



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

APPELLANT: Robert Waldvogel Sr. & Eleanor Waldvogel
DOCKET NO.: 12-00064.001-R-1
PARCEL NO.: 17-12-25-326-013

The parties of record before the Property Tax Appeal Board are Robert Waldvogel Sr. and Eleanor Waldvogel, the appellants, by attorney Michael J. Kehart of Kehart Trimble Wise Anderson & Booth, Decatur; and the Macon 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 **Macon** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$15,232
IMPR.: \$0
TOTAL: \$15,232

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is a vacant site with 30,492 square feet of land area.¹ The property is located in Decatur, South Wheatland Township, Macon County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$45,700 as of January 1, 2012. The appraisal was prepared by David M. Drobisch, a State of Illinois Certified Residential Real Estate Appraiser. In estimating the market value of the subject property the appraiser developed the sales comparison approaches to value.

Using the sales comparison approach the appraiser provided information on five comparable land sales described as ranging in size from 28,314 to 89,298 square feet of land area. The comparables were located from .99 to 3.39 miles from the subject

¹ The best evidence of size was presented by the appellant which included a plat map of the subject site.

property. The sales occurred from December 2010 to October 2011 for prices ranging from \$43,000 to \$60,000 or from \$.59 to \$1.59 per square foot of land area. After making adjustments to the comparables for differences from the subject the appraiser estimated the comparables had adjusted prices ranging from \$.41 to \$1.69 per square foot of land area. Based on this data the appraiser estimated the subject had an estimated value of \$1.50 per square foot of land area or \$45,700, rounded.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$14,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$31,666 was disclosed. The subject's assessment reflects a market value of \$95,008 or \$3.12 per square foot of land area when applying the statutory level of assessments of 33 1/3% of fair cash value. (35 ILCS 200/9-145).

In support of the subject's assessment the board of review submitted information on three comparable sales of vacant sites that ranged in size from 46,596 to 62,500 square feet of land area. The comparables were located from .6 to 1.2 miles from the subject property. The sales occurred from January 2008 to June 2013 for prices ranging from \$85,000 to \$100,000 or from \$1.42 to \$1.82 per square foot of land area. The board of review also indicated the subject property was purchased in February 2008 for a price of \$210,000. 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 the evidence in the record supports a reduction in the subject's assessment.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the appraised value presented by the appellants is supported by the best sales in this record. The subject's assessment reflects a market value of \$3.12 per square foot of land area. Those sales presented by the parties that sold in 2010 and 2011 had prices ranging from \$.59 to \$1.82 per square foot of land area. The Board gave little weight to the sale of the subject and board of review sale #3 because they occurred in January and February 2008, approximately 4 years prior to the assessment date at issue. The Board finds these sales are dated and not indicative of the market as of January 1, 2012. The Board also gave little weight to board of review sale #1 because it sold in June 2013, eighteen months after the assessment date at issue. The Board finds the sales presented by the parties that were most similar to the subject in location and sold most proximate in time to the assessment date at issue were appraisal sales #1, #2, #3 and #5 and board of review sale #2. These comparables had prices ranging from \$.61 to \$1.82 per square foot of land area, each of which is below the market value reflected by the subject's assessment on a per square foot basis. These five comparables had an unadjusted median price of \$1.49 per square foot of land area and an unadjusted mean price of \$1.40 per square foot of land area. The appraised value of \$45,700 or approximately \$1.50 per square foot of land area is supported by these sales. Based on this record the Board finds a reduction in the subject's land assessment is 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Tracy 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: January 24, 2014

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.