



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

APPELLANT: Darrell Bergeron
DOCKET NO.: 18-03099.001-R-1
PARCEL NO.: 14-12-12-102-008-0000

The parties of record before the Property Tax Appeal Board are Darrell Bergeron, the appellant, by Mary Kate Gorman, Attorney at Law in Chicago; and the Will 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 Will County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$24,750
IMPR.: \$101,950
TOTAL: \$126,700

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Will 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 part two-story and a part one-story dwelling of frame and masonry exterior construction with 2,671 square feet of living area. The dwelling was constructed in 2000 and is approximately 18 years old. Features of the home include an unfinished full basement, central air conditioning, a fireplace and a 1,607 garage.¹ The property has a 62,312 square foot site and is located in Manhattan, Manhattan Township, Will County.

The appellant contends assessment inequity with respect to the improvement as the basis of the appeal. In support of the inequity claim, the appellant submitted a grid analysis of three equity comparables located within one block of the subject. The comparables consists of a part one and one-half story and part one-story dwelling and two, two-story dwellings of frame or frame and masonry exterior construction ranging in size from 2,670 to 2,942 square feet of living area. The

¹ The Board finds the best description of the subject property was found in the property record card provided by the board of review.

dwelling are 20 or 21 years old. Each comparable features central air conditioning, at least one fireplace and a garage ranging in size from 512 to 843 square feet of building area. The appellant did not provide descriptions of the dwellings' foundation types or the number of fireplaces. The comparables have improvement assessments that range from \$82,450 to \$94,950 or from \$28.03 to \$35.56 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to \$82,133 or \$30.75 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$126,700. The subject property has an improvement assessment of \$101,950 or \$38.17 per square foot of living area.

In response to the appeal, the board of review provided a memorandum prepared by the Manhattan Township Assessor, along with property record cards of each of the appellant's comparables. The property record cards depict each dwelling with an unfinished basement and one or four fireplaces. The assessor contends appellant's comparables #1 and #2 have older two-story designs when compared to the subject's custom design.

In support of the subject's assessment, the board of review through the township assessor submitted a grid analysis and property record cards of the subject and four equity comparables located within the same subdivision as the subject. Comparable #2 is the same property as the appellant's comparable #3. The comparables consist of a part one and one-half story and part one-story dwelling and three, two-story dwellings of frame, masonry or frame and masonry exterior construction ranging in size from 2,670 to 2,997 square feet of living area. The dwellings range in age from 13 to 21 years old. Each comparable features an unfinished basement, two comparables have central air conditioning, each comparable has one fireplace and a garage ranging in size from 512 to 800 square feet of building area. The comparables have improvement assessments ranging from \$94,950 to \$119,700 or from \$35.56 to \$39.94 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains six equity comparables for the Board's consideration with one property common to both parties. The Board finds all the comparables are relatively similar when compared to the subject in location, design, age, dwelling size and most features, but each comparable has a considerably smaller garage when compared to the subject. They have improvement assessments ranging from \$82,450 to \$119,700 or from \$28.03 to \$39.94 per

square foot of living area. The subject property has an improvement assessment of \$101,950 or \$38.17 per square foot of living area, which falls within the range established by the comparables contained in the record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the evidence demonstrates the subject's improvement assessment is justified.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence.

Based on this record, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not 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: January 19, 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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