



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

APPELLANT: Marquardt School District No. 15
DOCKET NO.: 09-05085.001-I-3
PARCEL NO.: 02-25-404-010

The parties of record before the Property Tax Appeal Board are Marquardt School District No. 15, the appellant, by attorney Scott L. Ginsburg of Robbins Schwartz Nicholas Lifton & Taylor, Ltd., Chicago; the DuPage County Board of Review; and 350 Rohlwing Road Investors, LLC, intervenor.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds an increase 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: \$2,199,780
IMPR: \$3,799,620
TOTAL: \$5,999,400

Subject only to the State multiplier as applicable.

Preliminary Matter

The record reflects that the owner of the subject property as of January 1, 2009 was Centerpoint Properties Trust. By letter dated May 6, 2011, Centerpoint Properties Trust was notified that an under-valuation complaint had been filed on behalf of Marquardt School District No. 15, a taxing body with revenue interest in the subject property. Centerpoint Properties Trust was given opportunity to intervene in this matter by July 5, 2011. The Property Tax Appeal Board received correspondence postmarked July 5, 2011, from attorney Brian Liston of the law firm of Liston & Tsantilis requesting to intervene in the proceeding on behalf of 350 Rohlwing Road Investors, LLC¹. At the request of counsel, 350 Rohlwing Road Investors, LLC was granted two (2) extensions to file evidence. On October 1, 2012, the Property Tax Appeal Board received correspondence from counsel dated September 27, 2012. The correspondence requested an

¹ The appellant's evidence disclosed that Centerpoint Properties Trust sold the subject property to 350 Rohlwing Road Investors, LLC in June 2010 for \$17,930,000.

additional extension of time to file evidence in this matter. The third extension was requested due to a recent sale and transfer of ownership of the subject property. Counsel indicated that in August 2012, High Street Equity Advisors, LLC, sold and transferred ownership of the subject property to WPI Rohlwing, LLC. Counsel indicated additional time was needed to allow the prior owner, new owner and its counsel an opportunity to determine how to proceed. By letter dated November 28, 2012, Rohlwing Road Investors, LLC was granted a final extension to file evidence in this matter by January 27, 2013. On February 5, 2013, the Property Tax Appeal Board received correspondence from attorney Brian P. Liston, dated January 29, 2013, withdrawing his appearance on behalf of the intervenor, 350 Rohlwing Road Investors, LLC. The Board finds that Centerpoint Properties Trust, taxpayer and owner of the subject property as of the January 1, 2009 tax year did not file a request to intervene in order to become a party of record and participate in this matter. (86 Ill.Admin.Code §1910.60(c)).

ANALYSIS

The subject property consists of a one-story industrial warehouse that has 453,361 square feet of building area and was built in 1977. The building is situated on 25.27 acres of land area. The subject property is located in Bloomingdale Township, DuPage County, Illinois.

The appellant, Marquardt School District No. 15, appealed the decision issued by the DuPage County Board of Review reducing the subject's assessment to \$4,127,010. The appellant argued the subject's assessment was not reflective of fair market value as of the January 1, 2009 assessment date. In support of this argument, the appellant submitted an appraisal estimating the subject property had a market value of \$18,000,000 as of January 1, 2009, using the three traditional approaches to value.

The appellant also submitted a copy of the final decision issued by the DuPage County Board of Review. The board of review reduced the subject's assessment from \$6,203,670 to \$4,127,010. On the board of review final decision, the board of review indicated it had accepted a stipulation between the appellant² and the assessor. The subject's final assessment of \$4,127,010 reflects an estimated market value of \$12,408,328 when applying DuPage County's 2009 three-year median level of assessments of 33.26%. Based on this evidence, the appellant requested an increase in the subject's assessment to reflect the appraised value.

² The decisions issued by the board of review indicates the appellant at the board of review hearing, Centerpoint Properties Trust, was represented by Susan Crowley and Michael E. Crane of Crane and Norcross, in Chicago, Illinois.

The board of review did not timely submit its "Board of Review Notes on Appeal" or any evidence in support of its assessed valuation of the subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board. (86 Ill.Admin.Code §1910.40(a)).

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 an increase in the subject's assessment is supported by the evidence in this record.

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 (3rd Dist. 2002); 86 Ill.Admin.Code §1910.63(e). 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 met this burden of proof and an increase in the subject's assessment is warranted.

The Board finds the only evidence of market value contained in this record is the appraisal submitted by the appellant, Marquardt School District No. 15, a taxing body with revenue interest in the subject property. The appraisal reported an estimated market value of \$18,000,000 as of January 1, 2009. Neither the board of review nor the intervenor submitted any evidence in support of the correct assessment of the subject property or to refute the appellant's argument as required by sections 1910.40(a) and 1910.60(e)(f) of the rules of the Property Tax Appeal Board. (86 Ill.Admin.Code §1910.40(a) & 1910.60(e)(f)). Therefore, the board of review and intervenor are found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. (86 Ill.Admin.Code §1910.69(a)). The subject's assessment reflects an estimated market value of \$12,408,328, which is considerably less than the appraised value by the appellant. Based on this record, the Board finds an increase in the subject property's assessment is warranted commensurate with the appellant's request.

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

Marko M. Louie

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: November 22, 2013

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.