



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

APPELLANT: Magan Patel
DOCKET NO.: 17-01820.001-C-1
PARCEL NO.: 08-18-310-013

The parties of record before the Property Tax Appeal Board are Magan Patel, the appellant, by attorney Ronald Kingsley of Lake County Real Estate Tax Appeal, LLC in Lake Forest; 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: \$125,162
IMPR.: \$8,317
TOTAL: \$133,479

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 2017 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 building of steel construction with 2,498 square feet of living area which is currently an urgent care center. The building was constructed in 2004 and features a concrete slab foundation with a 1,564 square foot canopy. The property has a 61,529 square foot site and is located in Waukegan, Waukegan Township, Lake County.

The appellant contends overvaluation with respect to the land as the basis of the appeal. In support of this argument, the appellant submitted information on seven comparable commercial vacant land sales located in Waukegan. The lots range in size from 62,726 to 174,240 square feet of land area. The comparables sold from February 2016 to March 2017 for prices ranging from \$20,000 to \$941,790 or from \$0.14 to \$6.97 per square foot of land area. Based on this evidence, the appellant requested a reduction in the subject's land assessment to \$49,834

reflecting a market value of \$149,517 or \$2.43 per square foot of land area when using the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$133,479. The subject has a land assessment of \$125,162 which reflects a market value of \$377,563 or \$6.14 per square foot of land area, when using the 2017 three-year average median level of assessment for Lake County of 33.15% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review critiqued the comparables submitted by the appellant. The board of review asserted that the appellant's comparable #1 consists of three parcels adjacent to a forest preserve and transferred via special warranty deed by a financial institution; comparable #2 is an out-lot in an office-industrial park and is located in Warren Township; comparable #3 is located in an area surrounded by a residential district and was a resale by an investor of a property acquired through a tax-sale which is not a typical arms' length transaction; comparable #4 is located in an industrial park and was a transfer between related individuals which also reflects a transfer of less than 100% interest; comparable #5 is located in an area surrounded by a residential district; comparable #6 was not advertised for sale; and comparable #7 was a "flip" by an investor and is currently on the market at an offering price of \$795,000 or \$7.38 per square foot of land area. The board of review submitted property detail sheets of each comparable, along with PTAX-203 Illinois Real Estate Transfer Declarations and Multiple Listing Service (MLS) sheets to support its claims.

In support of its contention of the correct assessment, the board of review submitted information on six comparable properties, five of which have sold and two of which are current listings.¹ Board of review comparable #6 and the appellant's comparable #7 are the same property. The comparables are located in Waukegan and from .11 of a mile to 2.37 miles from the subject. The lots range in size from 22,651 to 174,240 square feet of land area. Five comparables sold from July 2014 to March 2018 for prices ranging from \$252,000 to \$2,135,000 or from \$2.37 to \$18.72 per square foot of land area. Comparables #5 and #6 were listed in 2018 for prices of \$450,000 and \$795,000 or for \$9.26 and \$7.38 per square foot of land area, respectively. Based on this evidence the board of review requested the subject's assessment be sustained.

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.

¹ The board of review noted in the grid analysis that comparable #1 sold in March 2018 for \$424,000 but had been listed in 2016 for a price of \$50,000 and included a building that was demolished after the purchase. In addition, comparables #2, #3 and #4 were purchased as vacant commercial land which had new construction after their purchases. The board of review also noted comparable #6 sold in 2016 for a price of \$255,000 but has a 2018 listing price of \$795,000.

The parties submitted eleven suggested comparable vacant land sales for the Board's consideration with one comparable common to both parties. The Board finds neither party submitted comparables that are particularly similar to the subject due to differences in location, land area and sale date. The board finds the appellant's comparable sale #1 was purchased from a financial institution, appellant's comparable sale #4 was a transfer between related individuals and appellant's comparable sale #6 was not advertised for sale as depicted in the PTAX-203 transfer declarations provided by the board of review, which calls into question the arms-length nature of these transactions. The board gave less weight to the appellant's comparable #2 which was reported by the board of review to be located outside of Waukegan Township and unrefuted by the appellant, which reduces its reliability as a sale reflective of the subject's market value. The Board also gave less weight to the appellant's comparables #3, #4 and #6, along with board of review comparables #1 and #4 due to their dissimilar land sizes when compared to the subject.

The Board finds on this limited record the best evidence of market value to be the parties' common comparable, the appellant's comparable #5 and board of review comparables #2 and #3. These four comparables have varying degrees of similarity to the subject in location and land size. They sold in July 2014 and February 2016 for prices ranging from \$52,500 to \$450,000 or from \$0.97 to \$6.38 per square foot of land area. Three of the comparables had a tighter range from \$2.43 to \$6.38 per square foot of land area. The subject's assessment reflects a market value of \$377,563 or \$6.14 per square foot of land area, which is within the range established by the best comparable sales in this record. After considering adjustments to the comparable sales for differences when compared to the subject, the Board finds the estimated market value as reflected by the assessment is supported and no reduction in the subject's assessment is warranted. Based on this record, the Board finds the appellant did not demonstrate by a preponderance of the evidence that the subject was overvalued and no reduction in the subject's assessment is 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.



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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