



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

APPELLANT: Richard Ruthenberg  
DOCKET NO.: 10-00103.001-C-1  
PARCEL NO.: 09-02-34-133-029

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

**LAND:** \$10,210  
**IMPR.:** \$73,781  
**TOTAL:** \$83,991

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a one-story building of masonry construction with a stucco exterior that contains 8,153 square feet of building area. The building has a slab foundation and was constructed in approximately 1920. The subject property has an 11,670 square foot site resulting in a land to building ratio of 1.43:1. The property is located in Tuscola, Tuscola Township, Douglas County.

The appellant appeared before the Property Tax Appeal Board contending assessment inequity with respect to the improvement assessment as the basis of the appeal. The appellant testified the subject property is being used as a health club.

The appellant testified that he became owner of the property in 2008. Mr. Ruthenberg testified he was approached by the manager of the City of Tuscola to provide a health club to a small community, similar to what he had done for Monticello, which he agreed to do. Subsequently he was approached by the city manager and asked whether he could use the subject property, which was greatly deteriorated. He indicated he could use the building as long as he got it before it fell down. He proceeded to have an engineering analysis and discovered the building was at risk. They proceeded to stabilize the building. The appellant then

explained to the city manager that he could come to town but he knew what the building would appraise at and what he could bank it at and that he could not have more than so many dollars per square foot for banking purposes. They then had a contractor prepare a construction bid to repair the exterior walls, put a new roof on the building, new heating and air conditioning, new plumbing and all new electric. At that point that would give the appellant the big box. The City, through the TIF committee, then indicated that it needed to give him the building and \$150,000 for the project; he agreed that would do it. The appellant testified the total construction cost was approximately \$456,000. The city contributed \$150,000, taking his outlay down to \$300,000 for the building. The appellant then had to add the equipment, carpeting and interior walls. Mr. Ruthenberg testified he had approximately \$300,000 in the building shell plus another \$35,000 to \$45,000 for the carpeting and internal walls.

In support of the assessment equity argument the appellant presented information on three equity comparables located in Tuscola from approximately 100 to 175 yards from the subject property. The comparables were improved with one or two one-story buildings and ranged in size from 3,517 to 12,100 square feet of total building area. The comparables were of masonry or brick construction. These properties had sites ranging in size from 4,020 to 25,600 square feet of land area resulting in land to building ratios ranging from 1:1 to 2.12:1. The appellant indicted the comparables had improvement assessments ranging from \$23,139 to \$99,468 or from \$5.29 to \$8.22 per square foot of building area. He also noted that his comparable #2 sold in June 2010 for a price of \$40,000. The appellant contends that using the sales price this comparable would have a total assessment of \$13,333 or \$1.68 per square foot of building area, including land. The appellant indicted the subject property had an improvement assessment of \$77,664 or \$9.53 per square foot of building area. Based on these comparables he requested the subject's improvement assessment be reduced to \$34,060 or \$4.18 per square foot of building area resulting in a total revised assessment of \$44,270.

He selected the comparables based on being box buildings located in close proximity to the subject property.

In rebuttal, Laurena Cain, Douglas County Chief County Assessment Officer, testified appellant's comparable #1 was used for industrial/manufacturing purposes and so there would be no finished floors and no finished walls. She testified appellant's comparable #2 was vacant for many years but prior to that had office space. Ms. Cain testified appellant's comparable #3 had shared walls and is a downtown building. She did not believe these properties were comparable to the subject property.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject property totaling \$87,874 was disclosed. The subject had an improvement assessment of \$77,664 or \$9.53 per square foot of building area.

In support of the assessment the board of review presented descriptions and assessment information on eight comparables with comparable #6 being the same property as appellant's comparable #2 and comparables #7 being the same as appellant's comparable #1. Comparables #1 through #7 were located in Tuscola while comparable #8 was located in Champaign. Six of the comparables were improved with one-story buildings and two comparables were improved with two-story buildings. The comparables varied in exterior construction but all had part block, brick or masonry construction. Seven of the buildings ranged in age from 14 to 100 years old. The buildings ranged in size from 2,340 to 17,277 square feet of building area. Comparable #2 was described as having three businesses, comparable #3 was described as having two apartments and comparable #5 was described as having one apartment. These properties had improvement assessments ranging from \$21,200 to \$280,180 or from \$2.68 to \$16.22 per square foot of building area.

