reflect the current market values of similar vacant unimproved lots, referencing Attachment 1. Attached 1, labeled vacant and unimproved lot sales, is comprised of a map of the subject and five suggested land comparables. The comparables range in size from 1.0 to 1.06 acres and are located in close proximity to the subject. They sold from 1999 to 2008 for prices ranging from \$29,900 to \$42,000 or from \$28,713 to \$39,622 per acre.

The board of review argued the subject lot was improved with well and septic systems in 2007 and construction on a dwelling began, referencing Attachment 2, which is a zoning certificate that was dated January 29, 2007. The land was re-assessed in 2008 to reflect the improvements (well and septic) that occurred in 2007. Referencing Attachment 4, the board of review argued land in the subject's subdivision was uniformly re-assessed after improvements at \$40,000 per acre. The board of review argued the comparable land sales submitted by the appellant were not improved (well and septic) when they were purchased.

The board of review next referenced Attached 5, which is a map of the subject's and adjacent subdivisions. The board of review argued the four subdivisions contain 110 lots that are one acre or more, were vacant and unimproved when purchased and were uniformly re-assessed at \$40,000 per acre after improvements (well and septic). The board of review further pointed out there were no other land complaints from property owners in these four subdivisions. Based on the evidence submitted, the board of review requested confirmation of the subject's land assessment.

In rebuttal, the appellant argued the subject's septic system was not complete until April 6, 2009 and its occupancy permit was not issued until April 15, 2009. The appellant also cited sections 9-160 and 9-180 of the Property Tax Code (35 ILCS 200/16-160 and 180) that pertain to in part, newly construed improvements and

partial or pro-rata assessments. The appellant also questioned the assessor's methodology of including well and septic systems as part of the land value.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and subject matter of this appeal. The Property Tax Appeal Board further finds a reduction in the subject property's land assessment is warranted.

The appellant argued the subject's land was overvalued. 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 (2nd Dist. 2000). The Property Tax Appeal Board finds the appellant has overcome this burden.

The Board finds accepted real estate valuation theory provides that land is valued at its highest and best use as vacant and unimproved. The Board finds the township assessor's methodology of purportedly including the value of well and septic system (improvements) in the valuation and assessment of land to be problematic. Furthermore, in reviewing the record there is no evidence showing what value, if any, that is attributed to well and septic systems that are purportedly included in land assessments. The Board finds the subject's partial property record card is void any information regarding the treatment and valuation of well and septic systems.

The parties submitted a total of 17 suggested comparable sales for the Board's consideration. The Board gave less weight to nine land sales submitted by the appellant. Comparable 3 is considerably larger in size than the subject. Comparable sales 5 through 12 occurred from August 2001 to August 2004. The Board finds these sales are dated and are not indicative of the subject's fair market value as of the January 1, 2008, assessment date at issue in this appeal. Likewise, the Board gave little weight to four of the five suggested land sales submitted by the board of review. These sales occurred from 1999 to 2002, which are not considered indicative of the subject's fair market value as of the January 1, 2008, assessment date at issue in this appeal.

The Board finds four land sales are most representative of the subject in size and location. They range in size from 1.04 to 1.35 acres of land and sold for prices ranging from \$29,900 to \$48,500 or from \$25,776 to \$35,926 per acre. These sales occurred from July 2006 to December 2008. The subject's land assessment reflects an estimated market value of \$44,791 or \$41,092 per acre, considerably higher than the most similar comparable sales contained in this record on a per acre basis. The Board further finds the most credible land sales in this record lend support to the subject's 2006 sale price of \$29,000 or \$26,606 per acre. Therefore, the Board finds a reduction in the subject's land assessment is well justified.

The board of review submitted an assessment analysis prepared by the township assessor to demonstrate the subject was being uniformly assessed at \$40,000 per acre prior to equalization. The Board gave this evidence little weight. The Board finds this approach in valuing and assessing land is justified where supported by market data. The Board finds the probative market evidence contained in this record does not support the assessment methodology employed by the township assessor nor do land assessments from the subject's subdivision mimic the most current market transactions.

In conclusion, the Board finds the appellant has demonstrated the subject's land assessment was not reflective of its fair market value by a preponderance of the evidence. Therefore, the Board finds the subject's assessment as established by the board of review is incorrect and a 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 P. 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: December 23, 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.