



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

APPELLANT: St. Charles Country Club
DOCKET NO.: 13-02088.001-C-3
PARCEL NO.: 09-22-452-058

The parties of record before the Property Tax Appeal Board are St. Charles Country Club, the appellant, by attorney Patrick C. Keeley of Piccione Keeley & Associates, Ltd. in Wheaton; and the Kane County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **A Reduction** in the open space assessment of the property as established by the **Kane** County Board of Review is warranted. The correct open space assessed valuation of the property is:

LAND: \$237,568
IMPR.: \$1,120,630
TOTAL: \$1,358,198

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Kane County Board of Review (Appellant's Exhibit 3) pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2013 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject parcel consists of approximately 135.23 acres and is part of eight tax parcels of land owned and used by the St. Charles Country Club (SCCC) as part of a golf course with a total of approximately 218 acres. The subject parcel is improved with a parking lot, a 3,080 square foot maintenance building, a 5,344 square foot maintenance building, a 2,455 square foot pool house, a 3,444 square foot swimming pool and a clubhouse containing approximately 18,861 square feet of ground floor area.¹ The property is located in St. Charles, St. Charles Township, Kane County.

The Property Tax Appeal Board had set a consolidated hearing with Docket Nos. 13-02088.001-C-3, 14-01913.001-C-3 and 15-01241.001-C-3. The parties filed a Joint Motion for Waiver of

¹ Appellant's Exhibit 4 is identified as St. Charles Assessor General Parcel Information for the subject property and indicates the clubhouse has three-stories with a gross building area of 57,083 square feet.

Hearing and requested the Property Tax Appeal Board consider the matter upon the briefs submitted by the parties. Separate decisions will be issued on each appeal.

The appellant, through counsel, contends the clubhouse on the subject parcel should receive the "open space" assessment as provided by section 10-155 of the Property Tax Code (35 ILCS 200/10-155). The appellant asserted that for tax year 2013 it applied for and received "open space" designation for portions of certain parcels or the entirety of real estate under eight separate Property Identification Numbers (PINs), including the subject PIN. (See Appellant's Exhibit 1.) The open space designation, however, was not granted to the clubhouse located on the subject PIN 09-22-452-058. The appellant contends the assessment ignores the substantial nexus of these improvements to conserving the open space provided by the golf course, a relationship which entitles the clubhouse to an assessment in whole or part as open space.

The appellant argues that the improvements comprising the direct golf facilities in the clubhouse should be included in their entirety as "open space" due to their substantial nexus in supporting and facilitating use of the golf course and thereby conserving it as open space. The appellant identified these areas in the clubhouse as the "Men's Locker Room," "Women's Locker Room," the hallways and restrooms servicing the locker rooms, the "19th Hole" eating facility, the "Pro Shop" and the storage areas related to these facilities. These areas were identified on Appellant's Exhibit A-3 depicting the lower level floor plan of the clubhouse. According to the Appellant's Exhibit 5 and Appellant's Exhibit 5.a, these rooms have a combined area of 9,850 square feet of building area. The appellant contends that without these facilities the golf course would not exist.

The appellant asserted that the remaining facilities at the clubhouse also bear a substantial nexus to the golf course usage, but are also used in part by services, guests and amenities not directly serving and supporting the golf course operation. The appellant explained that the SCCC had 278 total members as of December 31, 2012. Of these members, 169 or 61% were golfing members of various categories. (See Appellant's Exhibit 6.a.) The appellant further asserted that these golfing members and golf related activities generated 90% of the total revenue for SCCC. (See Appellant's Exhibit 5.c.)

The appellant also explained that the banquet hall in the clubhouse is subject to a somewhat different analysis since it is the one facility that is also used by non-members on a consistent basis and generates separate revenue from the membership. The appellant asserts that 36% of the revenue and activities for the banquet hall space is generated by golfing members and golf-related activities. According to the appellant by combining the banquet hall revenue generated by golfing members with the overall rate of 90% of revenue that is golf related, there is an overall percentage of golf or golf member revenue which is 84.8% of SCCC's total revenue.

Appellant's counsel contends that those facilities used exclusively for golf-related activities and support must be assessed at the rate for "Open Space" use category afforded to the golf course itself, which includes the locker rooms, the Pro Shop, the 19th Hole Grill, and the adjacent hallways. With respect to the other spaces in the clubhouse, the appellant's counsel contends that consideration must be given to the primary use, which is to enhance and facilitate golf members and other golfers use and willingness to use the golf course even though these spaces are used to a lesser extent by non-golfing members and outside parties. The appellant argues that because golf usage substantially outweighs the non-golf usage, whether measured by proportion of

membership (61%) or by revenues (84.8%), SCCC clubhouse and related improvements have a substantial nexus to the golf course and conserving its open space status and should be assessed as such.

