



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

APPELLANT: Harmil Patel GoKool Corporation
DOCKET NO.: 14-02512.001-C-1
PARCEL NO.: 15-01-154-028

The parties of record before the Property Tax Appeal Board are Harmil Patel GoKool Corporation, the appellant, by attorney James E. Tuneberg, of Guyer & Enichen, in Rockford, and the Winnebago County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** in the assessment of the property as established by the **Winnebago** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$16,436
IMPR.: \$112,209
TOTAL: \$128,645

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Winnebago County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2014 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 property consists of a one-story convenience store and three-bay auto repair service garage. The buildings are of masonry and frame construction with a total building area of 4,830 square feet. The service garage of 1,610 square feet and original convenience store were constructed in 1972. After a fire in 2009, the convenience store of 3,220 square feet was remodeled/rebuilt in 2011 and 2012. The property has a 28,575 square foot site reflecting a land to building ratio of 5.92:1 and is located in Rockford, Rockford Township, Winnebago County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted a brief along with limited information on five comparable sales. In the brief, counsel for the appellant reported the subject property was inspected on September 5, 2014 by Peter Wolfley and the descriptive data for the subject and comparables were obtained from the public record.

As to the subject, the brief reported that the garage is unfinished and comprises about 1/3 of the building's total area. The brief further noted that none of the comparable sales have the subject's service garage as a component. The brief also asserted that "as unfinished space the garage has a lesser contributory value."

In the grid, the comparable sale parcels range in size from 18,043 to 97,800 square feet of land area with land to building ratios ranging from 5.8:1 to 42.06:1. Each comparable is improved with a one-story building which was built between 1950 and 1999. The buildings range in size from 2,298 to 3,421 square feet of building area. The properties sold between July 2012 and March 2013 for prices ranging from \$65,000 to \$382,500 or from \$19.00 to \$164.52 per square foot of building area, land included.

For the comparable sales analysis, the appellant utilized a unit of comparison of "the implied price of the building improvements" as calculated by subtracting the assessor's land value for the year of the sale from the sale price and dividing by the property's building square footage. The appellant contended this was done to largely reduce the effect of differing land to value ratios on price which could distort the overall price per square foot price relative to the subject property. The brief noted that the subject has a 5.92:1 land-to-building ratio whereas the comparables range from 5.8:1 to 13.75:1.¹ Using this unit of comparison, the appellant reported the "implied building price" per square foot ranged from \$7.18 to \$89.95.

Based on the foregoing evidence and argument, the appellant requested a total assessment of \$116,667 which would reflect a market value of approximately \$350,000 or \$72.46 per square foot of building area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$128,645. The subject's assessment reflects a market value of \$385,974 or \$79.91 per square foot of building area, land included, when using the 2014 three year average median level of assessment for Winnebago County of 33.33% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales where comparables #1, #2 and #4 were the same properties as appellant's comparables #3, #4 and #2, respectively. The comparable parcels range in size from 7,080 to 39,464 square feet of land area. Each comparable is improved with a one-story building which was built between 1950 and 1999. The buildings range in size from 1,744 to 2,870 square feet of building area. The properties sold between July 2012 and February 2013 for prices ranging from \$160,000 to \$452,000 or from \$65.68 to \$259.17 per square foot of building area, land included.

As to the board of review's comparables, the assessing officials reported that comparable #1 was boarded up for over a year prior to being sold by the government as an REO. Comparables #1 and #2 were each about one-half the size of the subject and comparable #3 had the canopy over the gas pumps replaced in 2000 with this building being about one-third the size of the subject

¹ The appellant's brief did not include comparable #5 in this range.

and having been boarded up for several months prior to its sale as a bank REO. Comparable #4 is half the size of the subject and was boarded up for 2 to 3 years prior to its sale as a bank REO. As to appellant's comparables #1 and #5, the assessing officials noted that comparable #1 was boarded up at the time of its sale as a bank REO and comparable #5 was not located within Rockford Township and thus the local assessor had no information on the property.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant reiterated the contention that the "implied sale price" of the comparables was the appropriate unit of measurement and applying this methodology to the four comparables presented by the board of review would result in a range of implied sales prices of \$61.22 to \$252.64 per square foot of building area, including land.² Given this range, the appellant contends that board of review comparable #3 is an outlier.

Conclusion of Law

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 of the property must be proved by a preponderance of the evidence. 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 appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of six comparable sales to support their respective positions before the Property Tax Appeal Board with both parties presenting three identical properties to support their positions. None of the comparable properties is as large as the subject in total building area, although the subject has a repair garage which is not a feature of any of the comparables. The Board has given reduced weight to board of review comparable #3 as this building is smaller in building size when compared to the subject's convenience store only.

The Board finds the best evidence of market value to be the appellant's comparable sales along with board of review comparable sales #1, #2 and #4 which are the same properties as appellant's comparable #3, #4 and #2, respectively. These most similar comparables sold between July 2012 and March 2013 for prices ranging from \$65,000 to \$ 382,500 or from \$19.00 to \$164.52 per square foot of building area, including land. The Board has given little weight to the appellant's analysis of the "implied sale price" per square foot as presented by appellant's counsel in this proceeding. The subject's assessment reflects a market value of \$385,974 or \$79.91 per square foot of building area, including land, which is within the range established by the best comparable sales in this record on a per-square-foot basis. Based on this evidence in the record, the Board finds a reduction in the subject's assessment is not justified.

² The appellant's rebuttal provided no explanation why the "implied sales price" per square foot presented in rebuttal for board of review comparables #4, #1 and #2 differed from the appellant's reported "implied sales price" per square foot of these same properties of \$49.91 to \$89.95 per square foot of building area, including land, when presented as appellant's comparable sales.

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



Acting 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: December 23, 2016



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.