

OHIO BOARD OF TAX APPEALS

Hilliard City Schools) Case Nos. 00-M-252, 253
Board of Education,) 00-M-254, 282
)
Appellant/Appellee,) (REAL PROPERTY TAX)
)
)
vs.) DECISION AND ORDER
)
)
ISP Fine Chemicals, Inc.,)
)
Appellee/Appellant,)
)
and)
)
Franklin County Board of Revision,)
the Auditor of Franklin County,)
)
Appellees.)

APPEARANCES:

For the Bd. of Edn. - Jeffrey A. Rich
James Gorry
Rich, Crites & Wesp
20 East Broad Street
Columbus, Ohio 43215

For ISP Fine Chemicals, Inc. - Steven Swaim, Esq.
118 East Main Street
Columbus, Ohio 43215

For the County Appellees - Ron O'Brien
Franklin County Prosecuting Attorney
By: Paul Stickel
Assistant Prosecuting Attorney
373 South High Street, 20th Floor
Columbus, Ohio 43215-6310

ENTERED: December 14, 2001

Mr. Johnson, Ms. Jackson, and Ms. Margulies concur.

These causes and matters come to be considered by the Board of Tax Appeals upon notices of appeal filed by both the Board of Education of the Hilliard City School District (“BOE) and ISP Fine Chemicals, Inc. (“ISP”) from decisions, dated February 9, 2000, of the Franklin County Board of Revision (“BOR”), appellee herein.

The subject property is located in the City of Columbus, Hilliard City School taxing district of Franklin County, Ohio, and further identified as Parcel Nos. 560-160655, 560-193856, 560-170013, 560-173011, 560-173012, 560-173010, 560-173009, 560-173008, 560-173007, 560-160661, 560-160657, 560-160656 and 560-104536.

The subject property is a plat of land containing approximately 56 acres and improved with nine buildings in use as a chemical processing facility. Apparently, the BOE filed a complaint against the current valuation of the property for tax year 1993, to recognize a sale of the property and seven additional parcels of land to ISP for a sales price of \$3,900,000. There is very little in the record regarding the earlier complaint. The BOE states by way of brief that “[t]he property was sold in an arm’s-length transaction by MTM Chemicals, Inc. to Appellant ISP Fine Chemicals on February 8, 1993 for a sum of \$3,900,000” and, further, that “[t]he Franklin County Board of Revision accepted this sale for tax year 1993, based on a complaint filed by the BOE.” (BOE’s brief, p. 2) In contradistinction to the BOE’s statement of the facts, ISP states by way of brief that the 1993 sales price was “determined to NOT be a valid sales price by the Board of Revision.” (ISP’s brief, p. 11, emphasis in original) The BOR’s decision letters appear to support ISP’s statement of the facts. Those decision letters, introduced by ISP at hearing, indicate that the 1993 values for the 20 parcels then under consideration was \$3,073,300 and not the sales price of \$3,900,000.

The parcels here under consideration were assigned a value of \$2,195,800.¹
 (Appellant property owner’s Exh. 1)

The values assessed by the BOR in 1993 appear to have been granted “carry-forward” status through 1996 under R.C. 5715.19(D). However, 1996 was a triennial update period for Franklin County. The values granted carry-forward status for 1996 were increased for tax years 1997 and 1998, the two remaining years in the triennium. For those years, the values found by the Auditor’s office were as follows:

Parcel No. 560-160655

	True Value	Taxable Value
Land	\$ 172,800	\$ 60,480
Building	\$ 2,717,500	\$ 951,130
Total	\$ 2,890,300	\$ 1,011,610

Parcel No. 560-193856

	True Value	Taxable Value
Land	\$ 286,100	\$ 100,140
Building	\$ -0-	\$ -0-
Total	\$ 286,100	\$ 100,140

Parcel No. 560-173013

	True Value	Taxable Value
Land	\$ 8,100	\$ 2,840
Building	\$ -0-	\$ -0-
Total	\$ 8,100	\$ 2,840

Parcel No. 560-173011

	True Value	Taxable Value
Land	\$ 7,600	\$ 2,660
Building	\$ -0-	\$ -0-
Total	\$ 7,600	\$ 2,660

¹ The facility includes seven parcels of land granted current agricultural use valuation (“CAUV”) status. As mentioned above, the seven parcels were a part of the 1993 purchase of the subject property and their values were included in the BOE complaints and subsequent BOR valuation for that year. However, no complaints have been filed regarding such parcels for tax year 1997 and no appeal has been taken. Therefore, the values of those parcels are not the subject of this Board’s consideration.

