



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

APPELLANT: IL Drive-In Properties, LLC
DOCKET NO.: 09-02768.001-C-1
PARCEL NO.: 02-2-18-32-02-202-008

The parties of record before the Property Tax Appeal Board are IL Drive-In Properties LLC, the appellant, and the Madison 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 **Madison** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$76,060
IMPR: \$101,370
TOTAL: \$177,430

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 22,909 square foot parcel located in Highland, Saline Township, Madison County that is improved with a five-year-old, 1,500 square foot block constructed building used as a Sonic Drive-In fast food restaurant.

The appellant claims both overvaluation and assessment inequity as the bases of the appeal. On the Commercial Appeal form the bases of appeal checked were "recent sale," "comparable sales" and "assessment equity."

For recent sale, the appellant did not complete Section IV of the appeal form nor were sale documents such as the settlement statement or Real Estate Transfer Declaration submitted in support of this assertion. The only 'recent sale' data included in the appeal was a reference to a January 2005 purchase price of the subject land parcel for \$217,635. No data indicated the construction costs of the 5 year old building or a purchase price that included the building. Furthermore, the Board finds a land only purchase price that occurred four years prior to the assessment date at issue of January 1, 2009 is not proximate in

time to be a valid indicator of the value of the subject property, particularly where the vacant land has since been improved with a building and no data on the costs of construction of that building were included in the appeal. (See Section VI of the Commercial Appeal form).

The appellant provided three comparable properties in Section V of the appeal form and provided a data printout for a fourth comparable. Three of the properties were located either 10 or 20 miles from the subject and were described by the appellant in a cover letter as consisting of other Sonic Drive-Ins located in Madison County. Three of the parcels were either approximately 35,000 or 50,000 square feet of land area and each was improved with a 10 or 12-year-old 1500 square foot frame constructed building. These three comparables had reported total assessments ranging from \$83,770 to \$143,840. Comparable #1 sold in January 2009 for \$867,989 and the land parcel for comparable #3 sold in July 1998 for \$215,000. From the data sheets, the fourth suggested comparable was located in Edwardsville Township with a total assessment of \$316,310 and a September 2005 sale price of \$434,969; no other details of the land size, building size or other features of this comparable were provided in the data sheets.

The evidence further revealed that the appellant filed the appeal directly to the Property Tax Appeal Board following receipt of the notice of a township equalization factor issued by the board of review which increased the subject's assessment from \$177,430 to \$180,180.

The board of review did not submit its "Board of Review Notes on Appeal" nor any evidence in support of its assessed valuation of the subject property.

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. Based upon the evidence submitted, the Board finds that a reduction in the subject's assessment is supported. However, the record indicates that the appellant appealed the assessment directly to the Property Tax Appeal Board based on notice of a township equalization factor issued by the board of review. Since the appeal was filed after notification of an equalization factor, the amount of relief that the Property Tax Appeal Board may grant is limited.

Section 1910.60(a) of the Official Rules of the Property Tax Appeal Board states in part:

If the taxpayer or owner of property files a petition within 30 days after the postmark date of the written notice of the application of final, adopted township equalization factors, the relief the Property Tax

Appeal Board may grant is limited to the amount of the increase caused by the application of the township equalization factor. 86 Ill.Admin.Code §1910.60(a).

Additionally, section 16-180 of the Property Tax Code (35 ILCS 200/16-180) provides in pertinent part:

Where no complaint has been made to the board of review of the county where the property is located and the appeal is based solely on the effect of an equalization factor assigned to all property or to a class of property by the board of review, the Property Tax Appeal Board may not grant a reduction in the assessment greater than the amount that was added as the result of the equalization factor.

These provisions mean that where a taxpayer files an appeal directly to the Property Tax Appeal Board after notice of application of an equalization factor, the Board cannot grant an assessment reduction greater than the amount of increase caused by the equalization factor. Villa Retirement Apartments, Inc. v. Property Tax Appeal Board, 302 Ill.App.3d 745, 753 (4th Dist. 1999). Based on a review of the evidence contained in the record, the Property Tax Appeal Board finds a reduction in the assessment of the subject property is supported based on assessment equity. However, the reduction is limited to the increase in the assessment caused by the application of the equalization factor.

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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Acting 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: January 20, 2012

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.