



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

APPELLANT: Longacre Ponds, LLC
DOCKET NO.: 18-03138.001-R-3 through 18-03138.003-R-3
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Longacre Ponds, LLC, the appellant, by attorney Brian P. Liston, of the Law Offices of Liston & Tsantilis, P.C. in Chicago; the St. Clair County Board of Review.¹

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 **St. Clair** County Board of Review is warranted. The correct assessed valuation of the property is:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
18-03138.001-R-3	03-28.0-401-040	204,354	887,748	\$1,092,102
18-03138.002-R-3	03-28.0-403-014	87,762	695,687	\$783,449
18-03138.003-R-3	03-28.0-403-024	57,589	0	\$57,589

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from decisions of the St. Clair County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessments 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 twelve three-story residential apartment buildings of masonry exterior construction known as Longacre Ponds Apartments.² The buildings contain a total of 257,520 square feet of building area consisting of 252 apartment units. The buildings were initially constructed in 2002. Features include 450 surface parking spaces, 84 garage spaces and 42 carports. The property has a 17.40-acre site and is located in Fairview Heights, Caseyville Township, St. Clair County.

¹ Southwestern Illinois College timely intervened in this matter, did not request a hearing and then failed to timely submit its evidence. As such, the intervenor was found in default by a letter dated October 22, 2020 and is no longer considered to be a party to this appeal.

² All details of the subject property have been drawn from the appellant's appraisal report as the other parties did not timely submit evidence in this matter and were found to be in default.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a 96-page appraisal report prepared by John Stephen O'Dwyer estimating the subject property had a market value of \$5,800,000 as of January 1, 2016. The appraiser utilized both the sales and income approaches to value to arrive at the opinion.

As part of the description of the subject property, the appraiser reported that as early as 2014, Building #9 began showing signs of mine subsidence. In August 2014, work orders were made for cracking and door issues although the owners remained unaware it was mine subsidence until March 2015 when an insurance adjuster determined the claim. As of April 2015, residents of Building #9 began transferring to another apartment and in March 2016 the building was evacuated due to significant settlement where the building was no longer deemed safe. Building #10 suffered a fire in September 2015 and in the course of repair significant settlement was uncovered with a significant repair estimate for this building without mine subsidence related repairs. Repairs were never performed such that Buildings #9 and #10 containing a total of 24 apartment units have been taken off-line. There have been on-going work orders throughout the property with some buildings being more impacted than others. Based upon the income statements provided to the appraiser, credits to tenants have been issued on rents due to cracking and both window and door jamming issues. (Appraisal, p. 8-9, 16-17)

The appellant also submitted copies of the decisions of the board of review disclosing the subject property had a total equalized assessment of \$3,595,232 reflecting a market value of \$10,770,617 or \$42,741 per apartment unit or \$41.82 per square foot of building area, including land, when using the 2018 three-year average median level of assessment for St. Clair County of 33.38% as determined by the Illinois Department of Revenue.

Based upon the appraisal evidence, the appellant requested reductions in the subject's assessments 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 a letter dated January 9, 2020.

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. The subject's assessment reflects a market value of \$10,770,617 or \$42,741 per apartment unit or \$41.82 per square foot of building area, including land, which is above the appraised value conclusion of \$5,800,000, land included, 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 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: February 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

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