



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

APPELLANT: Broderick Holdings, LLC
DOCKET NO.: 16-06379.001-C-3 through 16-06379.008-C-3
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Broderick Holdings, LLC, the appellant, by attorney John B. Sprenzel, of The Winkler Group LLC in Schaumburg; and the DuPage 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 **DuPage** County Board of Review is warranted. The correct **OPEN SPACE** assessed valuation of the property is:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
16-06379.001-C-3	09-33-300-011	183	0	\$183
16-06379.002-C-3	09-33-300-012	109,039	607,713	\$716,752
16-06379.003-C-3	09-33-400-010	2,040	0	\$2,040
16-06379.004-C-3	09-33-400-011	45,295	0	\$45,295
16-06379.005-C-3	10-04-101-012	33,387	10	\$33,397
16-06379.006-C-3	10-04-103-003	1,950	0	\$1,950
16-06379.007-C-3	10-04-104-002	166	0	\$166
16-06379.008-C-3	10-04-200-001	7,500	0	\$7,500

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the DuPage 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 an 18-hole golf course situated on approximately 117.30 acres or 5,109,543 square feet of land area. The subject features a 32 to 45-year-old part one-story and part two-story clubhouse/restaurant containing 31,702 square feet of building area and a 37,984

square foot golf cart maintenance facility.¹ The subject contains approximately 102,000 square feet of asphalt paving; the majority of which is used for parking and vehicular/pedestrian access. Additional paving is used for golf cart paths. The property is also improved with a one-story residential building with 2,236 square feet of building area. Approximately 114.54 acres or 4,989,362 square feet of the total land area was described as “Open Space” land with the remaining 2.76 acres or 120,181 square feet of land area being described as “Non-Open Space” land. The property is located in Darien, Downers Grove Township, DuPage County.

The appellant contends the “open space” valuation is excessive as the basis of the appeal. On page 1 of the brief, appellant’s counsel reported the parcels had a total fair cash assessment of \$6,512,090 reflecting a market value of approximately \$19,538,223 using the statutory level of assessment. The appellant did not contest this assessment. In support of the overvaluation argument the appellant submitted an appraisal estimating the subject property had an “open space” market value of \$2,425,000 as of January 1, 2015. The appellant also submitted a copy of the decisions of the board of review for each parcel disclosing the subject property had a total “open space” assessment of \$1,145,810 reflecting a market value of \$3,441,904 when using the 2016 three-year average median level of assessment for DuPage County of 33.29%. The appellant requested the subject’s assessment be reduced to \$729,168.

In support of the appeal, the appellant submitted a Summary Appraisal Report prepared by Neil J. Renzi, MAI and John K. Yelinek, CCIM of Renzi & Associates. The appraisers explained that the value estimate was subject to the Jurisdictional Exception Rule for the valuation of golf course properties in the State of Illinois. Section 10-155 states in relevant part:

“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 three 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:

- (a) is actually and exclusively used for maintaining or enhancing natural or scenic resources,
- (b) protects air or streams or water supplies,
- (c) promotes conservation of soil, wetlands, beaches, or marshes, including ground cover or planted perennial grasses, trees and shrubs, and other natural perennial growth, and including any body of water, whether man-made or natural,
- (d) conserves landscaped area, such as public or private golf courses,
- (e) enhances the value to the public of abutting or neighborhood parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, or
- (f) preserves historic sites.

¹ 1,324 square feet of building area of the clubhouse was described as being necessary in maintaining the use of the open space and was excluded from the cost approach to value within the appraisal report. (Appraisal, page 36).

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”

Illinois Property Tax Code (35 ILCS 200/10-155)

The appraisers estimated the fee simple fair cash value of the subject property via a modified cost approach to value. The income approach to value and sale comparison approach to value was not presented within the appraisal report. The income approach to value was not utilized as the subject property was considered a “going-concern” with any allocation between the real estate and business components being highly speculative. The sales comparison approach to value was not presented because the value attributed to possible redevelopment of the land also being highly speculative. (Appraisal, page 72). Renzi valued the subject as “Open Space” pursuant to Section 10-155 of the Property Tax Code. The appellant requested that the “Open Space” parcels be valued at \$5,000 per acre.² The appraisers also explained that 1,324 square feet of the clubhouse was necessary in maintaining the use of the open space. (Appraisal, page 3)

The board of review did not submit its "Board of Review Notes on Appeal" nor any evidence in support of its assessed valuation of the subject property.

Conclusion of Law

The appellant contends the open space 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the only evidence of open space value to be the appraisal submitted by the appellant. The subject's assessment reflects an open space value of \$3,441,904, which is above the appraised open space value presented by the appellant (\$2,425,000). The board of review did not submit any evidence in support of its assessment of the subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board and is found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.40(a) & §1910.69(a). The Board has examined the evidence submitted by the appellant and finds that a reduction in the open space assessed valuation of the subject property is warranted. Since open space value has been determined the 2016 three-year average median level of assessments for DuPage County of 33.29% will apply.

² This request was made prior to the amended requested assessment value of \$729,168.

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.



Chairman



Member



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: August 18, 2020



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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