

BOARD OF REVISION

The Geauga County Board of Revision met on Monday, June 17, 2019, at 9:08 a.m. in the Auditor's Conference Room on the first floor of the Courthouse Annex.

Present: County Auditor Charles E. Walder, Chief Deputy Treasurer Caroline Mansfield and County Commissioner Timothy C. Lennon.

Also Present: Chief Appraiser Chris Greenawalt and Deputy Auditor Rachel Blystone

GENERAL BUSINESS**Remissions/Refunds of Late Payment Penalties per ORC 5711.33 and 5711.39**

Motioned by Charles E. Walder, seconded by Caroline Mansfield to remit and/or refund the following late payment penalties totaling \$1,913.45 due to reasonable cause and not willful neglect and based upon the recommendation of the County Treasurer Christopher P. Hitchcock:

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

1. Peterson, Todd and Susan	21-007400	\$1,381.41
2. Trustee Powers Nora J	02-419967	<u>\$532.04</u>
	Totaling	\$1,913.45

BTA Case Reviews**University Hospitals**

Parcel 02-025390

Case # 2018-1721

Upon Consideration of the stipulation jointly filed by the parties, this matter is hereby remanded to the County Auditor/Fiscal Officer to take action as appropriate to give effect to the parties' settlement.

Action

To adjust Tax Year 2017 market value to \$1,700,000. Motioned by Charles E. Walder and seconded by Caroline Mansfield.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

100 Chardon LLC

Parcels: 10-031900, 10-032000, 10-32100, 10-32200, 10-32300, 10-165323, 10-165324, 10-165325, 10-165326

Case # 2018-1540

Upon Consideration of the stipulation jointly filed by the parties, this matter is hereby remanded to the County Auditor/Fiscal Officer to take action as appropriate to give effect to the parties' settlement.

10-031900- \$52,000	10-032000- \$41,800	10-032100- \$5,200
10-032200- \$5,200	10-032300- \$295,800	10-165323- \$33,000
10-165324- \$15,000	10-165325- \$18,000	10-165326- \$34,000

Action

To adjust Tax Year 2017 market value to \$500,000. Motioned by Charles E. Walder and seconded by Caroline Mansfield.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

WITHDRAWALS

02-421346 Padley Jason & Chang Amy

Motioned by Charles E. Walder seconded by Caroline Mansfield to accept withdrawal of complaint by Kenston LSD Attorney.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

02-420902 Bainbridge Real Estate LLC

Motioned by Charles E Walder, seconded by Caroline Mansfield to accept withdrawal of complaint by Kenston LSD Attorney.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

TAX YEAR 2018 VALUATION COMPLAINTS FORMAL HEARINGS BEGIN AS SCHEDULED

Let the record note the hearings are digitally recorded.

02-420157 Panzica Mark I & Renata T

Charles E. Walder swore in Mark Panzica, owner. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$838,200 yet the owner feels it is worth \$583,500 and the Board asked him to explain why the value should be reduced.

Mr. Panzica is seeking a reduction based on purchase on 12/31/2018. The property was bank owned. Auditor Walder questioned about the purchase of the property. Mr. Greenawalt verified property record card data with owner.

Action

After a review of all testimony and all the other information available, it was motioned by Charles E. Walder, seconded by Caroline Mansfield to reduce the market value for Tax Year 2018 from \$838,200 to \$583,500 based on a bank sale.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

02-420925 Schold Jesse & Buccini Laura

Charles E. Walder swore in David Mitchell, Attorney for owner and Jesse Schold, owner. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$785,800 yet the owner feels it is worth \$620,000 and the Board asked him to explain why the value should be reduced.

Attorney Mitchell questioned the owner, presented evidence including purchase agreement, settlement statement, and deed. Property purchase was Arm's Length on March 7, 2019. Mr. Walder asked if the owner acquired anything additional with the transaction, owner replied no. Mr. Greenawalt verified property record card with owner for most current record.

Action

After review of all testimony and all the other information available, it was motioned by Charles E. Walder, seconded by Caroline Mansfield to reduce the market value for Tax Year 2018 from \$785,800 to \$620,000 based on a sale.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

02-419432 West Circle Park LLC filed by Kenston LSD

Representative for West Circle Park LLC was not present. David Seed, Attorney for Kenston Board of Education was present. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$648,900 yet the school board feels it is worth \$800,000 and the Board asked the school board to explain why the value should be increased.

