



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

APPELLANT: Bluff Lake Venture, LLC
DOCKET NO.: 15-03994.001-R-1
PARCEL NO.: 01-24-113-006

The parties of record before the Property Tax Appeal Board are Bluff Lake Venture, LLC, the appellant, by attorney Lisa M. Waggoner of The Waggoner Law Firm, P.C. in Crystal Lake; and the Lake 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 **Lake** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$68,379
IMPR.: \$129,167
TOTAL: \$197,546

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Lake County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2015 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 is improved with a two-story dwelling of frame construction with 2,758 square feet of living area. The dwelling was constructed in 2008 and is approximately 7 years old. Features of the home include a basement that is partially finished, central air conditioning and an attached garage with 588 square feet of building area. The property has an 8,468 square foot site and is located near Bluff Lake in Antioch, Antioch Township, Lake County.

The appellant contends inequity with respect to the land assessment as the basis of the appeal. In support of this argument the appellant submitted information on four equity comparables that were improved with two-story dwellings located on sites that ranged in size from 10,971 to 57,400 square feet of land area. The appellant indicated the comparables were located from 1,000 feet to .249 of a mile from the subject property. These comparables had land assessments

that ranged from \$21,793 to \$114,023 or for \$1.49 and \$1.99 per square foot of land area. The subject property has a land assessment of \$68,379 or \$8.07 per square foot of land area.

In the narrative attached to the petition the appellant asserted that the subject's land assessment equates to a market value of \$205,159. The appellant contends that in 2015 there did not appear to have been any sales in Antioch Township to support this market value of a water-view lot. The appellant stated the subject site has a water view, but is not waterfront, yet it appears as if it is being assessed as waterfront. The appellant explained the subject property is located within the Newport Cove Planned Unit Development (PUD) and the subject's rear lot line is a substantial distance from the shoreline of Bluff Lake. According to the appellant the subject property backs to a parcel of common area. The appellant explained its comparable #4 has waterfront land from where it has direct access to Bluff Lake and is more valuable than the subject's land. The appellant further stated that its comparables #1, #2 and #3 are all located on waterfront lots within a third to a quarter of a mile from the subject property with land assessments of \$1.99 and \$1.49 per square foot of land area. Based on these comparables the appellant requested the subject's land assessment be reduced to \$1.99 per square foot of land area or \$16,851.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$197,546. The subject's assessment reflects a market value of \$595,377 using the 2015 three-year median level of assessments for Lake County of 33.18% as determined by the Illinois Department of Revenue. The subject property has a land assessment of \$68,379.

In support of its contention of the correct assessment the board of review submitted information on four equity comparables located in the Newport Cove PUD. Three of the comparables are improved with two-story dwellings and one is vacant. The comparables have sites ranging in size from 10,206 to 15,172 square feet of land area. Each comparable has a land assessment of \$68,379.

The board of review provided a narrative explaining the PUD has approximately 60 homes set on 15 acres. It asserted that according to the Homeowner's Association (HOA) website, approximately 40% of the total site is open space, providing a community marina, large amounts of open space, walking and cart paths, and a lighted walkway along 1,800 feet of community Bluff Lake shore line. The board of review stated that the four comparables it submitted are located within the Newport Cove PUD and are assessed on a per lot basis. It also stated that none of the comparables provided by the appellant are located within the Newport Cove PUD and do not benefit from the subject's community amenities.

To further support the subject's assessment, the board of review provided a copy of the subject's recent multiple listing service (MLS) data sheet indicating the subject property sold in July 2015 for a price of \$630,000 after being on the market for 397 days. Based on this evidence the board of review requested the subject's assessment be sustained.

Conclusion of Law

The taxpayer contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains eight comparables submitted by the parties to support their respective positions. The Board finds the best evidence of assessment equity to be the comparables submitted by the board of review. These four comparables were located within the same PUD as the subject property. Each comparable had a land assessment of \$68,379, equivalent to the subject's land assessment. The board of review indicated that each lot was assessed on a site basis. Although it would have been beneficial for the board of review to have provided land sales within the PUD to support this site value, the evidence disclosed each site within the PUD was similarly assessed.

Although appellant limited the appeal to challenging the land assessment, an appeal to the Property Tax Appeal Board of a property assessment includes both the land and the improvements. *Showplace Theatre Co. v. Property Tax Appeal Board*, 145 Ill.App.3d 774, 495 N.E.2d 1312, 99 Ill.Dec. 577 (2nd Dist. 1986). Accordingly, the Board finds the evidence provided by the board of review disclosed the subject property sold in July 2015 for a price of \$630,000. The subject's total assessment reflects a market value of \$595,377, which is below the July 2015 purchase price. The Board finds this evidence demonstrates the subject property is not over-assessed with reference to its fair cash value as exhibited by the recent sale.

The Board gives less weight to the appellant's comparables as they differed from the subject in location in that none were located in the subject's PUD and did not enjoy similar conveniences as the subject property. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's land was inequitably assessed and a reduction in the subject's assessment is not justified.

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.