

STATE BOARD OF ASSESSORS
NOTICE OF DETERMINATION

COPY

KERRY INC, PETITIONER
APPEAL NO. 81-057-REO-19
STATE IDENTIFICATION NO. 81-36-251-R-000030557

VS

WISCONSIN DEPARTMENT OF REVENUE, RESPONDENT

TO:
KERRY INC
3400 MILLINGTON RD
BELOIT WI 53511-9554

AND:
DEBORAH NEUSER
C MANITOWOC
900 QUAY ST
MANITOWOC WI 54420-4543

RECEIVED
FEB 26 2020
CITY CLERKS OFFICE

PLEASE TAKE NOTICE that the objection to the 2019 assessment for the above-listed parcel has been reviewed by the State Board of Assessors pursuant to sec. 70.995(8)(a), Wis. Stats., and that this Board has determined that the property in question be assessed as follows:

AGGREGATE RATIO: 0.990527193

	<u>ORIGINAL 2019 FULL VALUE ASSESSMENT</u>	<u>REVISED 2019 FULL VALUE ASSESSMENT</u>	<u>ORIGINAL 2019 EQUATED VALUE ASSESSMENT</u>	<u>REVISED 2019 EQUATED VALUE ASSESSMENT</u>
LAND	\$158,400	NO CHANGE	\$156,900	N/A
IMPROVEMENT	\$2,048,000	NO CHANGE	\$2,028,600	N/A
TOTAL	\$2,206,400	NO CHANGE	\$2,185,500	N/A

Interest per sec. 70.511(2)(b), Wis. Stats., is not applicable. The 2019 assessment was sustained.

You shall be deemed to have accepted this determination unless you notify the Wisconsin Tax Appeals Commission of your desire to present testimony before that Commission challenging the assessed value here determined. The proper forms may be obtained by writing or calling:

Wisconsin Tax Appeals Commission
5005 University Ave Ste 110
Madison WI 53705-5400
(608) 266-1391

APPEALS MUST BE FILED WITH THE TAX APPEALS COMMISSION WITHIN 60 DAYS OF THE DATE ON THIS ORDER as set forth in sec. 73.01(5), Wis. Stats.

Dated at Madison, Wisconsin, this 21st day of February 2020

cc: Daniel P Deveny, Agent
Bonnie Jorstad, WI Tax Appeals Commission
Green Bay Manufacturing & Utility Office

STATE OF WISCONSIN
STATE BOARD OF ASSESSORS

By: 
Timothy J Drascic, Chairman

2-26-20
Assessor
Steve C

In accordance with sec. 70.995(8)(a), Wis. Stats., determinations made by the Wisconsin State Board of Assessors (BOA) may be appealed by both the taxpayer and the municipality. Appeals must be made to the Wisconsin Tax Appeals Commission within 60 days of the issuance date of the Board of Assessor Determination. The Tax Appeals Commission will contact you after receiving the appeal. If you need to confirm that there is no further appeal, the Tax Appeals Commission contact number is (608) 266-1391.

If an appeal is filed to the BOA, state statutes require you to do the following:

Assessed Value

Municipality

- If the assessed value is **sustained** - no further action is required.
- If the assessed value is **reduced**, after the delivery of the equated assessment roll, change the equated assessment roll value for the appropriate year using the procedure found in sec. 70.48, Wis. Stats.
- If the assessed value is **increased**, after delivery of the equated assessment roll, the Wisconsin Department of Revenue (DOR) will add the value as omitted property on the next year's roll.

Note: When the appeal is ultimately resolved, remove the appeal pending notice from the original equated assessment roll.

Property Tax

Taxpayer

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- If the assessed value is **reduced**, and your tax bill was based on the original assessment, sec. 70.511, Wis. Stats., applies. Send a claim for a refund of excess taxes paid plus interest, by November 1, to the municipal clerk. (If a further appeal produces an additional change, DOR will notify you of that change).
- If the assessed value is **increased**, and your tax bill was based on the original assessment, DOR will send you a Notice of Omitted Property Assessment (during the next assessment year) for the increase, and the municipality will bill you for the additional taxes on the next tax roll.

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- If the assessed value is **increased**, and the tax bill was based on the original assessment, there is no change in original taxes. DOR will provide you with an Omitted Property Assessment Notice and Roll (with the next equated assessment roll).

