



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

APPELLANT: Alfredo Linares
DOCKET NO.: 23-04020.001-C-1
PARCEL NO.: 11-27-428-026

The parties of record before the Property Tax Appeal Board are Alfredo Linares, the appellant, by attorney George N. Reveliotis, of Reveliotis Law, P.C. in Park Ridge, and the Winnebago 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 **Winnebago** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$15,605
IMPR.: \$64,387
TOTAL: \$79,992

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Winnebago County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2023 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 parcel of 36,343 square feet is improved with a canopy and five (5) dual-sided pumps which were installed in 2017. There are four (4) underground, double-wall, fiberglass fuel tanks as follows: a 15,000-gallon regular fuel tank, an 8,000-gallon mid-grade fuel tank, an 8,000-gallon premium fuel tank, and an 8,000-gallon diesel fuel tank. The property is located in Rockford, Rockford Township, Winnebago County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal prepared by three appraisers from JSO Valuation Group, Ltd., using both the cost and sales comparison approaches to value, in estimating the subject property had a fee simple market value of \$240,000 as of January 1, 2023. The purpose of the appraisal was as an aid in establishing the correct assessed valuation for *ad valorem* taxation purposes.

JSO Valuation Group performed an on-site visit. (Appraisal, p. 9) As to the subject property, the appraisers described the location as a poor commercial area along a primary thoroughfare with vacant/undeveloped land surrounding the subject. Furthermore, the commercial tenancy in the area was described as primarily small “mom-and-pop” or local tenants. The subject property has poor access, only from a side road known as Lane Street, and cannot be accessed from the South Main Street thoroughfare. (Appraisal, p. 20)

First the appraisers used the cost approach to estimate the value of the subject site as if vacant. Three sales of parcels ranging in size from 46,541 to 97,052 square feet of land area were examined. These comparables sold from February 2021 to June 2023 for prices ranging from \$30,000 to \$100,000 or from \$0.64 to \$1.03 per square foot of land area. Although the appraisers determined that no transactional adjustments were necessary to the comparables, the appraisers did apply qualitative adjustments for access, location, and size differences. From this process, the appraisers concluded a value for the subject of \$1.00 per square foot or \$40,000, rounded. (Appraisal, p. 35-46)

Using the cost approach, the appraisers used Marshall & Swift to estimate the values of the underground fuel storage tanks, the landscaping, asphalt, concrete and electronic dispenser including vapor recovery double sided single pump. Through this process, the appraisers estimated the replacement cost new of these items of \$631,341. The appraisers characterized the improvements as being in average condition. Nevertheless, physical depreciation based on the age/life method was determined to be \$207,145. Next, the appraisers reported a significant amount of functional obsolescence in that: the site is small for a gasoline service station; there is no building or convenience store; car washes are seldom used and do not generate substantial revenues; the subject is not prepared to sell E-85 fuel; the concrete and asphalt are both riddled with cracks; and there is no access via South Main Street making access poor. For this, the appraisers opined a deduction of \$175,000. Additional depreciation of 10% or \$63,135 due to external obsolescence based on the subject’s poor commercial location is to be deducted as well. As depicted on page 53, all forms of depreciation total \$445,280, resulting in a depreciated cost of the improvements of \$186,061, to which the appraisers added the land value of \$40,000, for a conclusion under the cost approach of \$230,000, rounded. (Appraisal, p. 47-53)

Using the sales comparison approach, the appraisers analyzed three sales of fuel and service stations located in Machesney Park and Rockford. The comparables were constructed from 1974 to 1988 and sold from August 2021 to June 2022 for prices ranging from \$425,000 to \$625,000 or from \$41.67 to \$177.08 per square foot of land area, including building. As part of the appraisal, it was reported there were a lack of comparable service station sales due primarily to amenities/additional revenue streams as the subject has no building/convenience store, thus these comparables are all very superior to the subject. (Appraisal, p. 54-61)

