



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

APPELLANT: Enclave Blvd, LLC
DOCKET NO.: 19-06725.001-C-3 through 19-06725.008-C-3
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Enclave Blvd LLC, the appellant, by attorney Michael R. Davies of Ryan Law, LLP, in Chicago; the Madison County Board of Review; and Edwardsville C.U.S.D. #7, the intervenor, by attorney Robert L. Jackstadt of Tueth Keeney Cooper Mohan & Jackstadt, in Edwardsville.

The record in this appeal contains a proposed assessment for the subject property submitted by the board of review. By letters dated November 19, 2020, the appellant and intervenor were notified of this suggested agreement and given thirty (30) days to respond if the offer was not acceptable. Neither the appellant nor intervenor responded to the Property Tax Appeal Board by the established deadline.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board finds that the assessed valuation proposed by the board of review is appropriate.¹

¹ The record contains an appraisal submitted by the appellant estimating the “leased fee” interest market value of the subject property to be \$13,100,000 as of March 14, 2019. Therefore, the appellant requested the subject’s total assessment be reduced to \$4,366,230 by applying the statutory level of assessment of 33.33%. Of importance, the evidence revealed that the appellant did not file a complaint with the board of review but filed an appeal directly to the Property Tax Appeal Board following receipt of the notice of an equalization factor.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final total equalized assessment of \$5,487,460 was disclosed. This assessment reflects an estimated market value of \$16,464,026 when applying the statutory level of assessment of 33.33%. After reviewing the appellant's evidence, the board of review agreed to reduce the subject's assessment by the amount of increase caused by the application of the equalization factor or a total assessment of \$5,373,030, which reflects an estimated market value of \$16,120,702 when applying the statutory level of assessment of 33.33%.

Although the intervening taxing district failed to respond to the proposed stipulation by the established deadline of December 19, 2019, it submitted evidence in support of its contention of the correct assessment on January 26, 2021. The intervenor submitted an appraisal estimating the “fee simple” interest market value of subject’s real property to be \$15,875,000 as of January

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

1, 2019, which results in a total assessment for the subject of \$5,291,138 using the statutory level of assessment of 33.33%.

Based upon the evidence submitted, the Board finds that a reduction in the subject's assessment is supported. The appellant submitted an appraisal estimating the “leased fee” interest market value of the subject property to be \$13,100,000 as of March 14, 2019. The intervenor submitted an appraisal estimating the “fee simple” interest market value of subject’s real property to be \$15,875,000 as of January 1, 2019. The subject property's final equalized assessment totaling \$5,487,460 reflects an estimated market value of \$16,464,026 when applying the statutory level of assessment of 33.33%. The Board finds the evidence submitted by both the appellant and intervenor demonstrate the subject property is overvalued.

However, the record indicates that the appellant did not file a complaint with the board of review but appealed the assessment directly to the Property Tax Appeal Board based on notice of an equalization factor. Since the appeal was filed after notification of an equalization factor, the amount of relief that the Property Tax Appeal Board can grant is limited. Section 1910.60(a) of the Official Rules of the Property Tax Appeal Board states in part:

If the taxpayer or owner of property files a petition within 30 days after the postmark date of the written notice of the application of final, adopted township equalization factors, the relief the Property Tax Appeal Board may grant is limited to the amount of the increase caused by the application of the township equalization factor. 86 Ill.Admin.Code §1910.60(a).

Additionally, section 16-180 of the Property Tax Code (35 ILCS 200/16-180) provides in pertinent part:

Where no complaint has been made to the board of review of the county where the property is located and the appeal is based solely on the effect of an equalization factor assigned to all property or to a class of property by the board of review, the Property Tax Appeal Board may not grant a reduction in the assessment greater than the amount that was added as the result of the equalization factor.

These provisions mean that where a taxpayer files an appeal directly to the Property Tax Appeal Board after notice of application of an equalization factor, the Board cannot grant an assessment reduction greater than the amount of increase caused by the equalization factor. Villa Retirement Apartments, Inc. v. Property Tax Appeal Board, 302 Ill.App.3d 745, 753 (4th Dist. 1999). Based on a review of the evidence contained in the record, the Property Tax Appeal Board finds a reduction in the assessment of the subject property is supported. However, the reduction is limited to the increase in the assessment caused by the application of the equalization factor.

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
19-06725.001-C-3	14-2-15-10-04-401-003	32,610	622,750	\$655,360
19-06725.002-C-3	14-2-15-10-04-401-004	22,920	621,010	\$643,930
19-06725.003-C-3	14-2-15-10-04-401-005	18,320	619,600	\$637,920
19-06725.004-C-3	14-2-15-10-04-401-006	22,980	855,100	\$878,080
19-06725.005-C-3	14-2-15-10-04-401-007	14,280	619,270	\$633,550
19-06725.006-C-3	14-2-15-10-04-401-008	22,290	619,270	\$641,560
19-06725.007-C-3	14-2-15-10-04-401-009	23,080	620,250	\$643,330
19-06725.008-C-3	14-2-15-10-04-401-010	17,640	621,660	\$639,300

Subject only to the State multiplier as applicable.

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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 20, 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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