



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

APPELLANT: Lori & Richard Jansen
DOCKET NO.: 08-00896.001-R-1
PARCEL NO.: 18-07-101-002

The parties of record before the Property Tax Appeal Board are Lori & Richard Jansen, the appellants, and the Rock Island 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 **Rock Island** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$10,335
IMPR.: \$68,212
TOTAL: \$78,547

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 79,497 square feet or 1.825-acres is improved with a two-story single-family dwelling of frame construction. The property is located in East Moline, Hampton Township, Rock Island County.

The appellant Lori Jansen appeared before the Property Tax Appeal Board on behalf of the appellants contending unequal treatment in the assessment process as to the land assessment only; no dispute was raised concerning the improvement assessment. In support of the land inequity argument, the appellants submitted information on six comparable parcels in a grid analysis along with a two-page brief, applicable property record cards, and aerial photographs, some with topographical data.

In the brief, the initial argument concerned the percentage increases in the land valuation of the subject from 2006 to 2008. Examination of the data in the brief reveals that the figure provided for the 2008 land assessment was before the Final Decision of the Rock Island County Board of Review which reduced the subject's land assessment. Prior to the local hearing, the subject land had an assessment of \$18,921. The Rock Island County Board of Review reduced the land assessment for 2008 to \$13,514.

At hearing, appellant Lori Jansen specifically argued that she was seeking equity across township lines in that the subject property was located near the dividing line between Hampton Township and South Moline Township. In response to this request, the Property Tax Appeal Board notes specifically that the issue in this proceeding is solely the correct land assessment of the subject property, whether it should remain as assessed for 2008 at \$13,514 or whether appellants have proven by clear and convincing evidence that there is an inequity in land assessments. The Property Tax Appeal Board has no jurisdiction to re-assess properties not presented before it in an appeal. (See 35 ILCS 200/16-180).

Next in the brief the appellants contended that the assessment increase was not justified given the land assessment of properties "located directly to the north and west of Archer Drive," namely, appellants' comparables #1, #2 and #3 located in neighboring South Moline Township. These three comparables ranged in size from 62,291 to 145,490 square feet of land area. Appellants further contended these three properties like the subject experience the inconveniences of the Rock Island County Fairgrounds located directly to the north of the subject and to the east of the three comparables mentioned. The fairgrounds host a yearly county fair and weekly stock car races. Appellants noted, however, despite these similarities in location and 'nuisances,' these three comparables have a lower assessed value than the subject on a per square foot basis.

In addition, appellant Jansen pointed out that contrary to the board of review's submission in this matter, appellants' comparable #6 was not located adjacent to a car dealership, but rather was across from a golf course. Appellant noted at hearing this parcel again had a lower per-square-foot land assessment than the subject. Appellant Jansen further argued this parcel was similar to the subject by having a flat portion of land and then having wooded area with ravines and other such topographic features.

The six comparables in the grid analysis were located from a "block northwest" to up to 2-miles from the subject parcel. The comparable parcels ranged in size from 62,291 to 363,290 square feet of land area. The comparables have land assessments ranging from \$7,270 to \$28,075 or from \$0.08 to \$0.13 per square foot of land area. The subject's land assessment is \$13,514 or \$0.17 per square foot of land area. Based on this evidence and only a 3% increase in the 2008 assessment of the subject land over the 2007 land assessment, the appellants requested a reduction in the subject's land assessment to \$7,976 or \$0.10 per square foot of land area.

On cross-examination, appellant Jansen acknowledged that the land in terms of easements and topography was the same on the day of purchase as it was on the date of hearing of this appeal.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final land assessment of \$13,514 was disclosed along with a two-page letter from the township assessor, an aerial photograph of the subject, and a grid of four comparables.

