



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

APPELLANT: Douglas Land Partners LLC  
DOCKET NO.: 16-00463.001-I-1  
PARCEL NO.: 12-14-400-010

The parties of record before the Property Tax Appeal Board are Douglas Land Partners LLC, the appellant, by attorney David S. Martin, of Neal, Gerber & Eisenberg, LLP in Chicago, and the Kane 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 **Kane** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$232,398  
**IMPR.:** \$ 0  
**TOTAL:** \$232,398

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 pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2016 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 140,699 square foot vacant interior industrial land site with slight variations in grade that is located in Batavia, Batavia Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted a brief prepared by counsel along with copies of three amendments to an Agreement for Purchase and Sale, a Settlement Statement and a Special Warranty Deed concerning the sale of two vacant industrial land parcels located directly across the street from the subject parcel. The property which sold is identified as parcel number 12-14-400-013 and -019 and contains 416,872 square feet of land area. This neighboring property sold in May 2016 for \$1,407,462 or for \$3.38 per square foot of land area. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect a market value of \$3.38 per square foot of land area or an assessment not to exceed \$158,505.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$232,398. The subject's assessment reflects a market value of \$698,521 or \$4.96 per square foot of land when using the 2016 three year average median level of assessment for Kane County of 33.27% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review reported that the single sale of property that was presented by the appellant involved the sale of a partial interest (citing page 1 of the Agreement for Purchase and Sale). Furthermore, the board of review contends that the appellant was the seller of this partial interest in the comparable property as a partial interest holder. Additionally, the board of review noted that the comparable property that sold is nearly three times the size of the subject parcel.

In support of its contention of the correct assessment the board of review submitted information on the current asking price for the subject property of \$5.95 per square foot along with data on four comparable sales located in Elgin, Pingree Grove, Dundee and Aurora. The comparable parcels range in size from 87,120 to 245,874 square feet of land area. The comparables sold between July 2012 and May 2015 for prices ranging from \$330,000 to \$926,978 or from \$3.77 to \$7.54 per square foot of land area.

The board of review submission also included a second spreadsheet of seven comparable sales located in Aurora, West Chicago and Batavia which were presumably gathered by the Batavia Township Assessor. The comparable parcels range in size from 55,757 to 891,673 square feet of land area. The comparables sold between March 2011 and May 2015 for prices ranging from \$285,220 to \$2,950,000 or from \$3.31 to \$5.42 per square foot of land area.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

### **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 twelve sales to support their respective positions before the Property Tax Appeal Board. The Board has given little weight to the appellant's single sale of property located in close proximity to the subject due to the comparable's much larger size, sale of only a partial interest and the fact the seller of the comparable was the appellant in this proceeding. The Board also gave little weight to the appellant's comparable sale property as the evidence did not establish that the sale had the elements of an arm's length transaction. The Board has also given reduced weight to board of review sale #4 and sales #2 through #7 gathered by the township assessor as each of these sales occurred between 2011 and 2013 which were not proximate in time to the assessment date at issue of January 1, 2016 and thus are less likely to be

indicative of the subject's estimated market value as of the lien date. Reduced weight was also given to township assessor sale #1, although more proximate in time, this property consists of 634,843 square feet of land area and was therefore substantially larger than the subject property; Accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit value increases.

The Board finds the best evidence of market value in the record to be comparable sales #1, #2 and #3 submitted by the board of review. These comparables bracket the subject in size from 87,120 to 245,874 square feet of land area. These comparables were also similar to the subject in location and sold in August 2014 or May 2015, dates more proximate in time to the assessment date at issue. The comparables sold for prices ranging from \$330,000 to \$926,978 or from \$3.77 to \$5.55 per square foot of land area. The subject's assessment reflects a market value of \$698,521 or \$4.96 per square foot of land area, which is within the range established by the best comparable sales in this record and appears to be particularly well-supported by board of review sale #3 consisting of 108,029 acres that sold in August 2014 for a price of \$5.55 per square foot of land area.

Based on this record the Board finds the subject's assessment is reflective of market value and a reduction in the subject's assessment is not 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(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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.

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Chairman





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Member

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Member





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Member

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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: November 19, 2019



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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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