



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

APPELLANT: Gasmart, USA  
DOCKET NO.: 15-06360.001-C-1  
PARCEL NO.: 19-30-400-023

The parties of record before the Property Tax Appeal Board are Gasmart, USA, the appellant, by attorney Robert Rosenfeld of Robert H. Rosenfeld and Associates, LLC, in Chicago; and the McHenry 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 **McHenry** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$198,281  
**IMPR.:** \$161,068  
**TOTAL:** \$359,349

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the McHenry 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 consists of convenience store and gas station. The subject property is improved with a one-story building of masonry exterior construction that has 3,121 square feet of building area. The building was constructed in 1996 and is 19 years old. The subject property has eight gasoline pumps. The subject has a .96 of an acre or 41,818 square foot site resulting in a land to building ratio of 13.4:1. The subject property is located in Algonquin Township, McHenry County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a grid analysis of two comparable sales and sale listing sheets for two additional comparable sales.<sup>1</sup> The

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<sup>1</sup> The source of the sale listing sheets was not disclosed, but identified as copyrighted report licensed to Robert H. Rosenfeld and Associates, LLC.

comparables are located in the McHenry County communities of Crystal Lake, Huntley or McHenry, Illinois. The comparables are improved with one-story convenience stores/gas stations of masonry exterior construction that were built from 1963 to 1992.<sup>2</sup> Each comparable has four gasoline pumps. The buildings range in size from 2,098 to 3,300 square feet of building area and are situated on sites that contain from .34 to 1.28 acres or from 14,810 to 55,757 square feet of land area, resulting in land to building ratios ranging from 5.0:1 to 16.9:1. The comparables sold from November 2013 to August 2015 for prices ranging from \$600,000 to \$915,000 or from \$200.67 to \$333.65 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" disclosing the total assessment for the subject property of \$359,349. The subject's assessment reflects an estimated market value of \$1,079,450 or \$345.87 per square foot of building area including land or \$25.81 per square foot of land area including building or \$134,931 per gasoline pump when applying McHenry County's 2015 three-year average median level of assessment of 33.29%.

In support of the subject's assessment, the board of review submitted an analysis of the appellant's comparables and two additional comparable sales. One comparable property was also used by the appellant, but the board of review utilized its 2012 sale price. The three comparables utilized by the board of review are located in the McHenry County communities of Cary, Crystal Lake or Woodstock, Illinois. The comparables are improved with one-story convenience stores/gas stations of masonry exterior construction that were built from 1967 to 1979. Each comparable has four gasoline pumps. The buildings range in size from 2,098 to 3,100 square feet of building area and are situated on sites that contain from .59 to 1.42 acres or from 25,700 to 61,855 square feet of land area, resulting in land to building ratios ranging from 10.7:1 to 20.0:1. The subject had a traffic count of 38,086 vehicles per day while the comparable had traffic counts ranging from 6,296 to 34,330 vehicles per day. The comparables sold from April 2012 to February 2014 for prices ranging from \$825,000 to \$2,000,000 or from \$31.57 to \$42.99 per square foot of land area including building or from \$206,500 to \$500,000 per gasoline pump or from \$393.23 to \$645.16 per square foot of building area including land.

With respect to the appellant's evidence, the board of review through the township assessor submitted Real Estate Transfer Declarations showing comparables #1, #3 and #4 were not advertised for sale. The appellant's comparables had traffic counts ranging from 6,296 to 20,898 vehicles per day. Although dated, the board of review noted the subject sold in June 2011 for \$5,176,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

### **Conclusion of Law**

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation as a basis of the appeal. 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

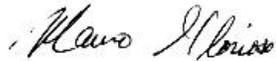
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<sup>2</sup> Much of the requisite descriptive information of the comparables was submitted by the board of review.

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.

The parties submitted seven comparable sales for the Board's consideration. One comparable used by each party sold twice. The Board gave less weight to comparables #1, #3 and #4 submitted by the appellant. The board of review submitted Real Estate Transfer Declarations showing these comparables were not advertised for sale to be considered arm's-length transaction reflective of fair market value. The Board gave less weight to board of review comparables #2 and #3. These comparables sold in 2012, which are dated and less reliable indicators of market value as of the subject's January 1, 2015 assessment date. The Board finds the two remaining comparables, comparable #2 submitted by the appellant and comparable #1 submitted by the board of review, are better indicators of the subject's market value. These comparables sold proximate in time to the subject's assessment date. Appellant's comparable #2 was similar in building size, but inferior in land area, age, number of gasoline pumps and traffic count. Board of review comparable #1 was somewhat smaller in building size and land area, older in age, had fewer gasoline pumps, but a similar traffic count. These comparables sold in February and October of 2014 for prices of \$600,000 and \$1,104,810 or \$40.51 and \$42.99 per square foot of land area including building or \$150,000 and \$276,303 per gasoline pump or \$200.67 and \$459.00 per square foot of building area including land. The subject's assessment reflects an estimated market value of \$1,079,450 or \$25.81 per square foot of land area including building or \$134,931 per gasoline pump or \$345.87 per square foot of building area including land. After considering significant upward adjustments to these comparables for their inferior land area, building size, age, number of pumps and traffic count when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported by each valuation metric established by the most similar comparable sales contained in the record. Therefore, no reduction in the subject's assessment 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. 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

State of Illinois  
Property Tax Appeal Board  
William G. Stratton Building, Room 402  
401 South Spring Street  
Springfield, IL 62706-4001

APPELLANT

Gasmart, USA, by attorney:  
Robert Rosenfeld  
Robert H. Rosenfeld and Associates, LLC  
33 North Dearborn Street  
Suite 1850  
Chicago, IL 60602

COUNTY

McHenry County Board of Review  
McHenry County Government Center  
2200 N. Seminary Ave.  
Woodstock, IL 60098