



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

APPELLANT: Dante Monteverde
DOCKET NO.: 17-04499.001-R-1
PARCEL NO.: 20-31-451-001

The parties of record before the Property Tax Appeal Board are Dante Monteverde, the appellant, by attorney Edmund P. Boland, of Carey White Boland Murnighan & Murray, LLC in Chicago, and the McHenry 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 assessment of the property as established by the **McHenry** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$69,993
IMPR.: \$0
TOTAL: \$69,993

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the McHenry 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 5-acre wooded parcel with a rolling contour along which requires well and septic utilities. The subject Lot 5 is located in Barrington Hills, Algonquin Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal prepared by Raymond J. Schmitt, MAI and Certified General Real Estate Appraiser, for the purpose of a potential tax protest. The appraiser estimated the subject property had a market value of \$210,000 as of January 1, 2017.

As part of the appraisal report, the appraiser described that the subject site is located at the end of a street easement with the street currently not improved to the subject lot lines. Instead, the street ends some 550 feet north of the site although the applicable plat shows the street right of

way extending from the Cul-De-Sac to the subject site. Schmitt reported this area is marked as private. The appraiser also noted the legal description indicates the easement is for the benefit of lot 5. Therefore, he determined that for the subject to be sold and developed as an individual parcel, the roadway would have to be extended as well as electric and gas lines. In addition, a good portion of the site would have to be cleared in order to locate a dwelling as well as a septic system.

For purposes of the appraisal, Schmitt utilized the sales comparison approach to value in arriving at his opinion by analyzing five comparable sales which were each described as five-acre parcels with varying views, varying contours and each with well and septic utilities. The comparables were located from .8 of a mile to 4-miles from the subject and sold in either September or November 2016 for prices ranging from \$115,000 to \$305,000 or from \$23,000 to \$61,000 per acre of land area.

As part of the Addendum, the appraiser described the adjustment process for each of the comparables and reported after adjustments, appraisal sales #2, #3 and #4 presented adjusted sales prices ranging from \$36,450 to \$50,400 per acre of land area. Schmitt asserted that appraisal sale #1 was most similar to the subject, except for the subject's lack of direct road access and the wooded view of the subject parcel. From the foregoing data and analysis, the appraiser opined the subject's estimated market value to be \$62,000 per acre of land area and then Schmitt analyzed and researched the "cost to complete" the roadway to the subject parcel to be approximately \$90,000 with additional intangible costs of 10% for a total of \$100,000 to be deducted from the market value of the subject to arrive at the market value "as is" of \$210,000 or \$42,000 per acre of land area.

The appellant also submitted a copy of the decision of the board of review disclosing the subject property had a total assessment of \$114,014 reflecting a market value of \$343,312 or \$68,662 per acre of land area, when using the 2017 three-year average median level of assessment for McHenry County of 33.21% as determined by the Illinois Department of Revenue. The appellant requested the subject's assessment be reduced to \$69,993 to reflect the appraised value at the statutory level of assessment of 33.33%.

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 and was found to be in default by the Property Tax Appeal Board by a letter dated April 11, 2019.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the only evidence of market value to be the appraisal submitted by the appellant with an estimated market value of the subject property "as is" of \$210,000. The subject's

assessment reflects a market value of \$343,312, which is above the appraised value presented by the appellant. 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 thoroughly examined the evidence submitted by the appellant and finds that a reduction in the assessed valuation of the subject property commensurate with the appellant's request is warranted.

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:

December 15, 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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