The appellant contends that if it is determined that those facilities that are not directly golf-related should be assessed as open space only in proportion to their use or relationship to the golf course and golf activity, those multi-use spaces should be considered at least 61% golf course related (based on membership) or 84.8% golf related (based on revenues); therefore, treated as open space, since those monies generated by golfing members and golf-related activities and guests provide the funds and revenue which permit the golf course open space to exist and thrive.

In conclusion, the appellant contends that the facilities and amenities of the clubhouse used specifically and directly to enhance use of the golf course should be assessed entirely as open space. The appellant argued that the remaining portions of the clubhouse should be assessed as open space in proportion to their use by golf members or with relation to the financial impact upon use of and conserving the golf course. The percentage of use is a minimum of 61%, based on the ratio of golfing members to the members of the SCCC as a whole. The percentage based on revenue was asserted to be 84.8%. Applying the latter percentage to the improvement assessment of \$1,429,545, would result in a clubhouse assessment of \$217,290.

The appellant's submission also included an affidavit from Ken Vranek, the Club Manager of the SCCC. Vranek stated that Appellant's Exhibits A3 and A4 were scale drawings of the lower and upper floors of the SCCC clubhouse. The affiant stated that as of December 31, 2012, SCCC had 278 dues-paying members with 169 or 61% being "golfing members." He asserted that the following lower level rooms and facilities marked on Exhibit A3 are used exclusively for golf-related activities: (a) Men's Locker Room, (b) Ladies Locker Room, (c) Pro Shop, (d) 19th Hole Men's Golf Grill, and (e) hallways and restrooms, which comprise 9,850 square feet. The following lower level rooms were asserted to be used proportionately by golfers and non-golfers in the same ratio as the membership: (a) food storage and coolers, (b) maintenance/storage, and (c) Pub Restaurant, comprising 6,150 square feet.

With respect to the following upper level rooms and facilities marked on Appellant's Exhibit A4, Vranek asserted they are used proportionately by golfers and non-golfers in the same ratio as membership: (a) Kitchen, (b) Member Lounge, (c) Fox Chase Dining Room, (d) Charlemagne Dining Room, (e) lobby/reception, (f) main office, (g) accounting office, and (h) hallways, server stations and restrooms, which comprise 10,893 square feet.

Vranek stated the Banquet Hall has 4,868 square feet and is used by members and outside users. The affiant asserted golf members and activities account for 36% of the revenue derived from the Banquet Hall.

Based on this evidence the appellant requested the subject parcel with 135.23 acres have an open space market value of \$5,000 per acre, which is the market value for open space used by Kane County to arrive at a land assessment of \$225,383 and an improvement assessment of \$217,290 for a total open space assessment of \$442,673.

The Kane County Board of Review submitted is "Board of Review - Notes on Appeal" disclosing the subject property had a preferential open space assessment totaling \$1,671,461 with \$241,916 attributable to the land and \$1,429,545 attributable to the improvements. The board of review attached an Addendum to the Board of Review Notes on Appeal disclosing the assessment of the subject property prior to the preferential assessment as open space totaling \$3,957,447 with \$2,486,715 attributable to the land and \$1,470,762 attributable to the improvements. The addendum further described the subject parcel as being used as part of a golf course and also contains the parking lot, a 3,080 square foot maintenance building, a 5,344 square foot maintenance building, a 2,455 square foot pool house, a 3,444 square foot swimming pool, and an 18,861 square foot clubhouse with dining and social facilities as well as locker rooms.

The addendum further stated that for the 2011 through 2014 assessment period, Kane County utilized a fair cash value of land used for open space purposes of \$5,000 per acre. The board of review further acknowledged the appellant timely filed an application for the preferential open space assessment for the entire parcel under appeal. It was asserted that the Supervisor of Assessments determined that .99 acres of the subject parcel, including the clubhouse, pool house and swimming pool did not meet the definition of open space. A copy of the open space analysis prepared by the Kane County Supervisor of Assessments was also attached to the "Board of Review - Notes on Appeal."

