



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

APPELLANT: Cam Du Mac
DOCKET NO.: 17-02341.001-C-1
PARCEL NO.: 07-12-401-046

The parties of record before the Property Tax Appeal Board are Cam Du Mac, 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:	\$76,420
IMPR.:	\$0
TOTAL:	\$76,420

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 100,472 square foot vacant retail/commercial site which serves as a parking lot for an adjacent retail strip center. The subject property is located in Waukegan, Warren Township, Lake County.

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 information on five comparable sales of parcels located in Waukegan at an undisclosed distance from the subject property. According to listing sheets for each of the parcels which were submitted by the appellant, parcels #1, #2, #3 and #5 are zoned B-2 or B-3 which allow for a wide array of commercial and multi-family uses. Parcel #2 is zoned C-6 which allows for commercial and

residential uses. The parcels range in size from 52,773 to 138,430 square feet of land area.¹ The parcels sold from July 2015 to March 2016 for prices ranging from \$20,000 to \$255,000 or from \$.14 to \$2.42 per square foot of land area. Based on the foregoing evidence, the appellant requested a reduction of the subject's land assessment to \$33,152 of \$.99 per square foot of land area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$76,420. The subject's assessment reflects a market value of \$230,528 or \$2.29 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 appellant's evidence, the board of review argued that comparable #1 was a smaller parcel and is located in a mixed-use residential/retail area. It was acquired for multi-family development. Parcel #2 is similar in size but is located in unincorporated Waukegan and is zoned for development as a residential subdivision. Comparable #3 is a landlocked parcel that was acquired by the adjacent parochial high school to be developed as an athletic field. Parcels #4 and #5 were both REO sales. Parcel #4 was purchased for future commercial or residential development. It is adjacent to a forest preserve and residential developments which the board argues makes it not comparable to the subject property. Comparable #5 is located between two large apartment complexes and was purchased for future residential use, according to the PTAX-203 submitted by the board of review.

In support of its contention of the correct assessment, the board of review claims to have submitted information on three gridded sales but no such grid analysis was included in the board of review's evidence.² Property information sheets were submitted for three properties.³ Two of the sheets are labeled "LCBOR Comp #1" and "LCBOR Comp #2". Comparable #1 contained a bank facility at the time of its sale. The bank was to be demolished and the parcel was to be redeveloped as a gas station. No specific proposed use was given for parcel #2 but it is noted as being generally available for development as "Commercial, Retail, Bank, Drug Store, Fast Food Restaurant, Storefront." The two comparables, which are located an undisclosed distance from the subject property, contain either 172,240 or 56,628 square feet of land area. The parcels sold in September 2015 and December 2017 for \$2,135,000 and \$150,000 or \$12.25 and \$2.65 per square foot of land area, respectively.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

¹ The land areas of the parcels as reported on appellant's grid analysis vary slightly from the land areas shown on the property record cards and listing sheets of the parcels. This slight discrepancy will not impact the Board's decision.

² The board of review did include an unexplained grid analysis on six properties located in close proximity to the subject. Five of the six properties sold from November 1999 to May 2012. No sale information was included for comparable #3. The parcels vary in type. One is vacant. The others are classified as commercial, industrial or condominium properties. These unexplained gridded properties will not be considered in the Board's analysis.

³ The property information sheets for the third property were not labeled or identified as an "LCBOR Comparable" as were the other two comparables, nor were the pages located consecutively to the other labeled comparables submitted by the board of review, thus, this property will not be considered as a comparable by the Board.

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 Board gave less weight to appellant's comparables #3, #4 and #5. Comparable #3 was a landlocked parcel, which would affect its salability in an arm's length transaction. It was purchased by an adjoining owner for use as an athletic field. Comparables #4 and #5 were both REO sales. They are located adjacent to residential developments and were both acquired for future residential development. They appear to be outliers as indicated by their much lower sale prices per square foot of land area compared to any of the other comparables in the record. The Board also gave less weight to board of review comparable #1 which was improved with a bank building when it was sold and is thus dissimilar to the subject which is a vacant parcel. It also appears to be an outlier due to its much higher sales price and price per square foot of land area compared to the other comparables in the record.

The Board finds the best evidence of market value to be appellant's comparable sales #1 and #2 and board of review comparable sale #2. These most similar comparables sold for prices ranging from \$.99 to \$2.65 per square foot of land area. The subject's assessment reflects a market value of \$2.29 per square foot of land area, which falls within the range established by the best comparable sales in this record. Based on this evidence the Board finds 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.



Chairman



Member



Member



Member



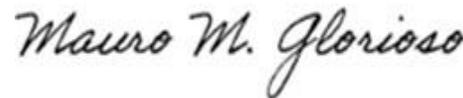
Member

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: October 20, 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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