



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

APPELLANT: 805 Golf Lane, LLC
DOCKET NO.: 18-04542.001-I-1
PARCEL NO.: 03-11-314-008

The parties of record before the Property Tax Appeal Board are 805 Golf Lane, LLC, the appellant, by attorney Dennis M. Nolan, of the Law Office of Dennis M. Nolan, P.C. in Bartlett; and the DuPage 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 **DuPage** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$207,400
IMPR.: \$685,380
TOTAL: \$892,780

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the DuPage 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 brick industrial building with a total 52,155 square feet of building area. 13,542 square feet of building area was constructed in 1976 with a clear ceiling height of 12 feet 5 inches and 38,613 square feet of building area was constructed in 1988 with a clear ceiling height of 21 feet 5 inches. Each building section includes office space and truck access doors. Other features include three interior loading docks, one drive-in door and 1,200 amps of power. The property has a land to building ratio of 1.66:1. The property has an 86,506 square foot site and is located in Bensenville, Addison Township, DuPage County.

The parties appeared before the Property Tax Appeal Board on March 30, 2021, via video conferencing technology using the Webex virtual platform pursuant to prior written notice dated February 2, 2021. Upon inquiry at the commencement of the virtual hearing, neither party posed any objection to use of this virtual hearing format. Appearing virtually on behalf of the appellant was its attorney, Dennis M. Nolan, and appearing virtually on behalf of the DuPage County Board of

Review was Carl Petersen, board of review member, along with his witness appearing virtually, Frank A. Marack, Jr., Chief Deputy Assessor in Addison Township.

In support of this argument the appellant submitted evidence disclosing the subject property was purchased on November 8, 2016, for a price of \$2,682,632. The appellant completed Section IV – Recent Sale Data on page 2 of the appeal form. The appellant disclosed that the property was sold by the realty firm NAI Hiffman to Unity Railway Supply Co., Inc., and the transfer was not between family members or a related corporation. The appellant noted that the property was advertised for sale and stated at the hearing that the property was on the market for 14 months. The appellant submitted a Master Statement prepared by Chicago Title and Trust Company which disclosed that commissions were paid to two entities. Also, in support of this argument the appellant submitted an appraisal dated September 12, 2016, with an appraised value of \$2,700,000 for the subject property to support the sale price. The appraisal was prepared by Ron De Vries, MAI and an Illinois State Certified General Appraiser. The intended use of this report is for use as an aid in underwriting, loan classification, and disposition of the asset. This report is not intended for other purposes. The appraiser was not present at the hearing to provide testimony and be cross-examined regarding the appraisal methodology and the final value conclusion. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$941,670. The subject's assessment reflects a market value of \$2,829,537 or \$54.25 per square foot of living area, land included, when using the 2018 three year average median level of assessment for DuPage County of 33.28% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the township assessor through the board of review submitted information on six paired comparable sales. Marack testified that these industrial sales were submitted to show a township factor of 1.0463 should be applied to the sale price of the subject property. These comparables range in size from 7,218 to 83,184 square feet of building area. There was no additional descriptive information submitted about the comparable properties. These sales sold from April 2016 to February 2018 for prices ranging from \$325,000 to \$4,750,000 and resold again from July 2017 to October 2018 for prices ranging from \$595,000 to \$4,900,000. Based on this evidence, the board of review requests that the assessment be confirmed.

During cross-examination, Marack was questioned about board of review comparable #5 being a bulk sale and comparable #2 being a divisible building. Marack stated not according to their records.

The appellant's attorney requested for impeachment purposes only to send copies of CoStar reports on the board of review's comparables to disclose that board of review comparable #5 was a bulk sale and board of review comparable #2 is a divisible building and not a single use. The board of review objected.

The Board hereby overrules the objection by the board of review and will give appropriate weight to the reports submitted.

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 best evidence of market value to be the purchase of the subject property in November 2016, for a price of \$2,682,632. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor. In further support of the transaction the appellant submitted a copy of the settlement statement disclosing commissions were paid to two entities. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc., 45 Ill.2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945).

The Board gave less weight to the six paired sales submitted by the board of review to indicate a 1.0463 factor should be applied to the subject's sale price as these sales do not overcome the subject's arms-length sale price. Based on this record the Board finds the subject property had a market value of \$2,682,632 as of January 1, 2018. Since market value has been determined the 2018 three year average median level of assessment for DuPage County of 33.28% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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: July 19, 2022



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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