



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

APPELLANT: PCM
DOCKET NO.: 17-02946.001-C-2
PARCEL NO.: 08-21-403-008

The parties of record before the Property Tax Appeal Board are PCM, the appellant, by attorney Vernon E. Morgan, of DeSanto & Morgan, in Libertyville; the Lake County Board of Review; and the Waukegan C.U.S.D. #60, intervenor, by attorney Scott E. Nemanich of Klein, Thorpe, & Jenkins, Ltd. in Orland Park.

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: \$ 35,572
IMPR.: \$218,371
TOTAL: \$253,943

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 three-story¹ mixed-use commercial building of masonry exterior construction with 28,692 square feet of building area that was originally built in 1923 and recently renovated. The property has a 14,575 square foot site and is located in Waukegan, Waukegan Township, Lake County.

¹ The property record card supplied by the board of review includes a schematic drawing depicting the structure as a part one-story and part four-story building. As the parties herein agree on the total building area square footage, the Board finds this story height discrepancy does not impact the Board's ability to make a determination on this record.

The appellant contends overvaluation as the basis of the appeal.² In support of this argument, the appellant submitted information on three comparable sales. The parcels range in size from 4,103 to 52,988 square feet of land area and have each been improved with a commercial building that was built between 1940 and 2008. The buildings range in size from 3,621 to 37,863 square feet. The appellant provided no other substantive details about the characteristics of these properties, but reported they sold from February to October 2017 for prices ranging from \$42,000 to \$750,000 or from \$11.60 to \$42.24 per square foot of building area, including land. Based on the foregoing evidence, the appellant requested a reduced total assessment of \$130,572 which would reflect a market value of approximately \$391,755 or \$13.65 per square foot of building area, including land, at 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 \$253,943. The subject's assessment reflects a market value of \$766,042 or \$26.70 per square foot of building area, land included, 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 appellant's evidence, the board of review presented a memorandum addressing each of the appellant's comparable sale properties. Sale #1 was an REO sale of a foreclosure property that was reportedly never occupied after construction. Sale #2 was a former bank-oriented building which supports the subject's estimated market value based on its assessment. Sale #3 was an REO sale of a storefront with no office finish.

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales located from .11 of a mile to 2.66-miles from the subject property. The parcels range in size from 7,989 to 152,068 square feet of land area and have each been improved with a masonry commercial building of either two-story or part two-story and part three-story height that was built and/or renovated in either 1974 or 1986. The buildings range in size from 24,192 to 45,000 square feet. No other substantive details about the characteristics of these properties were provided in the grid analysis. The comparables sold from May 2015 to November 2016 for prices ranging from \$800,000 to \$1,100,000 or from \$20.18 to \$45.47 per square foot of building area, including land, and comparable #3 was further reportedly sold in 2018, at some point after the valuation date at issue herein, for \$2,600,000 or \$57.78 per square foot of building area, including land.

The board of review also reported and provided documentation that as of January 1, 2017 the subject property was listed on the market for sale with an asking price of \$5,000,000 or \$174.26 per square foot of building area, including land.

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.

² While the appellant also marked "contention of law" as a basis of the appeal, no brief was supplied to outline the legal issue being raised. (86 Ill.Admin.Code §1910.30(h) – "If contentions of law are raised, the contesting party shall submit a brief in support of his position with the petition.")

The intervenor Waukegan Community School District #60 for its evidence submitted a copy of the entire board of review evidentiary filing including the "Board of Review – Notes on Appeal" signed by Martin P. Paulson, the Lake County Supervisor of Assessments, along with a copy of all of the board of review's underlying memoranda and supporting documentation. Therefore, for purposes of this decision, the intervenor's evidentiary submission will not be further analyzed herein as it would be redundant of the above analysis.

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 six comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's sale #3 which is a significantly smaller building than the subject building and to board of review sale #2 that sold in 2015, a date more remote in time, to the valuation date at issue than other sales in the record.

On this record, the Board finds the remaining four comparable sales are the best indication of the subject's estimated market value available. These comparables sold from April 2016 to October 2017 for prices ranging from \$725,000 to \$950,000 or from \$19.15 to \$42.24 per square foot of building area, including land. The subject's assessment reflects a market value of \$766,042 or \$26.70 per square foot of building area, including land, which is within the range established by the best comparable sales in this record.

Finally, the record also disclosed that the subject property was listed for sale in November 2018 and was on the market for a price of \$5,000,000. The MLS listing indicated the property had been on the market for 114 days but had not sold. The Board finds the subject's listing price sets the upper limit of value.

Based on this evidence, after considering the sales in the record along with the subject's November 2018 listing, the Board finds a reduction in the subject's estimated market value as reflected by its 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: November 16, 2021



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

PCM , by attorney:
Vernon E. Morgan
DeSanto & Morgan
712 Florsheim Drive
Unit 13
Libertyville, IL 60048

COUNTY

Lake County Board of Review
Lake County Courthouse
18 North County Street, 7th Floor
Waukegan, IL 60085

INTERVENOR

Waukegan C.U.S.D. #60, by attorney:
Scott E. Nemanich
Klein, Thorpe, & Jenkins, Ltd.
15010 South Ravinia Avenue
Suite 10
Orland Park, IL 60462