Additionally, the appraisers set forth three examples of gas station sales “that are deemed not as comparable to the subject.” The three “unused gas station sales” on page 61 of the report are located in either Rockford or Loves Park. The parcels range in size from 19,754 to 34,352 square feet of land area. The properties sold from May 2019 to May 2023 for prices ranging from \$410,000 to \$675,000 or from \$14.56 to \$34.17 per square foot of land area. The appraisers reported that one sale was very superior in a location near national tenants; the second

sale included business value within the sale; and the third sale was a triple net investment sale, again not portraying a fair market value similar to the second sale. (Appraisal, p. 61)

After adjusting each of the first three comparable sales as discussed from pages 61 to 64 and depicted in a chart on pages 65 and 66, the appraisers opined a market value for the subject of \$7 per square foot of land area, including improvements, or \$250,000, rounded. (Appraisal, p. 67)

In reconciliation, the appraisers gave equal weight to both the sales comparison and cost approach conclusions in arriving at their opinion of market value of the subject of \$240,000. (Appraisal, p. 68-69) Based on the foregoing evidence, the appellant requested a total assessment reflective of the appraised value conclusion at the statutory level of assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$99,990. The subject's assessment reflects a market value of \$300,000, including improvements, when using the statutory level of assessment for 33.33%.¹

In support of its contention of the correct assessment, the board of review submitted a letter prepared by Thomas Ewing, Chairman of the Board of Review, along with information on two comparable sales, along with additional supporting documentation. While the board of review reports that the appellant submitted an appraisal in this matter, the Chairman wrote, "There are several issues with the appraisal that will be addressed at the hearing."²

The comparable properties are located 1.4 and 5-miles from the subject, respectively, with parcels containing 26,014 and 58,806 square feet of land area. Each comparable is improved with a one-story structure described as gas station and convenience store, respectively, containing 2,400 and 4,150 square feet of building area, respectively, where comparable #2 is reported to be 36 years old and no age is reported for the building as part of comparable #1. The comparables were sold in November 2019 and August 2021 for prices of \$680,000 and \$325,000 or for \$163.86 and \$135.42 per square foot of building area, respectively. Based on the foregoing 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

¹ Procedural rule Sec. 1910.50(c)(1) provides that in all counties other than Cook, the three-year county wide assessment level as certified by the Department of Revenue will be considered. 86 Ill.Admin.Code Sec. 1910.50(c)(1). Prior to the issuance of this decision, the Department of Revenue has yet to publish Table 3 with the figures for tax year 2023.

² The appellant never requested a hearing in this matter. The Board of Review – Notes on Appeal signed by Chairman Ewing, at the top of the form indicate that "no" hearing is requested. (See Image #1). Therefore, this appeal has been decided on the written record.

Image #1

Hearing requested?	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
County	PTAB Docket No. <u>2023-04020</u>	
	Parcel Address <u>1426 S. Main St.</u>	

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 appellant submitted an appraisal of the subject property with an opinion of market value of the lien date at issue and the board of review provided two raw, unadjusted comparable sales of gas station properties with buildings/convenience store features for consideration by the Property Tax Appeal Board. The Board has given reduced weight to the evidence presented by the board of review which data, in the absence of any adjustments for differences, represents dissimilar properties when compared to the subject consisting of land, a canopy of five dispensing stations along with necessary underground storage tanks for fuel.

The Board finds the best evidence of market value in this record to be the appraisal submitted by the appellant. The appraisers prepared both the cost and sales comparison approaches, explaining the circumstances surrounding the subject property as compared to other gas station properties and also detailed the depreciation necessary in the cost approach. In reconciliation, the appraisers gave equal weight to both conclusions in arriving at the final opinion of value for the subject of \$240,000, including improvements. The subject's assessment reflects a market value of \$300,000, including improvements, which is above the appraised value which has not been adequately challenged or contradicted by the board of review on this record.

The Board finds the subject property had a market value of \$240,000 as of the assessment date at issue. Since market value has been established the statutory level of assessments of 33.33% shall apply and a reduction commensurate with the appellant's request is warranted. (See Footnote 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: _____

October 15, 2024



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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