At hearing and in support of the subject's current land assessment, the board of review representative contended that the definition of a neighborhood was important for consideration and that properties from other townships should not be included as comparable parcels. The board of review representative also contended that the subject property, due to its wooded nature, has more value because it is somewhat secluded than appellants' comparables #1, #2 and #3 across the street which are more visible to neighboring properties. The board of review representative also inferred that it was up to the "State" to equalize across township lines.¹ However, upon questioning by the Hearing Officer, the board of review representative acknowledged that the board of review has the duty to equalize across township lines as it may find necessary. (35 ILCS 200/13-20)

Hampton Township Assessor James Cramblett was next called to testify regarding the land assessment methodology utilized. Cramblett testified the subject neighborhood is known as Archer. In determining value, Cramblett testified that many elements besides just size must be considered including location, privacy and other factors. In determining the neighborhood, Cramblett examined location, privacy, distance from neighbors, and view. The final element in determining valuation was related to economy of scale wherein Cramblett testified that as the size of the parcel increases, the cost per square foot is reduced. As set forth in his letter, Cramblett extracted an allocation from improved sales along with raw land sales data to arrive at a market value for parcels based on size: under 12,000 square feet of \$1.40 per square foot; 12,000 to 30,000 square feet of \$1.20 per square foot; 30,001 to 50,000 square feet of \$1.00 per square foot; 50,001 to 96,000 square feet of \$0.70 per square foot; and 96,001 square feet and over of \$0.50 per square foot. In this manner and within his model, Cramblett had assessed the subject parcel of 79,497 square feet at \$18,921 or approximately \$0.24 per square foot of land area (roughly 1/3 of \$0.70 per square foot).

In his letter, Cramblett further noted that appellants' comparables #1, #2 and #3 not only were in South Moline Township, but they also faced the barns at the fairgrounds which detracted

¹ The representative asked further questions about the Illinois Department of Revenue's equalization factors that are issued pursuant to Section 17-25 of the Property Tax Code. (35 ILCS 200/17-25) This contrasts with the strictly limited jurisdiction of the Illinois Property Tax Appeal Board to determine the correct assessment of the property(s) which are appealed to it pursuant to Section 16-180 of the Property Tax Code. (35 ILCS 200/16-180)

from the view and were bordered by "a less than affluent development" also detracting from the view. Cramblett further wrote that appellants' comparables #4 and #5 were surrounded by "an even older and less affluent neighborhood with access through industrial and commercial areas. Their highest and best use would probably be commercial." Cramblett further testified that access to these comparables was by a rock and chip road and the neighboring properties meant the view and location were not similar to the subject.

As to the subject parcel, Cramblett noted that being bordered by the fairgrounds and the Deere & Co. World Headquarters meant the possibility of development or disturbance around the subject parcel was minimal, thus inferring the land had greater value than the comparables presented by the appellants. Cramblett also wrote of the history of the subject parcel in that appellant Lori Jansen's father, Thomas Bokros, purchased 4.74-acres in 1991 for \$39,000 or \$8,230 per acre. Subsequently, Bokros platted the acreage into three parcels: keeping parcel number 8501 for himself and constructing his dwelling thereon; selling parcel number 8503 consisting of 22,000 square feet in 1995 to Ralph Watson for \$20,000 or the equivalent of \$39,600 per acre; and selling parcel number 8502, the subject parcel, to his daughter in 2001 for \$20,000 or the equivalent of \$10,811 per acre. Given the foregoing sales data, Cramblett further wrote "land valuation can be very subjective but in my opinion a lot of importance is placed in the surrounding parcels and in the access point to the parcel."

On a grid prepared by Cramblett which still reflected the land assessment of the subject prior to board of review action, there were four comparables listed by parcel number, size in both acreage and square footage, total land assessment, and assessment per square foot. The four comparables ranged in size from 22,000 to 1,474,114 square feet of land area. These properties had land assessments ranging from \$8,977 to \$71,115 or from \$0.05 to \$0.41 per square foot of land area. The location of the comparables was displayed on an attached parcel map; one comparable is an adjoining parcel also on appeal before the Board as Docket No. 08-00897; and two others are directly to the north.

The board of review also argued that appellants' comparable #6 of 281,282 square feet with an assessment of \$0.09 per square foot of land area is "directly in line" with Cramblett's scale or model for land assessments.²

² Cramblett's scale, which showed market values, indicated parcels in excess of 96,001 square feet, like appellants' comparable #6, were valued at \$0.50 per square foot which would reflect an assessment of approximately \$0.17 per square foot. Yet, appellants' comparable #6 was assessed at \$0.09 per square foot.

Based on this evidence, the board of review requested confirmation of the subject's assessment as reduced by the board of review at \$0.17 per square foot of land area.