Parcel No. 560-173012

	True Value	Taxable Value
Land	\$ 6,600	\$ 2,310
Building	\$ -0-	\$ -0-
Total	\$ 6,600	\$ 2,310

Parcel No. 560-173010

	True Value	Taxable Value
Land	\$ 7,700	\$ 2,700
Building	\$ -0-	\$ -0-
Total	\$ 7,700	\$ 2,700

Parcel No. 560-173009

	True Value	Taxable Value
Land	\$ 7,600	\$ 2,660
Building	\$ -0-	\$ -0-
Total	\$ 7,600	\$ 2,660

Parcel No. 560-173008

	True Value	Taxable Value
Land	\$ 7,400	\$ 2,590
Building	\$ -0-	\$ -0-
Total	\$ 7,400	\$ 2,590

Parcel No. 560-173007

	True Value	Taxable Value
Land	\$ 9,000	\$ 3,150
Building	\$ -0-	\$ -0-
Total	\$ 9,000	\$ 3,150

Parcel No. 560-160661

	True Value	Taxable Value
Land	\$ 76,700	\$ 26,850
Building	\$ -0-	\$ -0-
Total	\$ 76,700	\$ 26,850

Parcel No. 560-160657

	True Value	Taxable Value
Land	\$ 107,400	\$ 37,590
Building	\$ 300	\$ 110
Total	\$ 107,700	\$ 37,700

Parcel No. 560-160656

	True Value	Taxable Value
Land	\$ 84,400	\$ 29,540
Building	\$ -0-	\$ -0-
Total	\$ 84,400	\$ 29,540

Parcel No. 560-104536

	True Value	Taxable Value
Land	\$ 46,000	\$ 16,100
Building	\$ -0-	\$ -0-
Total	\$ 46,000	\$ 16,100

TOTAL OF ALL PARCELS

	True Value	Taxable Value
Land	\$ 827,400	\$ 289,610
Building	\$ 2,717,800	\$ 951,240
Total	\$ 3,545,200	\$ 1,240,850

ISP challenged the 1997 values assessed by the Auditor by complaint filed March 31, 1998. The BOR held a hearing on August 19, 1998 but did not issue a decision until February 7, 2000.² In its decision addressing the 1997 complaint, the BOR considered not only the values assessed by the Auditor for 1997 (1996 triennial update period), but also considered values assessed by the Auditor in 1999, a revaluation period. We provide those values below:

Parcel No. 560-160655

	True Value	Taxable Value
Land	\$ 535,000	\$ 187,250
Building	\$ 1,865,000	\$ 652,750
Total	\$ 2,400,000	\$ 840,000

Parcel No. 560-193856

	True Value	Taxable Value
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² The BOR's hearing worksheet indicates that the decision in these matters was made February 7, 2000. However, the decision letters are dated February 9, 2000 and mailed the same date. (S.T., Exh. 7)

Land	\$ 457,800	\$ 160,230
Building	\$ -0-	\$ -0-
Total	\$ 457,800	\$ 160,230

Parcel No. 560-173013

	True Value	Taxable Value
Land	\$ 19,200	\$ 6,720
Building	\$ -0-	\$ -0-
Total	\$ 19,200	\$ 6,720

Parcel No. 560-173011

	True Value	Taxable Value
Land	\$ 18,000	\$ 6,300
Building	\$ -0-	\$ -0-
Total	\$ 18,000	\$ 6,300

Parcel No. 560-173012

	True Value	Taxable Value
Land	\$ 15,800	\$ 5,530
Building	\$ -0-	\$ -0-
Total	\$ 15,800	\$ 5,530

Parcel No. 560-173010

	True Value	Taxable Value
Land	\$ 18,400	\$ 6,440
Building	\$ -0-	\$ -0-
Total	\$ 18,400	\$ 6,440