In that analysis, the Kane County Supervisor of Assessments stated the open space application was reviewed in light of the Appellate Court's holding in Lake County Board of Review v. Illinois Property Tax Appeal Board, 2013 IL App (2d) 120429, wherein it was noted the court held that the word "conserve" as used in section 10-155 of the Property Tax Code (35 ILCS 200/10-155) is to be construed narrowly and there must be some substantial nexus between the land for which the exemption is claimed and the landscaped area it is claimed to conserve. The supervisor of assessments also quoted language wherein the court went to state that, "the improvement in question must directly relate to and thus facilitate the existence of the golf course."

The Kane County Supervisor of Assessments concluded there was not a "substantial nexus" between the clubhouse, pool house and swimming pool and preserving open space. The Kane County Supervisor of Assessments did conclude there was a "substantial nexus" between the maintenance buildings and parking lot and preserving open space. The supervisor of assessments stated the maintenance buildings and parking lots had an equalized assessed value of \$41,217, which was deducted from the non-preferential improvement assessment to arrive at an open space improvement assessment of \$1,429,545. The supervisor of assessments also determined that 134.24 acres met the open space statutory requirement and were assessed at a market value of \$5,000 per acre or an assessment of \$1,666.50 per acre while .99 acres was assessed at \$18,388.78 per acre resulting in a preferential land assessment of \$241,916.

The Kane County Board of Review also submitted a memorandum prepared by Assistant State's Attorney Erin M. Gaeke in opposition to the appeal of St. Charles Country Club. The board of review contends that the improvement at issue, the clubhouse, does not have a "substantial nexus" to the preservation of the golf course. The board of review cited Onwentsia Club v. Illinois Property Tax Appeal Board, 2011 Ill App (2d) 100388 ¶18, for the proposition that the standard for review of the open space statute *vis a vis* improvements was "whether the land, improved or not ... conserves as landscaped area (that is facilitates the existence of such an area)." Counsel for

the board of review further explained that the court clarified its holding in a subsequent opinion when the court held the term "conserve" as it relates to the open space statute:

must be construed narrowly, and, in turn there must be some substantial nexus between the land for which the exemption is claimed and the landscaped area it is claimed to conserve. That is to say, the improvement in question must directly relate to and thus facilitate the existence of the golf course. Lake County Board of Review v. Illinois Property Tax Appeal Board, 2013, IL App (2d) 120429 ¶10.

The board of review contends the clubhouse does not conserve a landscaped area. It notes that the clubhouse is "mixed-use" in its operations: it has non-golfing members, the banquet halls are used by non-club members on a consistent basis, and houses dining and bar facilities for golf and non-golf members. The board of review further contends the appellant's discussion of revenue generation was misplaced in that it automatically apportions all revenue generated by the proportion of members to non-members with no direct evidence that more golf members generate more revenue than non-members at the facilities. The board of review further contends the Illinois legislature intended to classify improvements with regard to their "primary" use. Lake County Board of Review v. Illinois Property Tax Appeal Board, 2013, IL App (2d) 120429 ¶15. The board of review argued that the evidence set forth by SCCC indicates that the "primary use" of the clubhouse is not primarily used to conserve open space.

The board of review further contends that a proportional assessment as argued by the SCCC is not contemplated by the open space statute. The board of review noted that the Property Tax Appeal Board had found in its decision issued in Onwentsia III, Docket No. 06-00614.001-C-3 through 06-00614.004-C-3, P. 24, that "the plain language of section 10-155 of the [Property Tax] Code does not provide for a prorated improvement assessment" for a clubhouse on a golf course where that clubhouse is not used primarily for golf specific purposes and does not directly relate to and facilitate the existence of the golf course.

On behalf of the board of review counsel noted the appellant argues that revenues as it relates to golf and non-golf activities should be considered. The board of review stated that in Onwentsia III, the Property Tax Appeal Board recognized that the Illinois Appellate Court held that the consideration of revenue generation by the clubhouse as a decisive factor to determine whether this improvement facilitates the existence of the golf course would be too broad and lead to absurd results. (Citing Lake County Board of Review v. Illinois Property Tax Appeal Board, 2013, IL App (2d) 120429 ¶16.) The board of review contends that when removing revenue consideration, it appears the clubhouse does not bear a substantial nexus to the golf course.

Based on the foregoing evidence and argument, the board of review requested the Property Tax Appeal Board find the clubhouse is not entitled to the open space preferential assessment.