Ms. Cain testified that comparable #6, which was also appellant's comparable #2, had an improvement assessment of \$21,200 or \$2.68 per square foot of building area, not \$5.29 per square foot of building area as reported by the appellant. She also testified that comparable #7, which was appellant's comparable #1, had an improvement assessment of \$6.04 per square foot of building area when using a total building area of 16,474 square feet. With respect to comparable #8 located in Champaign, Ms. Cain testified it was used to establish the subject property was not assessed as high as that property at \$16.22 per square foot of building area. She did not consider this to be good comparable.

The board of review also submitted a copy of the subject's property record card, a copy of the Redevelopment Agreement for the subject property and a copy of the building permit dated November 3, 2008, indicating a construction cost of \$456,078.

Roger Sy, member of the board of review, testified that the board of review inspected the subject property and were impressed with the renovations made. In inspecting appellant's comparable #1 (Old Cilco building) this was in terrible condition. Mr. Sy also viewed board of review comparable #2 and testified it was a metal pole type building and was not as appealing as the subject property.

Based on this evidence, Ms. Cain indicated the board of review would be willing to stipulate to a revised total assessment of \$83,991 as reflected on the "Board of Review Notes on Appeal."

In rebuttal the appellant commented that board of review comparable #1 was located one mile from the subject property on the main street of the city. The appellant also asserted board of review comparable #2 was located on the main street of the city approximately one mile from the subject property. The appellant contends that board of review comparable #3 is not a big box and has rental units unlike the subject property. The appellant contends board of review comparable #4 is not a big box

and is 28% the size of the subject property with more plumbing fixtures. The appellant contends comparable #5 is not a box and contains rental property, dissimilar to the subject. The appellant agreed that board of review comparable #7 was a good comparable. With respect to comparable #8 the appellant argued this property is located outside the subject county and is not comparable to the subject property. Based on the assessments for board of review comparables #6 and #7 and his comparable #3, the appellant arrived at an average assessment of \$5.10 per square foot of building area, which he contends supports a reduction in the subject's assessment.

In response, Ms. Cain stated that when they value buildings they do not develop an average.

After hearing the testimony and considering the evidence, 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 supports a reduction in the subject's assessment.

The appellant contends assessment inequity as the basis of he appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data and testimony the Board finds a reduction is warranted.

In support of the assessment inequity argument the appellant provided information on three comparables. The board of review responded with an analysis using eight equity comparables, two of which were also used by the appellant. Initially, the Board finds board of review comparable #8, located in Champaign, is not given any weight due to its location in a different county. The Board also gives less weight to board of review comparables #3 and #5 due to their two-story design. The Board also finds the appellant had incorrectly indicated that his comparable #2 had an improvement assessment of \$5.29 per square foot of building area. The board of review used this property as its comparable #6 and provided evidence that this building had an improvement assessment of \$2.68 per square foot of building area. The Board also finds the appellant did not have the correct square footage for his comparable #1. The board of review used this property as its comparable #7 with a size of 16,474 square feet and an improvement assessment of \$6.04 per square foot of building area.

The Board finds the one-story comparables used by the parties were located in Tuscola had improvement assessments ranging from \$2.68 to \$25.64 per square foot of building area. The comparable at the high end of the range was significantly smaller than the subject building with 2,340 of building area. Based on size the Board gives this comparable less weight. The Board further finds

the testimony provided by the board of review indicated appellant's comparable #2, board of review comparable #6, was an industrial building in inferior condition as compared to the subject property. This comparable had an improvement assessment at the low end of the range at \$2.68 per square foot of building area. Based on industrial use and inferior condition, the Board gives this comparable less weight. The four remaining comparables had improvement assessments ranging from \$6.04 to \$10.98 per square foot of building area. The subject has an improvement assessment of \$9.53 per square foot of building area, well within this range. Nevertheless, the board of review proposed to reduce the subject's improvement assessment to \$73,781 or \$9.05 per square foot of building area. Based on this record the Board finds a reduction in the subject's improvement assessment commensurate with the board of review's proposal is appropriate.

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

*[Signature]*

Member

*[Signature]*

Member

*[Signature]*

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: March 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.