Parcel No. 560-173009

	True Value	Taxable Value
Land	\$ 18,100	\$ 6,340
Building	\$ -0-	\$ -0-
Total	\$ 18,100	\$ 6,340

Parcel No. 560-173008

	True Value	Taxable Value
Land	\$ 17,500	\$ 6,130
Building	\$ -0-	\$ -0-
Total	\$ 17,500	\$ 6,130

Parcel No. 560-173007

	True Value	Taxable Value
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Land	\$ 21,500	\$ 7,530
Building	\$ -0-	\$ -0-
Total	\$ 21,500	\$ 7,530

Parcel No. 560-160661

	True Value	Taxable Value
Land	\$ 262,800	\$ 91,980
Building	\$ -0-	\$ -0-
Total	\$ 262,800	\$ 91,980

Parcel No. 560-160657

	True Value	Taxable Value
Land	\$ 327,200	\$ 114,520
Building	\$ -0-	\$ -0-
Total	\$ 327,200	\$ 114,520

Parcel No. 560-160656

	True Value	Taxable Value
Land	\$ 257,200	\$ 90,020
Building	\$ -0-	\$ -0-
Total	\$ 257,200	\$ 90,020

Parcel No. 560-104536

	True Value	Taxable Value
Land	\$ 87,500	\$ 30,630
Building	\$ -0-	\$ -0-
Total	\$ 87,500	\$ 30,630

TOTAL OF ALL PARCELS

	True Value	Taxable Value
Land	\$ 2,056,000	\$ 719,620
Building	\$ 1,865,000	\$ 652,750
Total	\$ 3,921,000	\$ 1,372,370

Upon consideration of the complaint and counter-complaint filed by ISP and the BOE, respectively, the BOR determined the true and taxable values assessed by the Auditor were correct for both tax years 1997 and 1998. Further, the BOR also found that the Auditor's new values assessed for tax year 1999 were correct and that there should be no change in value.

Both the BOE and ISP appealed to this Board. The matter was submitted to the Board of Tax Appeals pursuant to R.C. 5717.01 upon the notices of appeal, the statutory transcript certified by the Franklin County Auditor as the secretary for the BOR, the testimony adduced at the hearing before this Board and the legal argument provided by counsel.

Through its notices of appeal, the BOE seeks a total fair market value of \$4,871,200 for tax year 1997 and \$4,878,500 for tax year 1999. These values are higher than the Auditor's assessed values for either 1997 or 1999. Despite seeking higher values, the BOE has presented no evidence of value either before the BOR or before this Board. A party who asserts a right to an increase or decrease in the value of real property has the burden to prove the right to the value asserted. *Cleveland Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision* (1994), 68 Ohio St.3d 336; *Crow v. Cuyahoga Cty. Bd. of Revision* (1990), 50 Ohio St.3d 55; *Mentor Exempted Village Bd. of Edn. v. Lake Cty. Bd. of Revision* (1988), 37 Ohio St.3d 318. Consequently, it is incumbent upon an appellant challenging the decision of a board of revision to come forward and offer evidence which demonstrates its right to the value sought. *Cleveland Bd. of Edn., supra*; *Springfield Local Bd. of Edn. v. Summit Cty. Bd. of Revision* (1994), 68 Ohio St.3d 493. Here, the BOE presented no evidence of value, competent or otherwise. Therefore, the values asserted are found not to be supported by the record before this Board.

We now turn to the evidence presented by ISP. ISP claims that the fair market value of the subject property should be \$2,806,970 for 1997. ISP makes the same valuation claim for 1999. In support of its valuation claim for 1997, ISP presented appraisal evidence both before the BOR and before this Board. Mr. Ken Mollica, an appraiser with David R. Hatcher & Associates, prepared a summary appraisal of the subject property for valuation dates of January 1, 1996 and January 1, 1997. The appraiser provided testimony regarding his opinion of value to the BOR and again to this Board. The appraiser opined a fair market value for the subject property as of tax lien date 1997 of \$2,800,000. He estimated value for the plant itself

and the land upon which it is constructed at \$1,470,000. The appraiser valued the additional parcels, all vacant, separately and opined a value of \$1,330,000 for those parcels.

