



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

APPELLANT: J & C Investments LLC
DOCKET NO.: 09-00171.001-C-3
PARCEL NO.: 18-08-29-100-009

The parties of record before the Property Tax Appeal Board are J & C Investments LLC, the appellant, by attorney Jackson E. Donley in Springfield, and the Macon 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 Macon County Board of Review is warranted. The correct assessed valuation of the property is:

F/Land:	\$1,622
Land Lot:	\$155,130
Buildings:	\$986,575
Outbuildings:	\$0
TOTAL:	\$1,143,327

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 3, one-story commercial buildings containing approximately 42,566 square feet of building area.¹ The buildings were constructed in 2000. The buildings are of steel frame construction with stucco and steel wall construction. Two of the buildings are being used as car dealerships and one is vacant. The buildings have clear ceiling heights ranging from 14 to 16 feet and office/showroom area of 35%. The subject has a 16.42 acre site, of which 5.50 acres is being used as farmland and 7 acres has asphalt paving. The land to building ratio is 16.80:1 for the total site and 11.17:1

¹ The appellant's "investigative reporter" claimed the subject's improvements totaled 76,800 square feet of building area in his report and 44,314 square feet of building area in his grid and sketch. The board of review reported the subject improvements totaled 42,566 square feet of building area in their grid and sketch.

excluding the farmland. The property is located in Whitmore Township, Macon County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted a report titled "Logic Overview" prepared by Property Tax Services, Inc. The report contained a "Uniformity Proviso 'UP ID 09-01106'" analysis prepared by Michael Lipowsky, Business and Property Specialist, Investigative Reporter. In this analysis, Lipowsky selected six "like kind" sales. Five comparables were located in Decatur and one was located in Foryth, Illinois. The data provided by the investigative reporter stated that the comparables ranged in effective age from 3 to 25 years old. The comparables ranged in size from 14,526 to 27,012 square feet of building area. These properties had office/showroom areas ranging in size from 25% to 50% of building area, clear ceiling heights ranging from 14 feet to 20 feet, and land to building ratios ranging from 4.42:1 to 14.99:1. The sales occurred from November 2003 to January 2009 for prices ranging from \$550,000 to \$1,500,000 or from \$24.36 to \$82.06 per square foot of building area, including land. Based on these comparables and making qualitative adjustments to the comparables for such factors as sale date, building size, location, office/showroom area, land to building ratio, effective age, clear ceiling height, class of construction and quality of construction, the investigative reporter concluded the subject has a value of \$50.00 per square foot, including land. Applying this estimate of value Lipowsky estimated the subject property would have an upper limit of predicted sale price of \$2,215,700.

The board of review submitted its "Board of Review Notes on Appeal" wherein the assessment of the subject totaling \$1,143,327 was disclosed. The subject's total assessment reflects a market value of \$3,413,936 or \$80.20 per square foot of building area including land, using 42,566 square feet of building area, when applying the 2009 three year average median level of assessments for Macon County of 33.49%.

In support of the subject's assessment, the board of review submitted four sales located in Decatur and Forsyth, Illinois. All of the board of review's comparables were also used by the appellant. The comparables were described as being improved with one-story industrial buildings, one of which consists of two buildings, with total building areas ranging from 12,340 to 27,012 square feet. The comparables were constructed from 1960 to 1998. The sales occurred from May 2006 to April 2007 for prices ranging from \$500,000 to \$1,500,000 or from \$40.52 to \$82.05 per square foot of building area, including land.

The board of review also included a two page brief critiquing the appellant's comparables and two land sales located in Macon County to support the subject's land assessment. These sales occurred in February and October 2007 for prices of \$1,800,000 and \$325,000 or \$264,705 and \$21,340 per acre of land area, respectively. The subject's land value based on its assessment

was reported to be \$46,539 per acre of land area. The board of review further argued that the subject is located by the interstate, a new Pilot Center and a hotel.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted information from the Illinois Department of Transportation revealing traffic counts for the subject and comparables #1, #4, #6 and for the address of 3110-3130 N Grand Prix Drive. In addition, the appellant submitted an affidavit from Robert Michael Brady, corporate officer with Oakland Investments L.L.C., who is the taxpayer for comparable #2. The affidavit claims this comparable is vacant and has been on the real estate market for two years. The affidavit also claims the property would likely sell if an offer of \$300,000 was made and that there is an oversupply of real estate and demand for car dealerships is practically "nil".

The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

The appellant contends overvaluation as the basis of the appeal. 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 (3rd Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant has not met this burden of proof and no reduction in the subject's assessment is warranted.

The appellant submitted a "Logic Overview" containing 6 sales used by the investigative reporter, four of which were used by the board of review, to arrive at an estimate of value for the subject property of \$50.00 per square foot of building area, including land.

As an initial matter, the Board finds the comparables offered by the parties were not particularly similar to the subject and were inferior to the subject in lot and improvement size. The Board also finds all but two of the comparables offered by the appellant were significantly older when compared to the subject.

In addition, the Board finds the parties submitted contradictory evidence regarding appellant's comparable #6 and the board of review's #2. The appellant's evidence reveals the property's address is 2190 E. Pershing and that the property sold as a contract for deed in 2003. In addition the appellant submitted an affidavit from a corporate officer for the taxpayer of this property claiming that a \$300,000 offer would be considered. The board of review submitted the property record card for this

property with an address of 2190 N. Oakland and a warranty deed was recorded on April 1, 2007 for a price of \$500,000. The Board finds that based on the contradictory evidence submitted by the parties, that this sale will be afforded little weight.

Furthermore, the Property Tax Appeal Board gave less weight to the appellant's comparable #5 due to its sale date occurring greater than 44 months prior to the subject's January 1, 2009 assessment date. The Board finds the remaining four sales submitted by the parties occurred from January 2006 to January 2009 for prices ranging from \$675,000 to \$1,500,000 or from \$40.26 to \$82.06 per square foot of building area including land. The subject's assessment reflects a market value of \$3,413,936 or \$80.20 per square foot of building area including land, which is within the range of the comparables in the record on a square foot basis. After adjusting the comparables for differences when compared to the subject, such as their smaller lot and improvement sizes, the Board finds the subject's assessment is justified and no reduction in the subject's assessment 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.



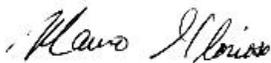
Chairman



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: February 22, 2013



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.