



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

APPELLANT: Terry W. & Mary E. Shaw Trust
DOCKET NO.: 10-00110.001-C-1
PARCEL NO.: 23-6-1883-010-00

The parties of record before the Property Tax Appeal Board are Terry W. & Mary E. Shaw Trust, the appellants, and the Adams 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 **Adams** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$60,060
IMPR.: \$295,440
TOTAL: \$355,500

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story brick office building that contains 17,200 square feet of total building area including the walkout lower level. The building was constructed in 1999 and features central air conditioning. The property has a 90,605 square foot land area or a 2.08-acre site. The property is located in Quincy, Quincy Township, Adams County.

The appellants' appeal is based on overvaluation of the subject land only. No substantive dispute was raised regarding the improvement assessment.¹ In a letter, the appellant contended that approximately 35% of the subject parcel "is an easement for a retention pond (See attached "Declaration of Drainage Easement") and I am unable to utilize this in any manner."

In support of the land overvaluation argument, the appellants submitted information on three comparable properties along with a letter further explaining the evidence and attached supporting documentation. Comparable #1, a parcel of 84,071 square feet of land area, consists of a listing located near the subject

¹ The appellants' initial appeal submission sought a reduction in both the subject's land and improvement assessments. However, the Property Tax Appeal Board advised the appellants that their initial submission was incomplete in several respects. In their subsequent submission, the appellants did not seek any change in the subject's improvement assessment.

property. While the appellant reported this parcel was purchased in 2002 for \$203,000, it has been listed for sale on the market for over one year with a current asking price of \$119,000 or \$1.42 per square foot of land area. Comparable #2 is a parcel of 596,516 square feet of land area which the appellants contend sold most recently in August 2005 for \$250,000 or \$0.42 per square foot of land area. Comparable #3 is a parcel of 104,631 square feet of land area which the appellants report sold most recently in August 2005 for \$516,475 or \$4.94 per square foot of land area.

Based on this evidence and the argument that the subject parcel has less useable land area than comparable #1, the appellants requested an estimated market value less than \$119,000 or a land assessment of \$39,627.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$355,500 was disclosed. The subject's land assessment of \$60,060 reflects a market value of \$180,469 or \$1.99 per square foot of land area when applying the 2010 three year average median level of assessment for Adams County of 33.28% as determined by the Illinois Department of Revenue.

The board of review presented a two-page letter from Roy Points, Quincy Township Assessor, along with additional evidence identified as Exhibits A and B. The township assessor reported the subject property is located in a 22.64-acre commercial complex which would be equivalent to 986,198 square feet of land area. As to appellants' comparable #1, the township assessor reported that as of May 21, 2012 this property "remains in foreclosure." No sale has occurred and "a judgment of \$187,886.52 against [the] original owner [exists]."

As to appellants' comparable #2, the township assessor contends the 2005 sale of this property reflected \$21,501 per acre for 35.64-acres of farmland located on two adjacent tracts. As of 2010, only a 5-acre site has a commercial improvement.

As to the subject property's development, Points reported the 22.64-acre tract sold in 1995 for \$44,170 per acre. The property was subsequently developed into a commercial park with ten lots. The final lot sold in May 2006 for \$202,500. This property is reportedly adjacent to the subject parcel. Exhibit A consists of an aerial photograph depicting the subject property and an aerial photograph of appellants' comparable #2.

The township assessor on behalf of the board of review submitted a grid analysis of three comparable properties, two of which include sales data. Comparable #1 is located 3.3-miles from the subject and is an improved parcel of 92,850 square feet of land area. There is no sales data for this property. Comparables #2 and #3 are located in the subject's development and consist of improved parcels of 74,052 and 90,169 square feet of land area, respectively. Comparable #2 sold as an improved property in

October 2003 for \$1,147,500 or \$15.50 per square foot of land area, including improvements. Comparable #3 sold in April 2003 as a vacant parcel for \$180,000 or \$2.00 per square foot of land area.

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

In written rebuttal, the appellants contend that "[t]he biggest difficulty [in] setting land prices is that nothing has sold since 2006 that would allow an easy comparison in today's market." The appellants continue to assert that their comparable #1 with a listing price of \$119,000 and no sale activity indicating the property was "overpriced for the location and market at this time." The evidence from the township assessor otherwise concerns data from 2001 to 2006 "all before the market crash and the devaluation of commercial property." As to the last lot in the subject's development which sold in May 2006, the appellants note the sale occurred before the real estate crash in late 2008 and the parcel is over 20,474 square feet larger than the subject lot.

Next the appellants contrast the 1995 sale price of \$44,170 per acre for the subject's 22.64-acre development to appellants' comparable #2 which sold within the subject's development in August 2005 for \$21,501 per acre for an 11.628-acre site. Based upon these sales, the appellants contend this data support a decrease in the commercial value from time of original purchase.

As additional and new evidence, the appellants submitted an electronic mail message from Stephen R. Wavering, P.E., Klingner and Associates, discussing the characteristics of the subject parcel including the existence of a drainage easement (Item #1). The appellants also included Item #2, a portion of a plat map; Item #3, a Trustee's Deed; and Item #4, survey of the subject lot prepared by Klingner. Based on the foregoing, the appellants contend the "useable land is 0.9 acres and the remaining is under the control of the Illinois Department of Natural Resources and is unbuildable/unuseable." As a consequence, the appellants contend the "lot taxable value" should be based on the actual useable size and at "current" real estate values not on inflated 2006 values.

In closing, the appellant raised an assessment equity argument with regard to a comparable property the appellants originally included in their first submission to the Property Tax Appeal Board located at 3915 Main Street, but which was absent from their evidence submitted in response to the notification that the original submission was incomplete.

Pursuant to the rules of the Property Tax Appeal Board, rebuttal evidence is restricted to that evidence to explain, repel, counteract or disprove facts given in evidence by an adverse party. (86 Ill.Admin.Code §1910.66(a)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal

or newly discovered comparable properties. (86 Ill.Admin.Code §1910.66(c)). In light of these rules, the Property Tax Appeal Board has not considered the new additional evidence submitted by the appellants in conjunction with their rebuttal argument concerning the purported limited size of the buildable/useable land area of the subject and/or the assessment equity argument that was first raised in rebuttal and not presented in the appellants' brief arguing about the subject's land value.

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 a reduction in the subject's assessment is not warranted.

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

In the absence of sales data, board of review comparable #1 has not been further analyzed in this overvaluation appeal. Furthermore, except for improved comparable #2 presented by the board of review which sold with a building, the Property Tax Appeal Board finds the remaining four comparable lot sales or listings presented by both parties range from \$0.42 to \$4.94 per square foot of land area. The subject's land assessment reflects a market value of \$180,469 or \$1.99 per square foot of land area, which is within the range established by the comparable sales in this record.

In conclusion, based on this limited record the Property Tax Appeal Board finds the appellants did not demonstrate by a preponderance of the evidence that the subject was overvalued and a reduction in the subject's assessment is not justified.

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

Mark Morris

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: June 21, 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.