When valuing the twelve unimproved parcels, the appraiser reviewed the subject property's neighborhood and obtained thirteen commercial and industrial land sales within proximity to the subject. The comparable land sales range in size from approximately 1/2 acre to 15.16 acres and in sale dates from 1992 through September 1997. Eight of the sales took place in 1996. Not only did the appraiser opine a value for the unimproved land, he also described an upward trend in sale prices, indicating that property in the area increased in value by approximately 5 per cent between 1996 and 1997. While the comparable sales ranged in price from \$24,946 to \$161,142 per acre, the majority of sales fell into a general price range from \$40,000 to \$60,000 per acre. The appraiser then reviewed individual vacant land parcels within the subject, weighing characteristics such as road frontage and access to a commercial thoroughfare in his opinion of value. Evaluating the differing characteristics of the individual parcels, the appraiser concluded that seven of the parcels should be valued at the upper end of his range, five should be valued below his general price range, and one parcel, a 21.8 acre plat of land located to the west of the plant site with only local road frontage, should be valued at \$15,000 per acre, below the appraiser's general price range. When valuing the property for 1997, the appraiser considered it appropriate to increase the value of all vacant parcels 5 per cent.

The appraiser then turned to the parcel improved with the chemical processing facility. The facility itself is comprised of nine buildings. The most sizeable building is the processing plant itself. The plant is a two and three story industrial building of approximately 24,252 square feet. The second most sizeable building is the office building, containing approximately 10,161 square feet, and 19,653 square feet of additional building area is divided among the seven remaining buildings. Some of the buildings, such as the 5,000 square-foot research and development building, appear to be finished with heating, ventilation and air

conditioning. Other buildings, such as the 3,700 square-foot warehouse building or the 600 square-foot dry storage building, appear to be little more than storage sheds, with no heat, little or no electricity and little industrial finishing. All buildings were classified as in fair-to-average condition.

To value the improved portion of the subject, the appraiser reviewed the immediate vicinity and found two sales of industrial property he believed to be comparable to the subject. The first sale the appraiser considered comparable to the subject sold in July 1993 for a price of \$4,345,000. The manufacturing facility includes a 128,293 square-foot, one-story building situated on approximately 20 acres of land. It was the appraiser's testimony that the purchase included 10 acres of excess land, worth approximately \$35,000 per acre, or \$350,000. The appraiser deducted this figure from the sales price to conclude to a net price for the manufacturing facility and 10 acres of land of \$3,995,000, or \$31.14 per square foot.

The second comparable sale was a manufacturing site of 13.552 acres, sold in January 1996 and also considered to hold excess land. The facility itself contained a main facility of 96,000 square feet and a storage garage of an additional 3,000 square feet. The appraiser concluded that, after deducting \$235,000 for excess land, the value of the manufacturing facility and the 6.8 acres of land was \$2,165,000, or \$21.87 per square foot.

From the two sales presented, the appraiser estimated an overall value for the subject's nine buildings of \$25.00 per square foot, or \$1,351,650. Adding the estimated value of the excess 4.5 acres of land deemed to be included within the improved parcel at \$25.00 per acre, the appraiser concluded that the sales comparison approach indicated a value of \$1,465,000 for the improved parcel.

The appraiser also estimated a price-per-square-foot for each of the nine buildings, ranging from a low of \$15.00 per square foot to a high of \$35.00 per square foot. Under this method, the improvements indicated a slightly higher value, including excess land, of \$1,470,000.

The appraiser also presented an opinion of value derived under the income approach to valuation. The appraiser first researched the subject's locale to obtain comparable rental rates. Two comparable rentals were found. Comparable number one is a 58,964 square-foot manufacturing facility leased to a powdered food manufacturer. The lease term is 15 years and commenced in December 1998. The lease rate is \$3.26 per square foot but the lessee was responsible for absolutely all expenses, including those ordinarily the obligation of the landlord. It was the appraiser's opinion that the comparable was superior to the subject in quality of construction and in configuration.