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- If the assessed value is reduced, and the tax bill was based on the original assessment, interest must be paid to the taxpayer per sec. 70.511(2)(b) Wis. Stats., "...Interest on the claim shall be paid to the taxpayer when the claim is paid at the average annual discount rate determined by the last auction of 6-month U.S. treasury bills before the objection per day for the period of time between the time when the tax was due and the date that the claim was paid. If the taxpayer requests a postponement of proceedings before the reviewing authority, interest on the claim shall permanently stop accruing at the date of the request. If the hearing is postponed at the request of the taxpayer, the reviewing authority shall hold a hearing on the appeal within 30 days after the postponement is requested unless the taxpayer agrees to a longer delay. If the reviewing authority postpones the hearing without a request by the taxpayer, interest on the claim shall continue to accrue. No interest may be paid if the reviewing authority determines under s. 70.995(8)(a) that the value of the property was reduced because the taxpayer supplied false or incomplete information...". If the exception applies, it will be noted on the face of this determination.
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Wisconsin State Board of Assessors
 Real Property Addendum
 Manufacturing & Utility Bureau

Appeal # 81-057-REO-19
 Assessment Date January 1, 2019
 DOR State ID # 81-36-251-R-000030557
 Local Parcel # 052-826-401-021.00
 Appellant Kerry Inc.
 Agent Daniel P. Deveny, Fredrikson & Byron, P.A.
 Situs Address 4502 Expo Dr.
 Municipality City of Manitowoc

COPY

This report is prepared in response to an appeal filed with the Wisconsin State Board of Assessors (BOA). The BOA is to investigate the assessment in response to this appeal. The 2019 assessment is reviewed with deference to Wisconsin statutes and the Wisconsin Property Assessment Manual (WPAM).

Appellant's Issue

The appellant states the reason for objecting to the assessment:

"The assessed value exceeds the fair market value of the property."

The appellant also states the basis for the appellant's estimate of full value:

"Sales and leases of similar properties in similar locations indicate a lower assessed value."

Note: No evidence substantiating the claims reiterated above were received by the clerk of the BOA

DOR Full Value Assessment & Appellant's Opinion of Value

The 2019 full value assessment and the appellant's opinion of value as stated on the objection form are as follows:

	Value	Percent Difference
DOR 2019 Full Value Assessment	\$2,206,400	
Appellant's Opinion of Value	\$1,500,000	
Difference	\$-706,400	-32%

Property Description and Background

- Subject is located in the City of Manitowoc, 45 minutes south of the City of Green Bay, east of Hwy 43.
 - Subject is located on Manitowoc's west side, east of Hwy 43. Area is a mix of mainly commercial properties.
 - No economic obsolescence factors are apparent
- Subject is located on 7.470 acres on Expo Drive, a highly visible and traveled area of Manitowoc's Industrial Park.
 - There are no situs obsolescence factors to consider.
- Owner and occupant of the subject property is Kerry Inc.
 - Kerry Inc. is a manufacturer of smoke flavoring products.
- Building design is a pre-engineered steel building used for distribution.
 - There are no building utility or functional obsolescence factors to consider
- Subject property is in good physical condition.
 - There is no building physical obsolescence to consider.

DOR Assessment History

- Date most recent site investigation resulting in a value estimate was on August 18, 2016.
 - Recent site visit noted above was completed for the review of the December 4, 2015, sale of subject at \$2,200,000.
- 2017 full value assessment of \$2,197,400.
 - 2017 assessment was influenced by the 2015 sale of subject
 - 2017 Assessment was not appealed to the BOA.
- 2018 full value assessment of \$2,197,400.
 - 2018 M-R form was submitted.
 - No changes were reported.
 - 2018 Assessment was appealed to the BOA and TAC.
- 2019 full value assessment of \$2,206,400.
 - 2019 M-R form was submitted.
 - \$599,530 of improvements were reported on Schedule R-2, for which there was zero (\$0) taxable assessed value added. Items were considered maintenance items.
 - DOR added \$9,000 as an economic increase to land for 2019.

Appellant's Evidence

Markarian v City of Cudahy, 45 Wis. 2d 683, 173 N.W. 2d 627 (1970) states,

"...Only in the absence of a sale of the property in question or sales of reasonably comparable property, can the tax assessor, in determining fair market value, consider all factors collectively which have bearing on the value of property..." (WPAM, Volume I, page 21.3-16, revised 12/10; Emphasis added)

- Following the Markarian hierarchy:
 - Tier One: In 2018, the appellant submitted an objection form and information referencing the sale of the subject property:
 - December 4, 2015
 - \$2,200,000
- The appellant provided no new information that was not previously considered in setting the current year assessment.

