



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

APPELLANT: Charles Barnes
DOCKET NO.: 11-01410.001-C-1 through 11-01410.003-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Charles Barnes, the appellant, by attorney Brian P. Liston of Law Offices of Liston & Tsantilis, P.C., in Chicago; and the Kane 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 Kane County Board of Review is warranted. The correct assessed valuation of the property is:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
11-01410.001-C-1	03-34-326-003	40,293	97,218	\$137,511
11-01410.002-C-1	03-34-326-041	17,184	0	\$17,184
11-01410.003-C-1	03-34-420-047	26,154	0	\$26,154

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one and one-half story masonry commercial building containing 5,429 square feet of building area that was built in 1988. The building is situated on one of three parcels of land totaling 49,802 square feet of land area. The property has a 9.18:1 land to building ratio and is located at the I-90 and Route 31 interchange in Elgin, Dundee Township, Kane County, Illinois.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellant submitted three suggested comparable sales, one located in Elgin and two

located in West Dundee. The comparables consist of commercial buildings containing from 3,400 to 5,783 square feet of building area. The buildings were constructed from 1964 to 1983. The sales occurred in January 2008 or May 2010 for prices ranging from \$240,000 to \$410,000 or from \$70.59 to \$74.38 per square foot of building area including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's combined assessments of \$198,933 was disclosed. The subject's assessments reflect an estimated market value of \$598,655 or \$110.27 per square foot of building area including land using Kane County's 2011 three-year median level of assessments of 33.23%.

In support of the subject's assessment, the board of review submitted property record cards and a grid analysis of two suggested comparable sales. The comparables are located in East Dundee and St. Charles. The comparables consist of commercial buildings containing 5,040 and 5,062 square feet of building area. The buildings were constructed in 1970 and 2000. The sales occurred in November 2009 and September 2011 for prices of \$450,000 and \$750,000 or \$89.29 and \$148.16 per square of building area including land. The record in this appeal also contains a proposed assessment for the subject property submitted by the board of review. The appellant was notified of this suggested agreement and given thirty (30) days to respond if the offer was not acceptable. The appellant did respond to the Property Tax Appeal Board by the established deadline declining the offer.

Based on this evidence, the board of review offered to stipulate to a total assessment for the subject of \$180,849.

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 assessments is warranted.

The appellant argued the subject property is overvalued. When market value is the basis of the appeal, the value 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).

After an analysis of the evidence, the Board finds the appellant has overcome this burden.

The record contains five suggested comparable sales for the Board's consideration. The Board gave less weight to the appellant's comparable #1 due to its sale occurring greater than 35 months prior to the subject's January 1, 2011 assessment date. Likewise, the Board gave less weight to the board of review's comparable #2 due to its sale occurring greater than 13 months prior to the subject's January 1, 2011 assessment date. The Board finds the remaining three sales submitted by the parties were somewhat similar to the subject in location, size and features. These sales also sold most proximate to the subject's January 1, 2011 assessment date. The sales occurred from May 2010 to September 2011 for prices ranging from \$240,000 to \$450,000 or from \$70.59 to \$89.29 per square foot of building area including land. The subject's assessment reflects an estimated market value of \$598,655 or \$110.27 per square foot of living area including land, which falls above the range established by the best comparables in this record. After adjusting the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is excessive and a 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.



Chairman



Member



Member



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: January 24, 2014



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.