The second rental comparable is located on the south side of Columbus. The 27-year old manufacturing facility contains 35,098 square feet in one building and 19,080 square feet in a slightly newer building. The property was leased in 1992 for a five-year term at \$3.75 per square foot, triple net basis.

Utilizing this information, as well as additional lease information concerning the Columbus market known to the appraiser but not specifically delineated in his report or testimony, the appraiser assigned a rental value to each building consistent with the amenities located therein. After totalling the projected rental income, the appraiser deducted seven per cent for vacancy and credit loss and arrived at an effective gross income of \$165,063. From that figure, the appraiser deducted management fees of four per cent, reserves for replacement of \$.25 per square foot and a miscellaneous expense of \$1,500. Deducting expenses of \$21,619, the appraiser arrived at a net operating income of \$143,444. He also reviewed the Columbus market and derived a capitalization rate of 11 per cent. Utilizing the 11 per cent capitalization rate, the appraiser opined to a value for the subject and 3.73 acres of land at \$1,304,039. The appraiser testified that he considered 4.5 acres excess land and valued that acreage at \$25,000 per acre. The appraiser's indicated value of the improved parcel under this approach was \$1,415,000.

Reconciling his two approaches to value, the appraiser concluded that the unimproved property for 1997 was properly valued at \$1,330,000, or the value as

indicated by his sales comparison approach. Adding the value of the improved property to the value of the unimproved property, it was the appraiser's opinion that the total value of the subject property was \$2,800,000.

The issue in an appeal from a board of revision is the true value of real property. As we have been instructed to do by the Supreme Court, this Board will proceed to make an independent determination of true value predicated upon the preponderance of the evidence. *Coventry Towers, Inc. v. Strongsville* (1985), 18 Ohio St.3d 120, 122. In so doing, this Board will determine the weight and credibility to be accorded to the evidence presented. *Cardinal Federal S. & L. Assn. v. Cuyahoga Cty. Bd. of Revision* (1975), 44 Ohio St.2d 13, 19-20.

This Board is not required to accept the testimony of an appraiser. The BTA is vested with wide discretion in determining the weight to be given evidence and credibility of witnesses. *Cardinal Federal S. & L. Assn.*, supra. See, also, *Witt Co. v. Hamilton Cty. Bd. of Revision* (1991), 61 Ohio St.3d 155; *Wynwood Apartments, Inc. v. Bd. of Revision* (1979), 59 Ohio St.2d 34; *Elsag-Bailey, Inc. v. Lake Cty. Bd. of Revision* (1996), 74 Ohio St.3d 647.

In this regard, we must review the underlying evidence offered by an appraiser and consider whether such underlying evidence supports his opinion of value. The BOE argues, however, that this Board should wholly reject ISP's appraisal testimony because the appraisal upon which it is based is a summary appraisal and lacks the specificity and detail of a full narrative appraisal. The BOE cites a number of the Board's prior decisions, notably *TBC Westlake, Inc. v. Hamilton Cty. Bd. of Revision* (Feb. 28, 1997), B.T.A. Nos. 95-K-1358, 96-K-167, unreported, *O'Neill v. Cuyahoga Cty. Bd. of Revision* (Dec. 4, 1998), B.T.A. No. 96-A-403, unreported, and *Sun Communities Financial, Worthington Arms v. Delaware Cty. Bd. of Revision* (Feb. 5, 1999), B.T.A. No. 95-S-829, unreported, to support its claim that this Board should reject the appraisal and the appraiser's opinion because the testimony and report lacked sufficient underlying factual support.

We first note that in all the cases cited by the BOE, the Board had before it competing appraisals and/or appraisal testimony. In *TBC Westlake, supra*, the Board noted that no factual information upon which the appraiser relied was presented in the summary appraisal report; therefore, the Board concluded the full narrative appraisal report and testimony presented at hearing were more persuasive. In the appeal of the Board's decision, the Court specifically mentioned that the appraisers who prepared the summary report did not testify before this Board, "thus the BTA could not question them about their report." *TBC Westlake, Inc. v. Hamilton Cty. Bd. of Revision* (1998), 81 Ohio St.3d 58, 60. In *O'Neill v. Cuyahoga Cty. Bd. of Revision, supra*, we again had competing appraisals before us and concluded that the summary appraisal report contained less detail and therefore was less verifiable than the full narrative appraisal presented by the opposing party. It is critical to note, however, that the Board did not reject the summary appraisal report, but instead relied upon the appraiser's testimony when making a finding regarding excess land included in the valuation. Finally, in *Sun Communities Finance, Worthington Arms, supra*, the summary appraisal report submitted to the Board was not supported by any testimony and the Board again had before it other appraisal testimony giving a fuller factual basis upon which to base our conclusion.