DOR Appraiser Comments on Appellant's Evidence

- Following the Markarian hierarchy:
 - Tier One: The appellant's sale of the subject submission is not representative of market value:
 - The subject property sold on 12/04/2015.
 - After investigating the sale, and talking with the parties involved in the transaction, a DOR Property Assessment Specialist has determined the sale was not an arm's length transaction. This was a total business sale that included 7 manufacturing parcels as well as personal property. Sale prices were based on the 2015 Full Value Assessments.
 - Doc# 1163084 is a special warranty deed dated 12/04/2015 which indicates a real estate transfer fee of \$6,660.00 which would indicate a purchase price of \$2,200,000.
 - The sale price allocation supports the accuracy of the 2016 and 2017 assessments.
 - The sale is not included in the DOR database.
- The appellant provided no new information that was not previously considered in setting the current year assessment.

Findings

- After review of the 2019 assessment, I found that Wisconsin statutes and the Wisconsin Property Assessment Manual were both followed.
- No errors were found in the assessment valuation process.
- The appellant has a prior year's assessment for the subject property pending before the Wisconsin Tax Appeals Commission. The appellant has not provided any new information to show that the current assessment is incorrect.
- The following court cases support the assessor's valuation:
 - "The party challenging the assessment has the burden of producing evidence showing the error in the assessor's valuation." *Steenberg*, 167 Wis 2d at 571-72, 482 N.W. 2d at 328, quoting *Rosen V. City of Milwaukee*, 72, Wis 653, 662-62, 242 NW. 2d 681, 684 (1976).
 - "There is a presumption that the assessor's valuation is correct. Such valuation will not be set aside in the absence of evidence showing it to be incorrect." *State ex. rel. Collins v. Brown*, 225 Wis 593, 275, N.W. 455.
 - "The burden of producing evidence to overcome this presumption is upon the person who seeks to attack the assessment and the presumption survives until it is met by credible evidence." *State ex. rel. Collins v Brown, Subra*.

2019 BOA Assessment Recommendation

In response to the objection(s) filed I have investigated the 2019 assessment(s) and make the following recommendation(s) to the BOA:

- I recommend the 2019 assessment be sustained.

	DOR Full Value Assessment	Assessment Recommendation	Value Change
Land	\$158,400	\$158,400	\$ 0
Improvements	\$2,048,000	\$2,048,000	\$ 0
Total	\$2,206,400	\$2,206,400	\$ 0

Interest and Special District Information

Interest per sec 70.511(2)(b), Wis. Stats., is not applicable. The assessment is sustained and no overpayment of taxes has occurred.

School District Code	3290
Tech College	1100
TID Code	n/a
Special District Code	n/a

Signature



Peggy Armstrong, WI Certified Assessor 2

11/19/2019

Date

Attachments
BOA # 81-057-REO-19

Notice of Real Property Assessment.....A-1
Form of ObjectionA-2
DOR Sales Comparison Approach ReportA-3

Wisconsin Department of Revenue
Manufacturing & Utility Bureau
200 N Jefferson St Ste 126
Green Bay, WI 54301-5100

KERRY INC
3400 MILLINGTON RD
BELOIT WI 53511-9554

Wisconsin Department of Revenue / Manufacturing & Utility Bureau
2019 Notice of Real Property Assessment

Notice date Jun 10, 2019
State ID no. 81-36-251-R000030557
County of 81-36 Manitowoc
Taxation district 251 C of Manitowoc
DOR parcel no. 000030557
Local parcel no. 052-826-401-021.00
Site description Expo Dr
Site address 4502 Expo Dr
School code 363290
Special districts

Land	\$	158,400
Improvements		2,048,000
Total	\$	2,206,400

Contact information

If you have any questions, contact the Manufacturing & Utility Bureau District Office in your area at mfgtel81@wisconsin.gov or (920) 448-5191.

MFGAA103WI (R. 03-18)

See other side for appeal procedures

The assessment on the front of this notice is made at 100% full market value as of January 1, 2019. The Wisconsin Department of Revenue (DOR) will equate the assessment to the general level of assessment of all other property in the taxation district. Local tax rates are used to calculate the property tax levy.

