

Columbus City School District	)	
Board of Education,	)	Case No. 96-D-61
	)	
Appellant,	)	(REAL PROPERTY TAX)
	)	
vs.	)	
	)	
Board of Revision of Franklin	)	DECISION AND ORDER
County, Auditor of Franklin	)	
County, and C. Richard O'Neil,	)	
	)	
Appellees.	)	

Counsel for Appellant,  
Columbus CSD Bd. of Edn.

- Karol Cassell Fox, Esq.,  
Teaford, Rich Coffman & Wheeler  
20 E. Broad Street  
Columbus, OH 43215  
Tel (614) 228-5822

Counsel for Appellee,  
C. Richard O'Neil

- C. Richard O'Neil,  
Attorney at Law, Retired  
4201 Glenmawr Ave.  
Columbus, OH 43224  
Tel (614) 262-6652

Counsel for Franklin  
County Appellees

- Ronald J. O'Brien, Esq.,  
Pros. Atty. Franklin County  
Matthew H. Chafin, Esq.,  
Asst. Pros. Atty., Franklin Cty.  
323 South High Street  
Columbus, Ohio 43215  
Tele(614) 462-7519  
FAX (614) 462-6278

ENTERED: February 20, 1998

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

An appeal, pursuant to R.C. 5717.01, by the appellant, Columbus City School District Board of Education ("BOE"), from a final decision rendered by the Franklin County Board of Revision ("BOR") which determined values pertaining to certain real property owned by the appellee, C. Richard O'Neil, pertaining to the tax year 1992. A certified transcript of the record of the BOR was filed with this Board, as prescribed by R.C. 5717.01

("St.").

Pursuant to assignment and notice given thereof, the matter came on for the hearing of any additional evidence that might be adduced by the parties hereto. The property owner, Mr. C. Richard O'Neil, a retired attorney at law, appeared on his own behalf. The other parties appeared through their respective counsel. A transcript of the hearing was subsequently prepared and filed ("Tr.").

From the record, it is evident that the BOR, upon the hearing of the complaint filed on behalf of the BOE and the counter-complaint filed by Mr. O'Neil, determined the same values as previously determined by the county auditor pertaining to the subject real property located at 5641-5645 Arborwood Court, Columbus, Ohio:

PARCEL NUMBER:	<u>TAXABLE VALUE</u>	<u>TRUE VALUE</u>
010-145645		
Land	\$ 14,000	\$ 40,000
Bldg & Imp	\$ <u>50,400</u>	\$ <u>144,000</u>
Total	\$ 64,400	\$ 184,000

The Columbus CSD Board of Education, being dissatisfied with the values determined by the county auditor and the BOR, has perfected the present appeal claiming by its notice of appeal, page 2, that the values should be determined and established as follows:

PARCEL NUMBER:	<u>TAXABLE VALUE</u>	<u>TRUE VALUE</u>
010-145645		
Land	\$ 18,570	(no figure)
Bldg & Imp	\$ <u>66,830</u>	(no figure)
Total	\$ 85,400	\$ 244,000

However, at the opening of the hearing (Tr.6-8), it was admitted and agreed that the "current market value" figure reported on the notice of appeal, page 2, i.e., \$244,000 -- was erroneous; it was represented that the figure should have been \$224,000 -- which was the acquisition (sale)

price in fact paid by the purchaser, C. Richard O'Neil, for the subject property, as clearly disclosed by the documentation presented to the BOR (ST.).

In support of its position, the BOE relied upon the record filed by the BOR with this Board which contained documents evidencing an arm's-length sale of the subject real property, indicated that a sale had occurred on December 4, 1992, and that the property was sold to Mr. O'Neil for a value of \$224,000 (Tr.6). Mr. O'Neil admitted what counsel for the BOE said in her opening statement was basically true (Tr.6). The objective facts are therefore not in dispute.

Mr. O'Neil stated in his opening remarks that he had looked at many different properties and at that time it didn't seem to him that there were properties on the market that he would call suitable to him. Due to federal tax advantage restraints, he felt pressured to acquire property relatively soon so he could take advantage of the federal tax savings ("1031 transaction") provisions (Tr.6-7).

Mr. O'Neil stated in his opening remarks that he did have some witnesses present who would testify about the fair market value of the different adjoining buildings (Tr.7). Mr. O'Neil subsequently asked whether the hearing examiner wanted to hear these witnesses tell about the value of some of the properties in the area or not. It was not clear to the hearing examiner what the nature or relevancy of their testimony might be, particularly in the light of the recent arm's-length sale by which he had acquired the subject property. No clarification was expressed by Mr. O'Neil. He decided not to call them to testify. No mention was made of the matter in the brief later filed by Mr. O'Neil.

The Court has previously held that the best evidence of true value is the actual sale price of the property in an arm'-length transaction. State, ex rel. Park Investment Co. v. Bd. of Tax Appeals (1964), 175 Ohio

St. 412; Grabler Mfg. Co. v. Kosydar (1975), 43 Ohio St.2d 75. Where, as here, there is an open market sale of the property under consideration, the purchase price is the best evidence of the value of the property, and reasonably supersedes any evidence based solely upon appraisal (opinion) evidence. Conalco v. Bd. of Revision (1977), 50 Ohio St.2d 129. Meyer v. Bd. of Revision (1979), 58 Ohio St.2d 328, 333.

From the record, it is evident that Mr. O'Neil was under no compulsion to purchase the particular property here under consideration, nor is there any evidence that he was not reasonably and adequately knowledgeable and informed about the property he purchased and its general market value. As a matter of fact, Mr. O'Neil looked at various properties available on the open market before he decided to purchase the subject property. There is no evidence that he was under any duress to purchase any property without regard to its price on the open market.

Upon the record and as a matter of law, the Board of Tax Appeals finds and determines that the best evidence of the aggregate true value of the subject property was the actual purchase price paid for the property in the December 4, 1992 transaction by Mr. O'Neil, namely \$224,000. The property was purchased and used as a business investment. The evidence fails to prove and establish the value of the land alone to be other than as determined by the county auditor and board of revision.

The Board of Tax Appeals further finds from a preponderance of the evidence that the true value of the subject property for the tax year 1992 to be as follows:

PARCEL NUMBER:	TAXABLE VALUE	TRUE VALUE
010-145645		
Land	\$ 14,000	\$ 40,000
Bldg & Imp	\$ 64,400	\$ 184,000
Total	\$ 78,400	\$ 224,000

IT IS ORDERED that the Auditor of Franklin County shall cause his records to reflect the values heretofore determined by this Board with respect to the subject real property for the tax year 1992 and shall assess the same in accordance therewith as is prescribed by law.

IT IS FURTHER ORDERED that a certified copy of this decision and order be sent to the Auditor of Franklin County, to the property owner, and to the other parties hereto by and through their respective counsel. ohiosearchkeybta