In the present matter, ISP's witness appeared and gave appraisal testimony, thereby supporting the summary appraisal report presented before the BOR. Most important, however, is the fact that the BOE provided no competing appraisal testimony so that the Board would have had some factual support for the BOE's claim that the value of the subject property was other than as opined by ISP's appraiser. ISP's appraiser has made professional representations concerning market sales and market rents. His work appears reasonable and apparently has been subjected to a review process. While the BOE's counsel repeatedly questioned the appraiser as to the location of the supporting information, we have no reason to believe that the records contained in the appraiser's file at his office do not support the opinions expressed at hearing and through the summary appraisal. We do not find that the BOE's cross-

examination established inconsistencies or revealed a market different than that brought forth through the appraiser's testimony. Therefore, we do not find that the appraisal opinions expressed were factually suspect merely because the appraiser was asked to prepare a summary report. It is the BOE's obligation to impeach the opinion of value. We do not find the BOE established factual inconsistencies in this matter.

Nevertheless, it is the Board's duty to consider the evidence presented and find value. Our review of the market evidence leads this Board to a different conclusion of value than that presented by ISP's appraiser. With regard to the manufacturing facility, in the appraiser's opinion both comparable sales contained excess land. However, the value applied to the excess land in both cases was \$35,000 per acre. The value applied to the excess land contained by the subject was \$25,000 per acre. We can find no justification for this difference, especially in light of the appraiser's vacant land sales falling in a general price range of \$40,000 to \$60,000 per acre.

Further, both comparable sales were much larger than the subject. Comparable sale number one contained building space of 128,293 square feet and comparable sale number two contained building space of 99,000 square feet. The subject contains building space of 54,066 square feet. Logically, the subject's per-square-foot sale price should be at the upper end of the comparable range and not, as the appraiser indicates, near the lower end.

Therefore, we turn to the income approach to give support to a value finding. Once again, we do not agree in full with the appraiser's method of valuing the subject under this approach. The appraiser applied a different rental rate to individual buildings on the improved parcel. While we recognize that the individual buildings vary greatly in utility, we do not find justification for the appraiser's method. While individual parcels of land may be easily separated, it seems only logical that the plant facility would be leased as a whole. In fact, the appraiser's rental comparables are of facilities and not individual buildings.

Therefore, we find it is most probative to apply a rental value to the facility as a whole. We find the appraiser's rental comparable number two entitled to the greatest weight as an indicator of rental rates. Rental comparable number one was a lease for 15 years and covered expenses not normally incurred by a lessee. Additionally, the size of rental comparable number two and the subject are close. Therefore the rental rate of \$3.74 per square foot appears to be more market-driven.

Applying \$3.74 to the subject's 54,066 square feet, a gross potential income of \$202,207 (rounded) is derived. Applying the appraiser's 7 per cent vacancy and credit loss, an effective gross income of \$188,052 is derived. The appraiser deducted a management fee of 4 per cent, reserve for replacement of \$.35 per square foot and a miscellaneous expense of \$1,500. We find all such expenses supported by the market, and therefore deduct \$22,539 to conclude to a net operating income of \$165,513. Applying the appraiser's capitalization rate of 11 per cent and adding in excess land at \$35,000 per acre, an indicated value of \$1,662,160 (rounded) is obtained. This value, when the excess land is removed and the figure divided by the subject's square feet, indicates a value of \$27.83 per square foot, still well within the range of the comparable sales.

