FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Dowd Sullivan
DOCKET NO.: 08-00928.001-R-1
PARCEL NO.: 22-04.0-129-002

The parties of record before the Property Tax Appeal Board are Dowd Sullivan, the appellant, and the Sangamon 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 **Sangamon** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	$8,910
IMPR.:	$0
TOTAL:	$8,910

Subject only to the State multiplier as applicable.

ANALYSIS

The subject vacant parcel of 7,680 square feet is located in Springfield, Capital Township, Sangamon County.

The appellant's appeal contends the market value of the subject property is not accurately reflected in its assessed valuation. In support of this argument, the appellant submitted an appraisal prepared by real estate appraiser Gregory L. Kienzler of Kienzler Appraisal Service estimating the subject property had a market value of $26,500 as of September 10, 2008. Instructions to the appraiser were to "estimate fair market value for possible protest of the current real estate tax assessment."

The appraiser described the subject parcel of 7,520 square feet as a vacant interior lot with a curb cut, a paved public alleyway along the south property line which is the access point to five asphalt paved parking spaces.

The appraiser reported the highest and best use of the subject will be affected by the small size and the fact that an interior lot has limited utility. The appraiser opined the most probable

development for the site would be residential in the form of a single family or duplex dwelling.

The appraiser performed the sales comparison approach to value in estimating a value for the subject property. The appraiser analyzed three sales and included three listings which "were not adjusted and little weight was given to them but they were included to demonstrate the competition in the immediate area."

The appellant reported in his Residential Appeal form that the three sales comparables used by the appraiser (Sales #1 - #3) were located from .45 to .95-miles from the subject property. The six comparables in the appraisal ranged in size from 2,867 to 42,560 square feet of land area. In the addendum, the appraiser described that Sale #1 is improved with a parking lot and has the potential of rental income. Sale #2 had been improved with a closed retail facility that was torn down after purchase; the appraiser added the demolition cost to the reported sale price. The appraiser also reported Sale #2 was superior in location as a corner with frontage on two streets. Sale #3 was acquired by an adjacent landowner and has been developed into a parking lot for his apartment complex; the property had an inferior location to the subject with a less stable neighborhood.

The three comparables sold in April 2007 or February 2008 for prices ranging from $21,500 to $280,000 or from $2.87 to $8.72 per square foot of land area. The appraiser made adjustments to the comparables for location and/or utility to arrive at adjusted sale prices ranging from $3.44 to $4.36 per square foot of land area. The three listings indicated asking prices ranging from $30,000 to $349,500 or from $2.47 to $8.20 per square foot of land area.

From his sales analysis, the appraiser estimated a value for the subject by the sales comparison approach of $3.50 per square foot of land area or $26,500, rounded.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to $8,825 which would reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final equalized assessment of $21,823 was disclosed. The final assessment of the subject property reflects a market value of $66,211 or $8.62 per square foot including land based on 3,572 square feet of living area and using the 2008 three-year median level of assessments for Sangamon County of 32.96%.

In support of the subject's estimated market value based on its assessment, the board of review submitted a memorandum along with a grid analysis of eight comparable sales.

Of the eight properties presented, #4 and #6 were presented by appellant's appraiser as Sales #2 and #1, respectively. The six

new comparables presented by the board of review are located from .6 to 1.1-miles from the subject property. The parcels range in size from 22,041 to 52,443 square feet of land area. The board of review further reported in the grid demolition costs that increased the total prices of #1, #5 and #6 to prices of $425,000, $1,030,000, and $950,000, respectively. As "total prices," the comparables sold between February 2005 and July 2008 for $200,000 to $1,030,000 or from $8.67 to $21.07 per square foot of land area. The board of review also reported the traffic counts and zoning of the subject and comparables. Lastly, the board of review characterized the comparables as equal, inferior or superior to the subject.

The board of review argued that the subject's land value of $8.35 per square foot was within the range of market data presented and below the median selling price per square foot of the sales presented. Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellant presented a three-page letter prepared by his appraiser addressing each of the eight board of review comparables individually. The appraiser pointed out differences in size, location and/or potential development and found all but #4 and #6 to be vastly superior and not comparable to the subject. Comparable #4 which the appraiser presented as Sale #2, while 5.2 times larger than the subject and superior "was used by the appraiser to demonstrate the value of a superior site." Comparable #6 which the appraiser presented as Sale #1, while smaller than the subject, it has a superior location and "was used by the appraiser to demonstrate the uppermost realms of value thus requiring extensive adjusting."

The appraiser also discussed a new suggested comparable sale in the rebuttal presentation.

After reviewing the record 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 a reduction in the subject's assessment is warranted.

Pursuant to the Official Rules of the Property Tax Appeal Board, rebuttal evidence is restricted to that evidence to explain, repel, counteract or disprove facts given in evidence by an adverse party. (86 Ill.Admin.Code, Sec. 1910.66(a)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. (86 Ill.Admin.Code, Sec. 1910.66(c)). In light of these Rules, the Property Tax Appeal Board has not considered the additional sales comparable submitted by appellant in conjunction with his rebuttal argument.

The appellant argued that the subject's assessment was not reflective of 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. Winnebago County Board of Review

v. Property Tax Appeal Board, 313 Ill. App. 3d 179, 728 N.E.2d 1256 (2nd Dist. 2000); National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3rd Dist. 2002). The Board finds this burden of proof has been met and a reduction in the subject's assessment is warranted.

The Board finds that the best evidence of the subject's parcel size was presented by the property record card indicating 7,680 square feet of land area. This is further supported by the rebuttal data wherein the appraiser described the subject as containing ±7,600 square feet.

The appellant submitted an appraisal of the subject property with a final value conclusion of $26,500 with a size determination of 7,520 square feet of land area, while the board of review submitted six sales. Both parties presented comparables with varying degrees of similarity to the subject vacant parcel. Both parties presented comparables that were both dramatically smaller (2,867 square feet as Sale #1 from the appraiser which was comparable #6 from the board of review). The board of review also presented comparables that were dramatically larger (the board of review had comparables #1, #5 and #7 that were more than 1-acre parcels).

Based on this limited record, the Property Tax Appeal Board finds the three sales presented by the appraiser and comparables #2, #3 and #8 were most similar to the subject. These six most similar sales ranged in price from $2.87 to $10.24 per square foot of land area.

While the appraisal may lack some details as to the manner in which various conclusions were reached and questions can be raised as to adjustments made by the appraiser, in the end the Property Tax Appeal Board finds that the appraisal submitted by the appellant estimating the subject's market value at $3.52 per square foot of land area is still the best evidence of the subject's market value in the record.

Thus, applying the appraiser's per-square-foot value finding of $3.52 to the subject's land size of 7,680 square feet, results in an estimated market value for the subject of $27,034. Based upon this market value, the Property Tax Appeal Board finds that a reduction is warranted. Since market value has been established, the three-year median level of assessments for Sangamon County for 2008 of 32.96% shall be applied.

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.

Chairman

Member

Member

Member

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: May 20, 2011

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.