



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

APPELLANT: Kelcey's Pub, Inc.
DOCKET NO.: 18-02748.001-C-1
PARCEL NO.: 16-15-405-031

The parties of record before the Property Tax Appeal Board are Kelcey's Pub, Inc., the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC in Chicago; 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: \$106,364
IMPR.: \$132,944
TOTAL: \$239,308

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 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 .26 acre or 11,325 square foot site improved with two, two-story buildings with a combined building area of 5,240 square feet. The buildings include a two-story building of frame construction with 2,728 square feet of building area constructed in 1945 with an effective age of 1980 being used as three apartments (Building #1), and a two-story building of masonry construction with 2,512 square feet of building area built in 1945 with an effective age of 1980 being used as a tavern (Building #2). Each building has a full basement. The property is located in Highwood, Moraine Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. However, in support of this argument the appellant submitted an analysis only for Building #1, the apartment building. The appellant provided information on four comparable sales improved with two-story buildings ranging in size from 3,250 to 13,568 square feet of building area. Comparable #2 was built in

1920 and comparable #4 was built in 1981. The ages of the other two comparables were not disclosed. The sales occurred from March 2016 to October 2017 for prices ranging from \$385,000 to \$1,500,000 or from \$110.55 to \$176.91 per square foot of building area including land. The appellant's counsel asserted the mean sales price was \$145.18 per square foot of building area. Applying that amount to the 2,778 square feet of building area attributable to Building #1, the appellant indicated the subject property would have a market value of \$403,310, however, the appellant requested the assessment be revised to \$140,000 to reflect a market value of \$420,000, rounded.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$239,308. The subject's assessment reflects a market value of \$723,422 or \$138.06 per square foot of total building area, land included, 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 rebuttal the board of review asserted that only one of the buildings associated with the subject property was reported in the appellant's analysis. It asserted that using both buildings located on the subject property reflects a market value within the range of the sales presented by the appellant.

In support of its contention of the correct assessment the board of review submitted information on one listing composed of a two-story, four tenant mixed use building with a list price of \$1,200,000 or \$300,000 per unit and \$162.47 square foot of building area. Comparable #2 is a mixed use eight-tenant building that sold in October 2017 for a price of \$1,500,000 or \$187,500 per unit and \$107.14 per square foot of building area. Comparable #2 appears to be the same comparable as appellant's comparable #1.

The board of review requested the 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.

The Board gives little weight to the appellant's analysis as it included only one of the two buildings located on the subject property, therefore, the appellant overstated the value of the subject property on a square foot basis.

In total, there were four comparable sales and one listing submitted by the parties with varying degrees of similarity to the subject property. One comparable was submitted by both parties. These properties sold or had listing prices ranging from \$107.14 to \$176.91 per square foot of building area, including land. The subject's assessment reflects a market value of \$138.06 per square foot of living area, including land, which is within the range established by the

comparable sales in this record. Based on this evidence the Board finds the assessment of the subject property as established by the board of review is correct and 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: March 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

Kelcey's Pub, Inc., by attorney:
Robert Rosenfeld
Robert H. Rosenfeld and Associates, LLC
33 North Dearborn Street
Suite 1850
Chicago, IL 60602

COUNTY

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