Given the foregoing, and considering the full record before us, this Board finds that the preponderance of competent and probative evidence supports a finding that the improved parcel should be valued at \$1,662,160. The Board finds that the appraiser's land values are supported by a preponderance of the evidence and are found to be correct. Therefore, the Board finds the following values for the subject property for tax year 1997:

Parcel No. 560-160655	True Value	Taxable Value
Land	\$ 288,050	\$ 100,820
Building	\$ 1,374,110	\$ 480,940
Total	\$ 1,662,160	\$ 581,760

Parcel No. 560-193856

	True Value	Taxable Value
Land	\$ 343,350	\$ 120,170
Building	\$ -0-	\$ -0-
Total	\$ 343,350	\$ 120,170

Parcel No. 560-173013

	True Value	Taxable Value
Land	\$ 25,160	\$ 8,810
Building	\$ -0-	\$ -0-
Total	\$ 25,160	\$ 8,810

Parcel No. 560-173011

	True Value	Taxable Value
Land	\$ 23,120	\$ 8,090
Building	\$ -0-	\$ -0-
Total	\$ 23,120	\$ 8,090

Parcel No. 560-173012

	True Value	Taxable Value
Land	\$ 20,400	\$ 7,140
Building	\$ -0-	\$ -0-
Total	\$ 20,400	\$ 7,140

Parcel No. 560-173010

	True Value	Taxable Value
Land	\$ 25,160	\$ 8,810
Building	\$ -0-	\$ -0-
Total	\$ 25,160	\$ 8,810

Parcel No. 560-173009

	True Value	Taxable Value
Land	\$ 25,160	\$ 8,810
Building	\$ -0-	\$ -0-
Total	\$ 25,160	\$ 8,810

Parcel No. 560-173008

	True Value	Taxable Value
Land	\$ 23,120	\$ 8,090
Building	\$ -0-	\$ -0-
Total	\$ 23,120	\$ 8,090

Parcel No. 560-173007

	True Value	Taxable Value
Land	\$ 27,880	\$ 9,760
Building	\$ -0-	\$ -0-
Total	\$ 27,880	\$ 9,760

Parcel No. 560-160661

	True Value	Taxable Value
Land	\$ 274,520	\$ 96,080
Building	\$ -0-	\$ -0-
Total	\$ 274,520	\$ 96,080

Parcel No. 560-160657

	True Value	Taxable Value
Land	\$ 257,670	\$ 90,180
Building	\$ -0-	\$ -0-
Total	\$ 257,670	\$ 90,180

Parcel No. 560-160656

	True Value	Taxable Value
Land	\$ 236,300	\$ 82,700
Building	\$ -0-	\$ -0-
Total	\$ 236,300	\$ 82,700

Parcel No. 560-104536

	True Value	Taxable Value
Land	\$ 55,120	\$ 19,290
Building	\$ -0-	\$ -0-
Total	\$ 55,120	\$ 19,290

TOTAL OF ALL PARCELS

	True Value	Taxable Value
Land	\$ 1,625,010	\$ 568,750
Building	\$ 1,374,110	\$ 480,940
Total	\$ 2,999,120	\$ 1,049,690

We also note that the BOR considered the Auditor's values assessed for tax year 1999 even though it had before it a valid complaint challenging the assessed values for 1997. R.C. 5715.19(D) provides, in part:

“The determination of any complaint shall relate back to the date when the lien for taxes *** for the current year attached or the date as of which liability for such year was determined. Liability for taxes *** for such year and each succeeding year until the complaint is finally determined *** shall be based upon the determination, valuation, or assessment as finally determined. *** If a complaint filed under this section for the current year is not determined by the board [of revision] within the time prescribed for such determination, the complaint and any proceedings in relation thereto shall be continued by the board as a valid complaint for any ensuing year until such complaint is finally determined by the board or upon any appeal from a decision of the board.”

Based upon R.C. 5715.19(D), we find that the BOR correctly inquired into the Auditor’s values for 1999. Under R.C. 5715.19(D), ISP has the right to continuing jurisdiction. However, ISP has no vested right to carry forward a specific value determination once the auditor has changed value for a later year. In *May Dept. Stores Co. v. Cuyahoga Cty. Bd. of Revision* (Dec. 8, 1995), B.T.A. Nos. 94-P-103, 104, unreported we held:

“[W]e believe the intent of the General Assembly was to provide continuing jurisdiction to determine value upon the initial complaint during the pendency of such proceeding --- not to guarantee a party an entitlement to a value for an unknown future period of time. Such a construction would provide an economic advantage to those whose appeals become protracted. *** To the contrary, R.C. 5715.19(D) appears conceived to protect the unwary by dispensing with the need to file a new complaint for every year in which a matter continues to pend. This does not preclude a county auditor from discharging his statutory duty pursuant to R.C. 5713.01.”