Mr. Seed stated the property is 16,200 sq. ft. commercial. Chris Greenawalt stated property is an industrial building in Bainbridge. Mr. Walder asked if any evidence was provided at the time of purchase and Mr. Seed said no, and the conveyance fee did not declare any Good Will.

Action

After review of all testimony and all the other information available, it was motioned by Caroline Mansfield, seconded by Charles E. Walder to increase the market value for Tax Year 2018 from \$648,900 to \$800,000 based on commercial sale.

Voice vote, two ayes. Caroline Mansfield and Charles E. Walder. Motion carried.

02-012100 The Hannon Company counter filed by Kenston LSD

Auditor Walder swore in Matthew Hunt, Attorney for owner, owner Chris Mester, David Seed, Attorney for Kenston LSD. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$268,800 yet the school board feels it is worth \$500,000 and the Board asked him to explain why the value should be increased.

Mr. Seed spoke regarding the sale of over \$500,000; he spoke with opposing counsel and agreed to \$375,000 stipulation following an appraisal at \$277,000. Mr. Hunt stated the asset purchase agreement was included with the purchase of the property.

Action

After review of all testimony and all the other information available, it was motioned by Charles E. Walder, seconded by Caroline Mansfield to increase the market value for Tax Year 2018 from \$268,800 to \$375,000 based on a stipulation agreement.

Voice vote, two ayes. Caroline Mansfield and Charles E. Walder. Motion carried.

02-420384 388 Real Estate LLC counter filed by Kenston LSD

Representative for owner was not present. David Seed, Attorney for Kenston Board of Education was present. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$1,440,300 yet the school board feels it is worth \$2,780,000 and the Board asked the school board to explain why the value should be increased.

Mr. Seed presented a stipulation agreement between Kenston LSD and Mr. Charles Bluestone representing the owners. Parties agreed to \$2,600,000 based on evidence presented by email from Mr. Bluestone. Mr. Walder asked questions regarding the property. Mr. Greenawalt stated personal property included with the sale was spelled out on a Cost Segregation Report totaling \$188,000.

Action

After review of all testimony and all other information available, it was motioned by Charles E. Walder, seconded by Caroline Mansfield to increase the market value for Tax Year 2018 from \$1,440,300 to \$2,600,000 based on a stipulation agreement.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

01-51200 Tarkett USA Inc filed by Kenston LSD

Representative for the owner was not present. David Seed, Attorney for Kenston Board of Education was present. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$2,089,700 yet the school board feels it is worth \$2,300,000 and the Board asked the school board to explain why the value should be increased.

Mr. Seed stated property is industrial, used Costar for information on the sale of the property on May 18, 2018 for \$2,300,000 in an Arm's Length Transaction. Mr. Lennon questioned if there was any unknown equipment with the sale, and Mr. Seed stated he was unaware based on the conveyance statement.

Action

After review of all testimony and all other information available, it was motioned by Charles E. Walder, seconded by Caroline Mansfield to increase the market value for Tax Year 2018 from \$2,089,700 to \$2,300,000 based on an Arm's Length Transaction.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

02-111800 Lanza Properties LLC filed by Kenston LSD

Representative for the owner was not present at the hearing. David Seed, Attorney for Kenston Board of Education was present. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$286,000 yet the school board feels it is worth \$520,000 and the Board asked the school board to explain why the value should be increased.

Mr. Seed stated the property was sold for \$520,000 based on a deed and information on Costar, no other evidence regarding transaction. Mr. Greenawalt said property is a vacant lot on Washington Street. Mr. Walder stated there was no counter claim filed on the original complaint filed.

Action

After review of all testimony and all other information available, it was motioned by Charles E. Walder, seconded by Timothy C. Lennon to increase the market value for Tax Year 2018 from \$286,000 to \$520,000 based on a sale.

Voice vote, three ayes. Charles E. Walder, Timothy C. Lennon and Caroline Mansfield. Motion carried.

11-077800 7948 Mayfield LLC filed by Kenston LSD

No representative for the owner was present. David Seed, Attorney for Kenston Board of Education was present. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$375,300 yet the school board feels it is worth \$600,000 and the Board asked the school board to explain why the value should be increased.

Mr. Seed stated property, was listed for sale sitting on 1 acre of land with air conditioned warehouse built in 1935 with a great location. No other testimony was presented.

