



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

APPELLANT: Juice Tyme, Inc.
DOCKET NO.: 09-31663.001-I-1
PARCEL NO.: 20-06-300-029-0000

The parties of record before the Property Tax Appeal Board are Juice Tyme, Inc., the appellant(s), by attorney Edward M. Burke, of Klafter & Burke in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 112,127
IMPR.: \$ 28,520
TOTAL: \$ 140,647

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2009 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 property consists of a one-story light industrial building that was constructed in stages from 1950 to 2003. It contains 42,300 square feet and it is situated on a 170,363

square foot site. The property is located in Lake Township, Cook County. The property is a class 5-93 and a class 6-63 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal that included the income and sales approaches to value. The appraiser estimated the subject property had a market value of \$650,000 as of January 1, 2009.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$171,276. The subject's assessment reflects a market value of \$926,338 or \$21.90 per square foot of building area, including land, when applying a blended assessment ratio of 17.5% for class 5 property of 25% and class 6 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment the board of review submitted four suggested sale comparables. The comparables range in size from 35,143 to 44,608 square feet of building area and they have sale prices that range from \$35.87 to \$90.48 per square foot of building area.

At hearing, the appellant's attorney reviewed the previously submitted appraisal. The board of review's representative objected to appraisal based on hearsay as the appraiser was not present to testify. The hearing officer sustained the objection.

The appellant's attorney stated that the subject property's assessment was reduced to \$135,000 by the assessor's office in 2010; however, the appellant's attorney did not offer a copy of the decision into evidence. The board of review's representative argued that the subsequent year decision should be given little weight as the reasons for the reduction are unknown.

The board of review's representative reviewed the board's previously submitted sales comparables. She also stated that the board's comparables were more similar in size to the subject than are the sales comparables utilized in the appellant's appraisal. The appellant's representative stated that the comparables used to support the appraiser's valuation based on the income approach to value were more similar in size to the subject.

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 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 Board finds that, as the appraiser was not present to testify, any of the appraiser's adjustments or conclusions of value, including the income approach to value, are given no weight; however, the Board will consider the appraisal's unadjusted sales comparables. The Board finds that the most similar comparables in the record are the appellant's comparables #1, #2 and #4. These properties sold for prices that ranged from \$13.68 to \$19.31 per square foot of building area, including land. The subject's assessment reflects a market value of \$21.90 per square foot of building area, including land, which is above the range established by the best comparable sales in the record. Based on this evidence the Board finds a reduction in the subject's assessment is justified.

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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Tracy A. Huff

Member

Mario Morris

Member

JR

Member

DISSENTING:

C E R T I F I C A T I O N

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: March 20, 2015

A. Portal

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 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 the subsequent year 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.

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.