If you have any questions about your assessment, email or call the district office under "Contact Information" on the front of this notice. If you disagree with this notice after discussing with the district office, you may send an appeal to the State Board of Assessors (BOA).

How to appeal

1. File your appeal using the appropriate DOR objection form located on our website: revenue.wi.gov/Pages/Form/manuf-home.aspx
2. You must file your appeal no later than 60 days after the date on this Notice, under state law (sec. 70.995(8)(b)1 and sec. 70.995(8)(d), Wis. Stats.)

Your appeal is considered timely filed if one of the following occurs:

- The BOA receives it with the filing fee, by the 60th day
- You send it by certified mail with the filing fee, and it is postmarked before midnight of the 60th day

Send the following to the address below

1. Your objection form
2. A \$45 filing fee (payable to "Wisconsin Department of Revenue") for each objection form you submit
3. Supporting documents for the appeal (ex: appraisals, listing contracts, EPA clean-up orders)

Appeals address

State Board of Assessors, Wisconsin Department of Revenue, PO Box 8971, MS 6-97, Madison WI 53708-8971

**Objection to
Manufacturing Real Estate Assessment**

Wisconsin
Department of Revenue

■ Complete all sections ■ See Filing Requirements on page 2

Section 1: Who is filing this objection? (check one)

Property owner/agent * Municipality/agent * *If agent, submit current Agent Authorization Form (PA-105) with this form

Section 2: Property Owner and Property Information

Property owner name (on assessment notice) Kerry Inc.			Taxation district (Check one) <input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City		County
Mailing address 3400 Millington Rd.			Enter municipality → Manitowoc		Manitowoc
City Beloit	State WI	Zip 53511-9554	City Manitowoc	State WI	Zip 54220

Section 3: Contact Information

Name / title (owner, agent, officer) Daniel P. Deveny, Agent			Company name Fredrikson & Byron, P.A.		
Mailing address 200 South Sixth Street, Suite 4000			Phone (612) 492 - 7486	Fax (612) 492 - 7077	
City Minneapolis	State MN	Zip 55402	Email ddeveny@fredlaw.com		

Section 4: Assessment Information and Opinion of Value

Date of Real Estate Assessment Notice (mm-dd-yyyy) 06 - 10 - 2019	State ID no. (on notice) 8 1 3 6 2 5 1 R 0 0 0 0 3 0 5 5 7	Local parcel no. 052-826-401-021.00
Assessment as shown on notice - Total \$ 2,206,400	Your opinion of value - Total \$ 1,500,000	

Section 5: Reason for Objection and Basis of Estimate

Reason(s) for objection: (Attach additional sheets if needed) The assessed value exceeds the fair market value of the property.	Basis for your opinion of value: (Attach additional sheets if needed) Sales and leases of similar properties in similar locations indicate a lower assessed value.
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In the last five years, the property was: (check all that apply and attach two copies of documents)			Property acquired in 12/2015 as part of wide-ranging acquisition of Red Arrow's assets. Purchase price included consideration of personal property and business value.
<input type="checkbox"/> Appraised (for any reason)	<input checked="" type="checkbox"/> Sold	<input type="checkbox"/> Offered for sale <input type="checkbox"/> Listed for sale <input type="checkbox"/> Reviewed for marketing opinions	
Appraisal date	Real estate appraised value	Appraiser name	Appraiser phone ()

Section 6: Submitting Additional Information

Under state law (sec. 70.995(8)(c)2., Wis. Stats.), you may submit additional information to the State Board of Assessors (BOA) within 60 days of your appeal.

I hereby waive my right to provide additional information to the BOA under sec. 70.995(8)(c)2., Wis. Stats.

For Department Use Only

BOA# **81-057-RE0-19**

I, the undersigned, declare under penalties of law that I have personally examined this form and supplemental documents. To the best of my knowledge and belief it is true, correct and complete.