Action

After review of all testimony and all other information available, it was motioned by Charles E. Walder, seconded by Caroline Mansfield to increase the market value for Tax Year 2018 from \$375,300 to \$600,000 based on sale.

Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and Timothy C. Lennon. Motion carried.

02-271600 ABC Bainbridge LLC filed by Kenston LSD

Representative for the owner was not present. David Seed, Attorney for Kenston Board of Education was present. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$112,500 yet the school board feels it is worth \$425,000 and the Board asked the school board to explain why the value should be increased.

Mr. Seed stated the property was sold on May 30, 2018 for \$425,000. He also said there is partial construction on the building and he asked the record reflect the land value to not include land after the lien date which includes the mortgage construction loan at \$1,476,846. Mr. Greenawalt stated the land value was adjusted prior to the hearing and the building value will be adjusted accordingly.

Action

After review of all testimony and all other information available, it was motioned by Charles E. Walder, seconded by Timothy C. Lennon to increase the market value for Tax Year 2018 from \$112,500 to \$425,000 based on a sale.

Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and Timothy C. Lennon. Motion carried.

26-101500 Chapin LLC filed by Kenston LSD

Auditor Walder swore in Pierce Leary, Attorney for the owners, Doug Chapin, owner, Andrew Leirer, Appraiser and David Seed, Attorney for West Geauga LSD. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$53,900 yet the school board feels it is worth \$130,000 and the Board asked the school board to explain why the value should be increased.

Mr. Seed stated property was vacant and purchased for \$130,000 on May 22, 2018 as a cash sale. Under Ohio law sale is the best evidence of value of property and listed three reasons to challenge a sale; sale is not recent, not an arm's length transaction and subject to lease hold interest.

Mr. Leary questioned Andrew Leirer, appraiser. Mr. Leary presented Exhibit A, appraisal based on a three sales comparison approach not including an income or cost approach. Subject property has a cell tower, receives no income or benefit and has an easement that puts limitations on the property. Mr. Seed asked if there was negotiation between seller and buyer. Appraiser commented yes. Mr. Lennon asked about contingencies including any business or value included. Mr. Walder asked questions on evidence from the appraisal. Mr. Chapin stated his son is also part owner of the landscaping business they operate. Mr. Seed asked if the seller came up with the offer and the owner stated yes and asked how the price was calculated, he replied the price was calculated by the division of three parcels, the

original offer was \$80,000, and then offered \$100,000 and the owner would not take less than \$130,000. Mr. Leary amended original complaint from \$53,900 to \$70,900 on the record. Mr. Lennon asked questions about any greenhouse connection to the other properties and the answer was no. Mr. Walder stated the property was previously commercial.

Action

After review of all testimony and all other information available, it was motioned by Charles E. Walder, seconded by Caroline Mansfield to increase the market value for Tax Year 2018 from \$53,900 to \$130,000 based on cash sale and evidence provided.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

01-044600, 01-110700, 01-118377, Burton Insurance Agency Inc counter filed by Kenston LSD

Auditor Walder swore in Mary Lambert, complainant and David Seed, Attorney for Kenston Board of Education. Auditor Walder noted for the record that the Auditor's office has the parcels in question valued at \$265,200 yet she feels it is worth \$125,000 and the Board asked her to explain why the value should be reduced.

Ms. Lambert stated property was deeded to them as single deed and single price, was purchased in an Arm's Length Transaction, and presented exhibits for comparison. She spoke on three parcels regarding acreage, right of ways, zoning, rear setbacks, sewer assessments and utility easements. Mr. Greenawalt asked a location question and usage of cell tower property, asked if owners received income and if all three properties have sewer assessments.

Action

After review of all testimony and all other information available, it was motioned by Charles E. Walder, seconded by Caroline Mansfield to decrease the market value for Tax Year 2018 from \$265,000 to \$125,000 based on an Arm's Length Transaction and testimony.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

11-160200 Haggi Inc counter filed by West Geauga LSD

Auditor Walder swore in Jean Fakoury, owner and David Seed, Attorney for West Geauga Board of Education. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$276,300 yet he feels it is worth \$85,000 and the Board asked him to explain why the value should be reduced.

