



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

APPELLANT: Mir and Fatemeh Naghavi
DOCKET NO.: 18-00550.001-R-1
PARCEL NO.: 07-26-421-016

The parties of record before the Property Tax Appeal Board are Mir and Fatemeh Naghavi, the appellants, 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: \$12,117
IMPR.: \$0
TOTAL: \$12,117

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 2018 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 vacant parcel containing 23,353 square feet of land area. The subject property is located in Waukegan, Warren Township, Lake County, Illinois.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$4,500 as of January 1, 2017. The appraisal was prepared by Robert B. Merel, a Certified Illinois Real Estate Appraiser. The appraiser reported the subject site is the retention area for the four sites adjacent north, not buildable, which fronts a busy traffic street.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using three comparable vacant land sales located from .2 of a mile to 3 miles from the subject property. The comparable sites range in size from 10,890 to 35,872

square feet of land area. The sales occurred from July to September 2016 for prices ranging from \$16,500 to \$27,800 or from \$0.70 to \$2.55 per square foot of land area. The appraiser adjusted the comparables for differences in location from the subject property to arrive at adjusted prices ranging from \$11,500 to \$19,300. Based on these sales and considering the subject's location which fronts a busy traffic street (Rte. 120) and its only use is as a retention area, the appraiser arrived at an estimated market value of \$4,500 or \$0.19 per square foot of land area as of January 1, 2017. The appellants requested the subject's assessment be reduced to \$1,499 to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$12,117. The subject's assessment reflects a market value of \$36,629 or \$1.57 per square foot of land area, when using the 2018 three-year average median level of assessment for Lake County of 33.08% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a letter describing the subject as one of thirteen vacant residential lots in the "Phoenix" subdivision a/k/a the "Kennedy Residential Development" located along Kennedy Drive and Forest Avenue in Gurnee, IL. The board of review reported that the thirteen vacant lots are current listed for a price of \$415,000 or \$2.50 per square foot of land area. The board of review provided location and aerial maps of the subject depicting the subject as one of four vacant lots fronting Forest Avenue. The board of review noted the effective date of the appellants' appraisal is one year prior to the tax lien date of January 1, 2018. The board of review critiqued the appellants' appraisal comparables and the adjustment's the appellants' appraiser applied to the comparables for differences from the subject.

In support of the subject's assessment, the board of review submitted information on six comparable vacant land sales located from .30 to .98 of a mile from the subject. The vacant residential lots contain either 9,801 or 16,000 square feet of land area. Five comparables sold from May 2015 to August 2018 for prices ranging from \$30,000 to \$40,000 or from \$2.50 to \$3.72 per square foot of land area. The board of review reported that comparable #6 was listed in 2018 for a price of \$35,000 or \$3.63 per square foot of land area. Based on this evidence, the board of review requested confirm or increase the subject's assessment.

Conclusion of Law

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation as a basis of the appeal. 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 appellants failed to meet this burden of proof.

The appellants submitted an appraisal estimating the subject property's market value of \$4,500 as of January 1, 2017. The Board gives little weight to the appraisal report. The effective date of the appraisal was one year prior to the subject's assessment date. Moreover, the comparable sales contained within the appraisal occurred in 2016, which are dated and less indicative of

market value as of the subject's January 1, 2018 assessment date. Additionally, two of the comparable sales selected by the appraiser are located more than one mile from the subject property. Furthermore, the appraiser claims the subject property fronts a busy traffic street (Rte. 120) and that the subject's only use was as a retention area, however, the appraiser failed to provide any substantive documentary evidence to support these claims. Whereas, the board of review provided an aerial site map depicting the subject as a vacant lot which fronts Forest Avenue. These factors undermine the credibility of the appraisal's final value conclusion.

The board of review submitted five comparable sales for the Board's consideration. The Board gives less weight to board of review comparables #1, #2 and #3 as the sales occurred in 2015 and 2016 which are dated and less likely to reflect the subject's market value as of the assessment date at issue. The Board finds the best evidence of market value to be board of review comparable sales #4 and #5. These comparables are relatively similar to the subject in location, although each site is smaller in size compared to the subject. These properties each sold in August 2018 for a price \$40,000 or \$2.50 per square foot of land area. The subject's assessment reflects an estimated market value of \$36,629 or \$1.57 per square foot of land area, which is below the best comparable sales in this record, both in terms of overall price and on a price per square foot basis. Based on this record, 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:

May 18, 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

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