



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

APPELLANT: Nicholas Lombardi  
DOCKET NO.: 09-04271.001-R-1  
PARCEL NO.: 06-28-307-010

The parties of record before the Property Tax Appeal Board are Nicholas Lombardi, the appellant, by attorney Whitney T. Carlisle, of McCracken, Walsh & de LaVan in Chicago; and the DuPage 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 DuPage County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$506,740  
**IMPR.:** \$0  
**TOTAL:** \$506,740

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 4.401 acre or 191,708 square foot vacant parcel. The subject parcel contains one-acre of buildable land and 3.401 acres of unbuildable floodplain land. The subject property is located in York Township, DuPage County.

The appellant submitted evidence before the Property Tax Appeal Board through counsel claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property. Using the sales comparison approach to value, the appraisal report conveyed an estimated market value for the subject property of \$1,375,000 or \$7.17 per square foot of land area as of January 1, 2008.

Under the sales comparison approach to value, the appraiser utilized three suggested comparable sales that are located from 0.02 to 0.61 of a mile from the subject. The comparables ranged in size from 0.73 of an acre to 2.53 acres of land area. The

comparables were depicted as wooded with a good view like the subject. They sold in July 2007 or June 2008 for prices ranging from \$1,060,000 to \$1,375,000. The appraiser adjusted comparables #2 and #3 by \$126,000 and \$150,000 or approximately \$40,000 per acre for the differences in land size when compared to the subject. In addition, the appraiser adjusted comparable # 3 by -\$50,000 to account for points reported. These adjustments resulted in adjusted sale prices ranging from \$1,160,000 to \$1,375,000. The appraiser placed most weight on comparable sales #2 and #3. Based on these adjusted sale prices, the appraiser estimated the subject property had a fair market value of \$1,375,000 as of January 1, 2008. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final land assessment of \$506,740 was disclosed. The subject's land assessment reflects an estimated market value of \$1,523,572 or \$7.95 per square foot of land area using DuPage County's 2009 average three-year median level of assessments of 33.26%.

In support of the subject's assessment, the board of review submitted a letter addressing the appeal, a memorandum from the deputy assessor, property record cards and an analysis of six suggested comparables. The comparables ranged in size from 41,600 to 110,076 square feet of land area. Two of the suggested sales are located in a flood plain and in the same neighborhood code, as assigned by the local assessor. The properties sold from July 2007 to August 2009 for prices ranging from \$1,190,000 to \$2,600,000 or from \$12.49 to \$32.45 per square foot of land area. Two of the six comparable sales were also used by the appellant's appraiser. Comparables #1 and #2 have 25.69% and 27.4% of their land in a floodplain, respectively. The floodplain land for comparable #2 is a pond.

The subject property was described as having one-acre of buildable land that is assessed at \$4.31 per square foot of land area and 3.401 acres of unbuildable floodplain land that is assessed at \$2.155 per square foot of land area, respectively. The deputy assessor's letter depicts the appellant uses the unbuildable land as a golf practice range.

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 Property Tax Appeal Board further finds a reduction in the subject property's assessment is not warranted.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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 (3<sup>rd</sup> Dist. 2002). The Board finds the appellant has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant submitted an appraisal report estimating a fair market value for the subject property of \$1,375,000 as of January 1, 2008. The board of review submitted six suggested comparable sales to support its assessment of the subject property.

The Board finds the best evidence of the subject's fair market value are the comparable sales submitted on behalf of the DuPage County Board of Review. The comparables were located in the same township and two comparables are located in close proximity to the subject, in the subject's neighborhood and partially in a flood plain, similar to the subject. They range in size from 41,600 to 110,076 square feet of land area. Comparables #1 and #2 have 25.69% and 27.4% of their land in a floodplain, respectively. The comparables sold from July 2007 to August 2009 for sale prices ranging from \$1,190,000 to \$2,600,000 or from \$12.49 to \$32.45 per square foot of land area. The subject's land assessment reflects an estimated market value of \$1,523,572 or \$7.95 per square foot of land area. The subject's land assessment reflects an estimated market value that is below the range established by the best comparable sales contained in this record on a per square foot basis. After considering adjustments for any differences when compared to the subject, the Property Tax Appeal Board finds the subject's estimated market value as reflected by its assessment is supported and no reduction is warranted.

Based on this analysis, the Property Tax Appeal Board finds the appellant has not demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, 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.

*Donald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

Member

*J. R.*

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 18, 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.