Mr. Fakoury purchased the commercial property in October of 2018 in an Arm's Length Transaction. He is requesting relief as rehab continues including a new roof on the building, stating he should have done demolition vs. rehab. Mr. Seed stated he looked into the sale and school board was okay with it. Mr. Greenawalt asked future plans for rehab and tenants; Mr. Fakoury said single or multiple tenants could be the plan.

Action

After review of all testimony and all other information available, it was motioned by Charles E. Walder, seconded by Caroline Mansfield to decrease the market value for Tax Year 2018 from \$276,300 to \$85,000 based on Arm's Length Transaction and testimony.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

11-184100 & 11-389039 8484 Mayfield Road LLC counter filed by West Geauga LSD

Auditor Walder swore in Chuck Andrews, principle for owners, Kenneth Fisher, Attorney and David Seed, Attorney for West Geauga Board of Education. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$409,900 yet the owners feel it is worth \$334,900 and the Board asked him to explain why the value should be reduced.

Mr. Fisher submitted evidence and questioned Mr. Andrews regarding negotiation on purchase price on July 31, 2019. He stated there was no relation to anyone before entering agreement. Mr. Greenawalt asked questions about remodel. Mr. Seed stated transaction was a cash sale for \$335,000. Mr. Walder asked if good will, customer base or transfer of previous occupants were included upon transfer and Mr. Andrews replied no.

Action

After review of all testimony and all other information available, it was motioned by Charles E. Walder, seconded by Caroline Mansfield to reduce the market value for Tax Year 2018 from \$409,900 to \$335,000 based on a cash sale.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

19-080081, 19,080858, 19,080922 & 19-080931 Middlefield Square Hammerschmidt LLC counter filed by Cardinal Board of Education

Auditor Walder swore in William Pender, Trustee for owners, Kenneth Fisher, Attorney for the owner and David Seed, Attorney for Cardinal Board of Education. Auditor Walder noted for the record that the Auditor's office has the parcels in question valued at \$3,159,700 yet he feels they are worth \$785,000 and the Board asked him to explain why the value should be reduced.

The property was not involved in a sale; the school filed a Complaint Form. Mr. Fisher spoke about the property and loss of income. He presented evidence including income, maps, and operating statements not including an appraisal. Mr. Pender does leasing and maintenance for the owners and states the property is a retail shopping center with two large vacancies, and the parcels are valued as one economic unit. Mr. Fisher asked to amend the value on parcel 19-080858 on the record to \$535,000. Mr. Walder spoke on taxation perspective as being defined individually. Mr. Seed spoke on a market approach and tenant loss, and income loss and gain. Mr. Greenawalt asked what tenants still occupy the property and went over the other parcels with restaurants and a lube business.

Action

After review of all testimony and all other information available, it was motioned by Charles E. Walder, seconded by Caroline Mansfield to reduce the market value on parcel 19-080858 for Tax Year 2018 from \$2,349,900 to \$535,000 and no

change on parcels 19-080081, 19-080922 and 19-080931 based on evidence provided.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

Chris Greenawalt Representing

11-062600 Havighurst Barbara C & Horrigan John M

Motioned by Charles E. Walder, seconded by Caroline Mansfield to reduce the market value for Tax Year 2018 from \$333,400 to \$235,000 based on sale.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

18-051320 Byler Eli J & Nancy M & Albert E & Amanda W

Motioned by Charles E. Walder, seconded by Caroline Mansfield to reduce the Tax Year 2018 market value from \$431,400 to \$390,000 based on an appraisal.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

21-176653 Mezzopera Cathi A Trustee & John

Motioned by Charles E. Walder, seconded by Caroline Mansfield to reduce the Tax Year 2018 market value from \$372,200 to \$355,000 based on comparisons.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

29-033100 Unique Tri LLC

Motioned by Caroline Mansfield, seconded by Charles E. Walder to reduce the Tax Year 2018 market value from \$243,000 to 192,600 based on a Sheriff Sale.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

30-037900 Lawson Tommie Jr

Motioned by Caroline Mansfield, seconded by Charles E. Walder to reduce the Tax Year 2018 market value from \$142,800 to \$72,000 based on a sale.

Voice vote, two ayes. Charles E. Walder and Caroline Mansfield. Motion carried.

Being no further business to conduct it was moved by Charles E. Walder, seconded by Caroline Mansfield to adjourn the June 17, 2019 BOR meeting at 2:52 p.m.

Respectfully submitted,

Charles E. Walder, Auditor
Secretary/Board of Revision

