



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

APPELLANT: James A. Onan
DOCKET NO.: 19-07167.001-R-1
PARCEL NO.: 10-25-435-011

The parties of record before the Property Tax Appeal Board are James A. Onan, the appellant, by attorney Stuart T. Edelstein, of Stuart T. Edelstein, Ltd. in Northbrook, 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: \$11,960
IMPR.: \$0
TOTAL: \$11,960

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 2019 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 vacant lake front lot containing 7,200 square feet of land area. The lake lot is located in Mundelein, Fremont Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal prepared by Terrence M. Fallen, an Associate Real Estate Trainee Appraiser and supervised by Jerry R. Wicklund and a Certified General Real Estate Appraiser. The appraisers estimated the subject property had a market value of \$13,000 or \$1.81 per square foot of land area as of January 1, 2019.

The intended use of the appraisal was for a potential tax protest of the subject parcel. The appraiser describes the subject property as a vacant lot that is land locked without any easements or utilities. The lot is adjacent and slopes to Diamond Lake and is covered with grass and

several trees. Under site description, the appraiser indicated that the subject suffers from functional and external obsolescence due to lack of easement to the property and part of the property being located in a flood plain. Under highest and best use, the appraiser asserted that the highest and best use for the site is a residential structure that meets all the current codes and maximizes the site utility although it may not be financially feasible at this time.

In estimating the market value of the subject parcel, the appraisers developed the sales comparison approach to value using five comparable sales located from .41 to 1.91 miles from the subject. The parcels contain from 7,500 to 11,999 square feet of land area. Four comparables have a residential view while one comparable has a lake view like the subject. Each comparable has utilities at the site or nearby. Comparable #1 has an improvement on the property and the remaining comparable are vacant buildable lots. The appraiser explained no adjustments were made for improvements to this comparable due to the value being in the land. The comparables sold from March 2010 to May 2018 for prices ranging from \$15,000 to \$32,500 or from \$1.92 to \$3.33 per square foot of land area. The appraisers applied adjustments to each comparable for differences from the subject property in location, site size, utilities, and buildability to arrive at adjusted prices ranging from \$3,000 to \$15,500. Giving equal weight to each comparable sale, the appraisers arrived at an estimated value for the subject under the sales comparison approach of \$13,000. The appraiser also noted a sale that was not used a comparable. It was a sale of a similar vacant lot on Beach Walk like the subject that was purchased in June 2012 for \$39,900. The appraiser noted that per conversation with the seller's agent, this property was a difficult property to sale with almost no market. The lot was sold to the adjacent property owner which had a house directly east of the vacant lot.

In further support, the appellant's counsel submitted an Environmental Summary sheet of the subject's 7,200 site which indicates approximately 5,766 square feet of the land area is wetlands along with a Drainage Summary sheet that indicates 4,618 square feet of the land area is located in the flood plain. Tax parcel maps of the subject site and neighboring properties were also submitted. Based on this evidence, the appellant requested the total assessment be reduced to \$4,333.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$11,980. The subject's assessment reflects a market value of \$36,424 or \$5.05 per square foot of land area, when using the 2019 three year average median level of assessment for Lake County of 32.89% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales of vacant lots located in Mundelein. The parcels range in size from 6,980 to 10,850 square feet of land area. The comparables sold from July 2017 to July 2020 for prices ranging from \$36,000 to \$65,000 or from \$4.46 to \$5.99 per square foot of land area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 appellant submitted an appraisal of the subject property and the board of review submitted three land sales to support their respective positions before the Property Tax Appeal Board. The Board has given little weight to the value conclusion of the appellant's appraisal report due to the fact the appraiser when valuing the subject's vacant lot utilized a sale (comparable #1) that had an improvement on the site. The appraiser just stated that most of the value was in the land and did not provide or consider the demolition costs of the improvements. Furthermore, the appraiser made contradictory statements as to the buildability of the subject site. On the sales grid analysis, the appraiser indicates the subject is a non-buildable site but in discussing the subject's highest and best use the appraiser opines the highest and best use of the subject is to be improved with a residential structure. Lastly, the appraiser utilized a sale that was 9 years old in establishing the subject's market value which is not a reliable indicator of value. Therefore, the Board finds these reasons undermine the reliability and credibility of the appraisal's final value conclusion.

The Board finds the best evidence of market value to be appraisal sales #2, #3 and #4 along with the board of review comparable sales. Each of these vacant parcels were relatively similar to the subject in size. These six comparables sold from June 2017 to July 2020 for prices ranging from \$23,000 to \$65,000 or from \$1.92 to \$5.99 per square foot of land area. The subject's assessment reflects a market value of \$36,424 or \$5.05 per square foot of land area, which is within the range established by the best comparable sales in the record. Based on this evidence, the Property Tax Appeal Board finds 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:

September 20, 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

James A. Onan, by attorney:
Stuart T. Edelstein
Stuart T. Edelstein, Ltd.
1250 Rudolph Road
Apt 1J
Northbrook, IL 60062

COUNTY

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