



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

APPELLANT: Peter Vole-VIP Holding Co.
DOCKET NO.: 10-02676.001-R-1
PARCEL NO.: 06-27-300-018

The parties of record before the Property Tax Appeal Board are Peter Vole-VIP Holding Co., the appellant; and the Lake 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 **Lake** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$10,359
IMPR.: \$0
TOTAL: \$10,359

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a vacant lot 7.77 acres in size located in Hainesville, Avon Township, Lake County.

The appellant's appeal is based on unequal treatment in the assessment process and overvaluation. In support of the overvaluation argument, the appellant submitted a grid analysis and listing sheets for three vacant land comparables. The comparables range in size from 9.87 acres to 34 acres. They sold in June 2008 or February 2011 for prices ranging from \$310,000 to \$475,000 or from \$9,926 to \$48,126 per acre of land. The subject's fair market value from the property record card was \$168,730 or \$21,716 per acre.

In support of the inequity argument, the appellant submitted a grid analysis of the same three comparables. The comparables land assessments range from \$562 to \$230,679 or from \$28 to \$10,349 per acre of land. The subject's preferred open space assessment (35 ILCS 200/10-155) was \$10,359 or \$1,333 per acre of land. Based on this evidence, the appellant requested a reduction in the subject's land assessment to \$4,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final preferential open land assessment of \$10,359 was disclosed. The subject's preferential assessment reflects an estimated market value of \$31,698 or

\$4,080 per acre of land, using the 2010 three-year median level of assessments for Lake County of 32.68% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code Sec. 1910.50(c)(1)). The fair market value on the property record card was \$168,730 or \$21,716 per square foot of land area.

In support of the subject's assessment, the board of review submitted a grid analysis of two comparable sales of vacant land¹. These two sales consisted of 28 and 40 acres. They sold in October 2009 and June 2011 for \$1,980,000 and \$2,023,291 or for \$50,582 or \$70,714 per acre. The four comparable parcels had agricultural land assessments ranging from \$98 to \$1,894 per acre. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 no reduction in the subject's assessment is 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 must be proven 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 of the subject property or comparable sales. (86 Ill.Admin.Code Sec. 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is not warranted.

Addressing the overvaluation argument, the Board finds both parties submitted 5 sales comparables². These vacant land comparables ranged in size from 9.87 acres to 40 acres and sold from 2008 to 2011 for prices ranging from \$310,000 to \$2,023,291 or from \$9,926 to \$70,714 per acre. The subject's fair market valuation on the property record card is \$168,730 or \$21,716 per acre which is within the range established by the comparables. The Board finds the appellant has not proven by a preponderance of the evidence that the subject is overvalued, and no reduction in the subject's assessment is warranted based on overvaluation.

The appellant also contends unequal treatment in the subject's improvement assessment 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 assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an

¹ Three of the board of review comparables are 1 acre, 19 acres and 20 acres in size and sold as one 40 acre unit. The sale of 40 acres is erroneously listed as the board of review comparable #2. The PIN listed as comparable #2 is actually the 1 acre parcel.

² One of the board of review sales consisted of three parcels sold as a unit for one price.

analysis of the assessment data, the Board finds the appellant has not met this burden.

Addressing the inequity argument, the Board finds both parties submitted seven vacant land comparables with land assessments ranging from \$562 to \$230,679 or from \$28.10 to \$10,349 per acre. The subject's assessment of \$10,359 or \$1,333 per acre is within the range established by these comparables. After considering adjustments and differences in both parties' comparables, the Board finds the subject's assessment is within the established range and no reduction is warranted.

The Board further finds none of the comparables were truly similar to the subject property because the subject received a preferential assessment based on open space, while the comparable did not receive preferential assessment. Therefore, an analysis of uniform assessments for the same class of property could not be made. The Board finds the appellant has not shown by clear and convincing evidence the subject's assessment is not uniform with similar properties in the same class.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the appellant disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no reduction 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: April 19, 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.