



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

APPELLANT: Peter Vole-VIP Holding Co.
DOCKET NO.: 10-02669.001-R-2
PARCEL NO.: 06-34-100-034

The parties of record before the Property Tax Appeal Board are Peter Vole-VIP Holding Co., the appellant; the Lake County Board of Review; and Community Consolidated School Dist. No. 46, intervenor, by attorney Alan M. Mullins of Scariano, Himes and Petrarca, Chicago.

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 Lake County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$11,852
IMPR.: \$0
TOTAL: \$11,852

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a vacant 8.89 acre or 387,284 square foot tract located in Grayslake, Avon Township, Lake County.

The appellant is challenging the assessment for the 2010 tax year on the basis of comparable sales and assessment equity. In support of this argument the appellant provided information on three comparables located in Antioch, Lake Zurich and Wadsworth. The comparables ranged in size from 9.87 to 34 acres or from 429,937 to 1,481,040 square feet of land area. Comparables #1 and #2 were vacant while comparable #3 was described on the Multiple Listing Service (MLS) sheet as having a huge 3,556 square foot house that was gutted, a two bedroom apartment, a four-car garage, a barn and outbuildings. Comparables #1 and #2 sold in June 2008 and February 2011 for prices of \$310,000 and \$337,500 or for \$.36 and \$.23 per square foot of land area, respectively. Comparable #3 sold in June 2008 for a price of \$475,000 or \$1.10 per square foot of land area, including improvements. The appellant indicated that comparable #1 had a

land assessment of \$562. The MLS sheet for comparable #1 stated the property was zoned agriculture indicating the assessment is based on a farmland or agricultural classification. Comparable #2 was reported to have a land assessment of \$230,679 or \$.16 per square foot of land area and comparable #3 had a land assessment of \$102,143 or \$.24 per square foot of land area.

On the appeal form the appellant indicated the subject had a land assessment of \$196,531 which would equate to \$.51 per square foot of land area. This purported assessment would reflect a market value of approximately \$589,651 or \$1.52 per square foot of land area when applying the statutory level of assessments.¹ However, a copy of the Notice of Findings by the Lake County Board of Review submitted by the appellant indicated the subject property had a total assessment of \$11,852 or \$.03 per square foot of land area rounded. The subject's property record card indicated the subject's land was receiving an open space assessment as provided by section 10-155 of the Property Tax Code. (35 ILCS 200/10-155).

In a letter the appellant asserted that he has applied for an "open space" designation and noted that if the property is sold property taxes would be due for the past three years based on the "REVAL" that the county would not adjust.² He contends the "REVAL" continues to go up and the county will not hear or review any information on appeal for this value.³

Based on this evidence the appellant requested the subject's assessment be reduced to \$39,500.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$11,852 or \$.03 per square foot of land area was disclosed. The board of review submitted a copy of the subject's property record card disclosing the subject land was receiving an open space assessment based on a unit value of \$4,000 per acre or \$.09 per square foot of land area, rounded. The property record card further disclosed the subject property had an indicated full market value (REVAL),

¹ Based on the copy of the property record card submitted by the board of review the appellant utilized the subject's assessment for the 2011 tax year.

² Section 10-165 of the Property Tax Code (35 ILCS 200/10-165) provides in part that:

When any portion of the land. . . is no longer used for open space purposes, the person liable for taxes on that land must notify the chief county assessment officer, in writing.

The person shall pay to the county treasurer, by the following September 1, the difference between the taxes paid in the 3 preceding years as based on a valuation under Section 10-155 and what the taxes for those years would have been when based on the valuation as otherwise permitted by law, together with 5% interest. . . .

³ "REVAL" appears to be a reference to the full market value assigned to the subject property by the Lake County assessing officials.

after equalization, of \$560,168 or \$1.45 per square foot of land area. Applying the statutory level of assessment to this estimate of market value would result in an assessment of \$186,704 or \$.48 per square foot of land area, rounded.

In its written response the board of review noted the subject's 2010 assessment reflects a base value of \$560,184⁴, however, the property was assessed at a reduced open space assessment of \$11,852. It further asserted appellant's comparables #1 and #2 are significantly larger than the subject property. The board of review also stated appellant's comparable #3 had a similar sized parcel but the sales price reflects a house that was gutted but not remodeled. The board of review was of the opinion the appellant's comparables do not represent a reasonable estimate of the subject's market value as of January 1, 2010.

In support of the assessment the board of review submitted four vacant land sales that it described as being located in the same general market area. The comparables ranged in size from 827,640 to 1,742,400 square feet of land area or from 19 to 40 acres. The sales occurred in October 2009 and June 2011 for prices ranging from \$961,064 to \$2,023,291 or for \$1.16 and \$1.62 per square foot of land area. The property record cards for these properties indicated each was receiving an agricultural assessment with land assessments ranging from \$1,894 to \$5,139. Based on this evidence the board of review requested the subject's open space land assessment be confirmed.

The intervening school district adopted the board of review's evidence and presented no separate argument.

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 the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

The appellant contends in part 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). 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted on this basis.

Initially, the Board finds the subject property is being given the preferential open space land assessment which equates to a market value of \$4,000 per acre or approximately \$.09 per square

⁴ This appears to be an error as the subject's property record card indicates a full value of \$560,168 as of January 1, 2010.

foot of land area, rounded. The appellant did not present any sales data that challenged the open space valuation and assessment of the subject property.

The appellant appears to be challenging the full value assigned to the subject property. The subject's property record card depicts the subject's full value market value as of January 1, 2010 as \$560,168 or \$1.45 per square foot of land area. The Board gives no weight to the appellant's comparable #3 due to the fact the sale of this property included improvements. The six remaining vacant land sales in the record had prices that ranged from \$.23 to \$1.62 per square foot of land area. The subject's dual assessment reflects a full value of \$1.45 per square foot of land area, which is within the range established by the sales submitted by the parties. Based on this record the Board finds the subject property is not overvalued.

The appellant also contends assessment inequity as the basis of the 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 the Board finds a reduction is not warranted on this basis.

The subject's open space assessment reflects a unit assessment of \$.03 per square foot of land area, rounded, and the full value would reflect a dual assessment of \$.48 per square foot of land area. Of the seven comparables in the record, five appeared to be classified as agricultural land and were receiving farm values, a dissimilar classification than the subject property. Eliminating these five comparables leaves two comparables provided by the appellant in support of an assessment inequity argument. The Board finds that two comparables are insufficient to demonstrate assessment inequity by clear and convincing evidence. (86 Ill.Admin.Code 1910.65(b)).

Based on this record the Board finds a change in the subject's land 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

[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: May 24, 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.