The appellant provided a reply brief contending that the board of review argues against some inferences drawn by SCCC from the undisputed facts, however, the board of review presented absolutely no contrary facts concerning the use of the disputed structures. SCCC contends that it uses documented facts and financial analysis establishing that the majority (61%) of its membership and a substantial majority (84.8%) of its revenues are derived from golf-related

activities with their genesis substantially or exclusively in the clubhouse used by golfing members and other members of the Country Club.

SCCC contends the appellate court expressed with regard to the issue of open space usage, "parts of an improvement may be easily discernable and severable for the purpose of ascertaining whether a portion conserves open space while another does not." Lake County Board of Review v. Illinois Property Tax Appeal Board, 2013 IL App (2d) 120429 ¶16, 989 N.E.2d 745. The appellant argues that those facilities within the clubhouse used exclusively for golf-related activities and support, such as the men's and women's locker rooms, the Pro Shop, the 19th Hole Grill and the adjacent hallways servicing those facilities, must be assessed at the rate for the open space use category afforded to the golf course itself. With respect to the other areas in the clubhouse, the appellant contends consideration must be given to the primary use, which is to enhance and facilitate golf members and other golfers' use and willingness to use the golf course. The appellant argued that the majority of users for the mixed-use facilities are golfers and golf members of the SCCC. The appellant asserts these facilities and amenities exist to support the golf course and enhance use of the golf course. The appellant argues that the SCCC clubhouse is primarily golf-related both by revenue and usage, and should qualify for the open space designation in its entirety.

Alternatively, the appellant contends that the clubhouse is reasonably subject to apportionment between golf and non-golf activities. The appellant cited Fox Valley Airport Authority v. Department of Revenue, 164 Ill.App.3d 415, 517 N.E.2d 1200 (2nd Dist. 1987) for the proposition that a taxed parcel can be divided among multiple uses or exemptions. The appellant argued that the Property Tax Appeal Board should designate that a substantial majority of the usage of the square footage supports the golf course. The appellant reiterated the point that if it is determined that those facilities not exclusively golf-related should be assessed as open space only in proportion to the use or relationship to the golf course and golf activity, the square footage should be considered at least 61% golf related, based on membership, or 84.8% based upon monies generated by golfing members and golf-related activities.

The appellant contends that by applying the revenue percentage (84.8%) to the assessed value of the clubhouse in its entirety as set by the board of review (\$1,470,762), the assessed value of the clubhouse should be \$223,556. Alternatively, the appellant contends that applying the revenue percentage (84.8%) to the square footage not exclusively golf-related results in 14,452 square feet and when added to the exclusively golf-related square footage (9,850) results in a total of 24,302 square feet that should be treated as open space. The appellant contends this total represents 90% of the clubhouse, which would result in an open space assessment for the clubhouse of \$147,076.

Conclusion of Law

The appellant's argument is based on a contention of law that the subject property, specifically the clubhouse, should receive the preferential open space assessment as provided by section 10-155 of the Property Tax Code (Code) (35 ILCS 200/10-155). Where a contention of law is made the standard of proof is the preponderance of the evidence. (See 5 ILCS 100/10-15).

The issue in this appeal deals with application of section 10-155 of the Code, the open space statute, to the clubhouse located on the subject golf course. Section 10-155 of the Code provides in part:

§10-155. Open space land; valuation. In all counties, in addition to valuation as otherwise permitted by law, land which is used for open space purposes and has been so used for the 3 years immediately preceding the year in which the assessment is made, upon application under Section 10-160, shall be valued on the basis of its fair cash value, estimated at the price it would bring at a fair, voluntary sale for use by the buyer for open space purposes.

Land is considered used for open space purposes if it is more than 10 acres in area and: . . .

(d) conserves landscaped areas, such as public or private golf courses. . .

Land is not considered used for open space purposes if it is used primarily for residential purposes.

If the land is improved with a water-retention dam that is operated primarily for commercial purposes, the water-retention dam is not considered to be used for open space purposes despite the fact that any resulting man-made lake may be considered to be used for open space purposes under this Section. (35 ILCS 200/10-155).

It is undisputed that the clubhouse is part of a golf course, which is one of the enumerated uses that qualify for the open space designation as set forth in section 10-155(d) of the open space statute. (35 ILCS 200/10-155(d)).