Owner / Authorized Agent Sign Here	Name (please print) Daniel P. Deveny, Agent
	Signature
	Company or title Fredrikson & Byron, P.A.
	Date 7 - 23 - 2019

A-2

AA: 81 COUNTY #: 38
 COMPUTER OR PARCEL NO: 052-826-401-021.00
 OWNER'S NAME: KERRY INC
 SITUS ADDRESS: 4502 EXPO DR

Munic. #: 251
 ParID: 000030557

2017 Sales Analysis & Reconciliation Report
 Green Bay District
 Manufacturing Assessment - WI Dept of Revenue

Appraiser: Van Vonderen

Date: 2/1/2017

SALES COMPARISON INDICATOR

ITEM	SUBJECT	SALE #1	SALE #2	SALE #3	Comments:					
SALE ID #	-	16-81-028-1	14-81-044-1	12-81-039-2						
COUNTY	MANITOWOC	36 - MANITOWOC CO	05 - BROWN CO	36 - MANITOWOC CO						
MUNICIPALITY	MANITOWOC*	C MANITOWOC	V BELLEVUE	C MANITOWOC						
ADDRESS OF COMPS		1441 Dufek Drive	3131 Main St	4624 Expo Drive						
COMM / NEIGH		2	2	2						
FAAC / LAND VALUE	7.470	149,400	2	3						
IMP \$ SP	*****	1,924,900	1,752,800	1,644,000						
IMP SP/SF	*****	\$ 21.91	\$ 17.16	\$ 17.79						
# MONTHS	*****	8	20	44						
T.ADJ. SP	*****	0.0%	\$21.91	0.0%	\$17.16	0.0%	\$17.79	0.0%	0.0%	0.0%

ATTRIBUTES	DESCR TN	DESCR TN	ADJMT	DESCR TN	ADJMT	DESCR TN	ADJMT
IMP. SF	99,000	87,840	X	102,150	X	92,400	X
EFFECTIVE AGE	15	16	X	17	X	17	X
FRAME	4	4	X	4	X	4	X
WALL	7	7	X	7	X	7	X
NO. STYS.	1	1	X	1	X	1	X
S/C RATIO	3.3	3.8	X	2.5	X	2.5	X
COMMUNITY RATE	2	2	X	2	X	2	X
NEIGHBORHOOD RATE	2	2	X	2	X	3	X
PHYSICAL RES. Moderate	70	58	X	65	X	61	X
FUNCTNL RES.	95	95	X	85	X	90	X
LOCATION RES.	97	97	X	100	X	87	X
OTHER ECO. RES.	100	100	X	100	X	100	X
OFFICE %	0.0	0.7	X	0.9	X	5.8	X
HEIGHT	23	26	X	24	X	20	X
USE (SIC CODE)	4225	4225	X	4225	X	3400	X
SPRINKLER %	100.0	100		100		100	
ADJUSTMENTS							
CONDITION	70	58	4.53	65	1.32	61	2.62
LOCATION RES.	97	97	0.00	100	-0.51	87	1.78
OFFICE %	0	0.7	-0.15	0.9	-0.15	5.8	-1.03
HEIGHT	23	26	-1.31	24	-0.34	20	1.07
Size			0.00		0.00		0.00
Site Coverage			0.00		0.00		0.00
Quality			0.00		0.00		0.00
Layout & Design			0.00		0.00		0.00
Sprinklers			0.00		0.00		0.00

GRS ADJ %		27.34%	13.52%	38.54%
GRS ADJ \$/sf		5.99	2.32	6.50
NET ADJ \$/sf		3.07	0.32	4.44
ADJUSTED SALE PRICE/SF		24.98	17.48	22.23
GROSS WTS		0.27	0.54	0.20

Land Previous Assmt / Acres	\$149,400	7.470
Imprs Previous Assmt / SF:	\$2,048,000	99,000
Total Prior Assessment:	\$2,197,400	

SALES COMPARISON INDICATED VALUE

UNIT VALUE PER SQUARE FOOT	\$	20.41
IMPROVEMENT VALUE		2,020,590
MARKET VALUE OF THE PROPERTY	\$	2,189,990

COMPARABILITY INDEX

WTGA %	22
COMP COV%	14
AVE GS A%	28
UNADJ. COV%	11
TOP COV%	39

A-3

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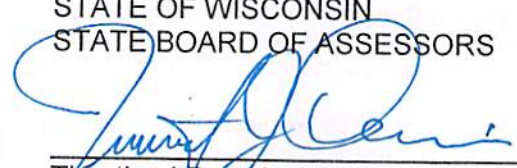
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Dated at Madison, Wisconsin, this 21st day of February 2020

cc: Daniel P Deveny, Agent
Bonnie Jorstad, WI Tax Appeals Commission
Green Bay Manufacturing & Utility Office

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STATE BOARD OF ASSESSORS

By:


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