While it is the Auditor’s duty to consider valuation during a reappraisal year under R.C. 5713.01, the BOR considered the Auditor’s changed value without giving notice to ISP. R.C. 5715.12 requires the BOR to give notice to a property owner prior to increasing value. In this case, the BOR did not increase the Auditor’s

value and ISP proceeded to hearing before this Board but failed to produce any evidence of the value of the subject property as of January 1, 1999. Without probative and competent evidence of value, this Board must affirm the findings of the BOR.

Therefore, after consideration of the entire record, this Board finds that ISP failed to present evidence of value as of January 1, 1999. We find that the Auditor's values, as affirmed by the BOR, are correct for tax year 1999. Those values are as follows:

Parcel No. 560-160655

	True Value	Taxable Value
Land	\$ 535,000	\$ 187,250
Building	\$ 1,865,000	\$ 652,750
Total	\$ 2,400,000	\$ 840,000

Parcel No. 560-193856

	True Value	Taxable Value
Land	\$ 457,800	\$ 160,230
Building	\$ -0-	\$ -0-
Total	\$ 457,800	\$ 160,230

Parcel No. 560-173013

	True Value	Taxable Value
Land	\$ 19,200	\$ 6,720
Building	\$ -0-	\$ -0-
Total	\$ 19,200	\$ 6,720

Parcel No. 560-173011

	True Value	Taxable Value
Land	\$ 18,000	\$ 6,300
Building	\$ -0-	\$ -0-
Total	\$ 18,000	\$ 6,300

Parcel No. 560-173012

	True Value	Taxable Value
Land	\$ 15,800	\$ 5,530
Building	\$ -0-	\$ -0-
Total	\$ 15,800	\$ 5,530

Parcel No. 560-173010

	True Value	Taxable Value
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Land	\$ 18,400	\$ 6,440
Building	\$ -0-	\$ -0-
Total	\$ 18,400	\$ 6,440

Parcel No. 560-173009

	True Value	Taxable Value
Land	\$ 18,100	\$ 6,340
Building	\$ -0-	\$ -0-
Total	\$ 18,100	\$ 6,340

Parcel No. 560-173008

	True Value	Taxable Value
Land	\$ 17,500	\$ 6,130
Building	\$ -0-	\$ -0-
Total	\$ 17,500	\$ 6,130

Parcel No. 560-173007

	True Value	Taxable Value
Land	\$ 21,500	\$ 7,530
Building	\$ -0-	\$ -0-
Total	\$ 21,500	\$ 7,530

Parcel No. 560-160661

	True Value	Taxable Value
Land	\$ 262,800	\$ 91,980
Building	\$ -0-	\$ -0-
Total	\$ 262,800	\$ 91,980

Parcel No. 560-160657

	True Value	Taxable Value
Land	\$ 327,200	\$ 114,520
Building	\$ -0-	\$ -0-
Total	\$ 327,200	\$ 114,520

Parcel No. 560-160656

	True Value	Taxable Value
Land	\$ 257,200	\$ 90,020
Building	\$ -0-	\$ -0-
Total	\$ 257,200	\$ 90,020

Parcel No. 560-104536

	True Value	Taxable Value
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Land	\$ 87,500	\$ 30,630
Building	\$ -0-	\$ -0-
Total	\$ 87,500	\$ 30,630

TOTAL OF ALL PARCELS

	True Value	Taxable Value
Land	\$ 2,056,000	\$ 719,620
Building	\$ 1,865,000	\$ 652,750
Total	\$ 3,921,000	\$ 1,372,370

It is the order of the Board of Tax Appeals that the Auditor of Franklin County list and assess the subject real property in conformity with this decision and order. It is ordered that the values found be carried forward in accordance with the law.

ohiosearchkeybta