In rebuttal, appellant Jansen argued that it was not appropriate for the assessor to ignore topography in valuing land since topography will play a role in the market value of land. For instance, she contended that development of sites in excess of an acre that are flat will allow for development of more units than a parcel like the subject which has easements for drainage and has a ravine around $\frac{3}{4}$'s of the subject parcel. In other words, appellants contend that not all of the subject parcel is useable from a developer's perspective.

Appellant also contended in rebuttal that given the factors considered important in valuation by the township assessor, appellants' comparable #6, located near the country club, justifies a reduction in the subject's assessment. Appellant Jansen testified that the dwelling in comparable #6 faces a nicely landscaped area of the country club meaning that the view would increase the value of the property. Appellant further noted this property is very distant from neighbors, just like the subject. Appellant further testified that other than the location of the dwelling, comparable #6 has the same topography of ravines as does the subject.

In further rebuttal, appellant Jansen testified that appellants' comparable #3, as shown in the aerial photograph in appellants' evidence, has substantial tree coverage surrounding the dwelling, and therefore cannot see the less affluent neighborhood to the north and due to the considerable setback of the dwelling, cannot see the barns of the fairgrounds across the street, both of which were referenced by the board of review representatives as detriments to the value of the property.

Upon questioning by the Hearing Officer of the board of review regarding market value differences between properties located in Hampton Township like the subject and across the street in South Moline Township, the board of review had no data to support differences between the townships in market value.

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 this appeal. The Board further finds a reduction in the subject's land assessment is warranted.

The appellants contend unequal treatment in the subject's 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 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 the appellants have met this burden.

The appellants first argued that the subject's land assessment was inequitable because of the percentage increases in its assessment from 2006 to 2008. 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, whether appellants were presenting the reduced 2008 land assessment or not. In fact, the Property Tax Appeal 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.

Both parties submitted assessment information on ten suggested comparables for the Board's consideration. Three of the comparables submitted by the appellants were located "across the street," but in a different township than the subject. All of the comparables are located within two miles of the subject, with four comparables sharing the same street name as the subject. The board of review submitted four comparables to demonstrate the subject land was uniformly assessed under the model employed by the township assessor. The board of review's comparables include one other property on appeal and three properties virtually adjoining the subject that are within the subject's township.

The board of review argued three of the appellants' comparables are not located in the same township as the subject and therefore should not be considered. The Property Tax Appeal Board accords this aspect of the board of review's argument little merit. Upon specific questioning by the Hearing Officer, the board of review was unable to present any evidence indicating similar real property within the same geographical area, but situated in different townships, carries dissimilar values. Without specific market value evidence, the Property Tax Appeal Board finds it logical that comparable land in the same geographic area would be within the same geographic competing market area and likely have similar values.

The Board gave less weight to appellants' comparables #4, #5 and #6 due to distance from the subject and/or size. The Board has also given less weight to the four comparables presented by the board of review due to differences in land size when compared to the subject; by the township assessor's own valuation model, none of the comparables presented are in the same size range of 50,001

to 96,000 square feet of the subject. Moreover, while the township assessor was very specific that valuation considerations include factors such as privacy, distance to neighbors, view and economy of scale, none of the comparables presented by the board of review was described in detail to suggest that they were similar to the subject in any of these characteristics. In fact, the Board finds that the assessor's scale as set forth was a valuation model based solely on size of the parcel.

The Property Tax Appeal Board finds the remaining three comparables presented by the appellants to be most similar when compared to the subject in location, size, view and distance from neighbors. Appellants comparables #1, #2 and #3 were shown on an aerial map with comparables #1 and #2 being along Archer Drive and, but for a few trees, facing the barns of the fairgrounds. Comparables #1 and #2 located in South Moline Township were assessed at \$0.13 and \$0.09 per square foot of land area, respectively. In contrast, appellants' comparable #3 which has a long driveway to the larger section of the parcel has woods surrounding the dwelling, therefore, detracting from the view of the barns of the fairgrounds and/or the view of the "less desirable" subdivision to the north as mentioned by the board of review; this comparable has a land assessment of \$0.09 per square foot of land area, but is also 145,490 square feet in size, substantially larger than the subject parcel. The subject parcel of 79,497 square feet has a land assessment of \$13,514 or \$0.17 per square foot of land area, which falls above the range established by the most similar land assessment comparables contained in this record. After considering adjustments to the comparables for any differences when compared to the subject and considering size differences in particular, the Board finds the subject's land assessment is excessive 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 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.