In Onwentsia Club v. Illinois Property Tax Appeal Board, 2011 IL App (2d) 100388, 953 N.E.2d 1010, 352 Ill.Dec. 329, (hereinafter "Onwentsia I") the court construed the word "conserve" in section 10-155(d) of the Property Tax Code to mean "to keep in a safe or sound state . . ." or "to preserve." 2011 IL App (2d) 100388 at ¶10, 953 N.E.2d at 1013. The court in construing section 10-155(d) of the Property Tax Code stated:

[T]he plain language of the statute indicates that the legislature intended to grant open-space status not only to land that actually constitutes a landscaped area, but also to land that facilitates the existence of (*i.e.*, conserves) a landscaped area. Id.

The court concluded that the fact that a particular piece of land has some improvement upon it - including in some cases a building - does not preclude the land from being deemed open space. Onwentsia I, 2011 IL App (2d) 100388 at ¶11, 953 N.E.2d at 1014. In construing the statute, the court determined that an improvement does not defeat the open space status unless the improvement is a commercial water-retention dam or a residential use. Onwentsia I, 2011 IL App (2d) 100388 at ¶14, 953 N.E.2d at 1014-1015. The court stated that, "the requirement that land *conserve* a landscaped area is broader and more inclusive than actually *being* a landscaped area." Onwentsia I, 2011 IL App (2d) 100388 at ¶14, 953 N.E.2d at 1015.

The court in Onwentsia I ultimately held "that land, even if it contains an improvement, may be granted open-space status if it conserves landscaped areas." 2011 IL App (2d) 100388 at ¶16, 953 N.E.2d at 1015. The court explained that "[a] golf course typically requires certain appurtenances

in order to function, such as parking areas, a building in which to conduct the course business (*i.e.*, a clubhouse), and perhaps a building to support the physical maintenance of the course." Id. The court reasoned that "[s]ince they facilitate the existence of the golf course, and the course conserves landscaped areas, such improvements also can be said to conserve landscaped areas." Id.

The court explained that if an improvement contributes to the nature of the land as a landscaped area, it fits within the statutory definition of open space. The court stated that, "To the extent improved land facilitates a golf course being a golf course, it conserves a landscaped area." 2011 IL App (2d) 100388 at ¶18, 953 N.E.2d at 1016. In vacating the decision of the Property Tax Appeal Board and remanding with directions, the court in Onwentsia I determined that the Property Tax Appeal Board had applied an incorrect standard and should have considered whether the land, improved or not (so long as not improved with a residence or commercial water-retention dam), conserves a landscaped area (that is, facilitates the existence of such an area). 2011 IL App (2d) 100388 at ¶18, 953 N.E.2d at 1016.

In Lake County Board of Review v. Property Tax Appeal Board, 2013 IL App (2d) 120429, 989 N.E.2d 745, 371 Ill.Dec. 155, (hereinafter "Onwentsia II") the court again vacated the decision of the Property Tax Appeal Board and remanded the matter with directions. In Onwentsia II the court held the Property Tax Appeal Board's application of the relevant portion of section 10-155 of the Code was overbroad. In construing section 10-155(d) of the Code in Onwentsia II the court stated:

Nothing in the statute indicates that the legislature intended to create an enormous tax shelter whereby any parcel of property associated in some way with a golf course would escape taxation. Moreover, it is axiomatic that we are to construe tax exemptions "narrowly and strictly in favor of taxation" (citation omitted) and the burden to prove a tax exemption lies with the taxpayer (citation omitted). **Accordingly, we hold that "conserve" as it is used in section 10-155 of the Code (citation omitted) must be construed narrowly, and in turn, there must be some substantial nexus between the land for which the exemption is claimed and the landscaped area it is claimed to conserve. That is to say, the improvement in question must directly relate to and thus facilitate the existence of the golf course.** Onwentsia II, 2013 IL App 2d 120429 ¶10, 989 N.E.2d at 750 (Emphasis added).

The court indicated whether such improvements "conserve" a landscaped area depend upon what portions of the club they serve. Onwentsia II, 2013 IL App 2d 120429 ¶12, 989 N.E.2d at 750. The court further noted that in some cases, different parts of an improvement may be easily discernible and severable for the purpose of ascertaining whether a portion conserves open space while another does not. Onwentsia II, 2013 IL App 2d 120429 ¶14, 989 N.E.2d at 751.

The record indicates that the clubhouse in question has a footprint of 18,861 square feet with a total building area for both floors of 37,722 square feet. Attached to the clubhouse is a canopy with 1,200 square feet and a 500 square foot addition that was added in 2009. (See Appellant's Exhibit 4). The assessment information provided by the appellant indicates that the clubhouse and attached canopy had a market ("appraised") value of \$3,516,789 and the addition had a market ("appraised") value of \$47,971 for a combined value for the clubhouse of \$3,564,760 (See Appellant's Exhibit 4, pages 2 and 3). The clubhouse, attached canopy and the addition have an

assessment of \$1,188,135 using the statutory level of assessments of 33 1/3% of fair cash value. (35 ILCS 200/9-145.)

The appellant provided an affidavit from Ken Vranek, Club Manager of SCCC, asserting that certain areas of the lower level of the clubhouse are used exclusively for golf related activities, including the men's locker room with 4,316 square feet; ladies' locker room with 2,922 square feet, Pro Shop with 1,188 square feet, 19th Hole Men's Golf Grill with 1,030 square feet; and associated hallways and restrooms with 394 square feet, for a total area of 9,850 square feet. These areas were further identified on Appellant's Exhibit A-3. The Property Tax Appeal Board finds this affidavit was not refuted with any evidence from the Kane County Board of Review. The Board finds this area within the clubhouse has a direct and substantial nexus to the golf course landscaped areas as the use of these areas corresponds with the use of the course itself, which is composed of the tees, fairways and greens. The locker rooms provide an area for the players to change clothes as they prepare to play golf, the Pro Shop provides a location to pay green fees as well as purchase golf clubs, apparel and gear used by golfers on the golf course, and the 19th Hole Men's Golf Grill provides a location for golfers to obtain food and refreshments while golfing. The Board finds these areas of the clubhouse directly serve and facilitate the use of the landscaped areas of the golf club. The area directly related to the golfing activities comprise approximately 26% of the total building area ($9,850 \div 38,222$). Using this percentage, the Board finds the subject's open space improvement assessment should be reduced by \$308,915 ($\$1,188,135 \times .26$) to arrive at a revised open space assessment for the subject improvement of \$1,120,630.

The Board further finds that based on the conclusion that 26% of the clubhouse is entitled to an open space designation also requires an adjustment to the subject's land assessment. Accordingly, the Board finds that 134.5 acres of the subject parcel is to be valued at the open space rate of \$5,000 per acre or an assessment of \$1,666.50 per acre for an assessment of \$224,144. The remaining .73 acres is to be assessed at \$18,388.78 per acre or \$13,424. The Property Tax Appeal Board finds the revised land assessment is \$237,568.

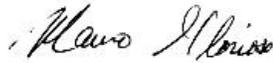
The appellant's argument that the entire clubhouse should be assessed as open space or, alternatively, that a portion of the clubhouse should be assessed proportionately based in relation to the number of golf members to the total membership of the SCCC or in relation to the revenue generated by golf members and related activities is misplaced. The remaining portions of the clubhouse include such items as food storage and coolers, maintenance/storage, kitchen, members lounge, dining areas, lobby reception area, office area, hallways, service stations and restrooms. Although these areas of the clubhouse are used by golf members for social activities, the evidence did not demonstrate that these areas within the clubhouse directly relate to and thus facilitate the existence of the golf course. The relationship between these areas of the clubhouse and the landscaped areas is less direct and more tenuous than those areas actually devoted to the use of the golf course itself. The Board finds that there is no showing by the appellant of a substantial nexus between the remaining portion of the clubhouse and the conserving or facilitating of the landscaped areas comprising the golf course.

The Board also gives little weight to the appellant's argument that the revenue generated in the clubhouse from golf members and related activities should be used as the basis to demonstrate a substantial nexus exists between the clubhouse and the landscaped area so as to allow the clubhouse to be assessed as open space. The court in Onwentsia II held the consideration of

revenue generation by the clubhouse as a decisive factor to determine whether this improvement facilitates the existence of the golf course would be too broad and lead to absurd results. Onwentsia II, 2013 IL App 2d 120429 ¶16, 989 N.E.2d at 751. Clearly, the revenue generated by the activities within the clubhouse are of benefit to the SCCC and are used in part to maintain the property including the golf course. However, in light of the Appellate Court's findings in Onwentsia II, the Property Tax Appeal Board declines to use the revenues generated at the clubhouse from golf members and related activities as a basis to determine whether a substantial nexus exists between the clubhouse and the landscaped areas it purportedly conserves so as to confer the preferential open space designation either entirely upon the clubhouse or proportionally upon the clubhouse based upon revenues.

In conclusion the Board finds a reduction in the subject property's open space 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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Acting Member



Member



Member

DISSENTING: _____

CERTIFICATION

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 16, 2018



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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APPELLANT

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