

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: David M. Siegel
DOCKET NO.: 04-24585.001-C-1
PARCEL NO.: 03-11-406-005

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are David M. Siegel, the appellant, by attorney Adam E. Bossov in Chicago and the Cook County Board of Review.

The subject property consists of a 40,060 square foot parcel of land containing a one-story, masonry constructed, commercial building with 5,600 square feet of building area. The appellant, via counsel, argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted copies of the settlement statement, the deed, and the real estate purchase agreement and attorney letter evidencing that the subject property's land was purchased on June 25, 2003 for \$105,000. The appellant also submitted copies of the bid proposal and certificate of payment evidencing the subject property's improvement cost \$724,792 to construct. In addition, a

(Continued on Next Page)

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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:	\$ 53,279
IMPR.:	\$101,096
TOTAL:	\$154,375

Subject only to the State multiplier as applicable.

PTAB/0454JBV

copy of a vacancy affidavit was submitted to establish that the building was not occupied until October 2004.

At hearing, the appellant's attorney presented the property characteristic printouts for the subject property for the two subsequent years. The board of review had no objection to these documents and there were accepted into evidence and marked as Hearing Exhibit #1. The appellant's attorney argued that the property was vacant for most of 2004 while the building was under construction and that a vacancy factor of 25% should be applied to the sale and construction prices. The appellant's attorney did not have any knowledge as to when the construction of the building began. He testified the bid request was submitted on December 9, 2003 and construction began sometime thereafter. The appellant's attorney requested that the subject property be assessed as vacant land for 75% of the year and then, for the remaining 25% of the year, have the property assessed as commercial with an occupancy factor applied. For the improvement, the appellant's attorney argued that the improvement should have a 25% occupancy factor applied to it.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$154,375. The subject's assessment reflects a market value of \$406,250 using the level of assessment of 38% for Class 5A property as contained in the Cook County Real Property Assessment Classification Ordinance. The board also submitted Comps sale information for six properties suggested as comparable to the subject. These comparables are all located within the subject's market and are improved with a one to three-story, frame, masonry or mixed construction, single or multi-tenant commercial building. These buildings ranged in age from 16 to 44 years and in size from 3,188 to 6,968 square feet of rentable area. The comparables sold from July 2002 to May 2005 for prices ranging from \$440,000 to \$1,200,000 or from \$138.02 to \$186.86 per square foot of rentable area. The Comps printouts submitted as evidence note that the information provided is not guaranteed as accurate or reliable. As a result of its analysis, the board requested confirmation of the subject's assessment.

At hearing, the board of review's representative, Mike Sobczak, testified the subject property was classified as vacant land in 2003 and change to a commercial classification for the 2004 year based on the construction of the building. Mr. Sobczak argued that the market value of the subject based on the sale price of the land and construction costs yields an assessed value greater than what is currently placed on the subject property.

In rebuttal, the appellant's attorney argued that the reason the subject's current assessed value is less than the sale price of

Docket No. 04-24585.001-C-1

the land and construction costs would dictate is because an occupancy factor of 34.4% was placed on the improvement assessment.

After considering the evidence and reviewing the testimony, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction is not warranted.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the sale of the subject property's land and the construction costs for the improvement. These two costs establish a market value for the subject property of \$829,792.

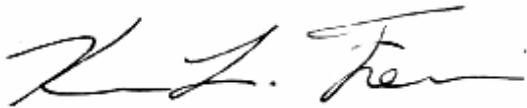
The appellant argues that the land should be assessed as vacant land for the months prior to occupancy of the improvement and than argues that a vacancy factor should be applied to the land and the improvement when assessed as commercial. The PTAB finds this argument unpersuasive. The PTAB further finds that the classification of commercial property placed on the subject property for the assessment year in question is proper. The property was no longer vacant in 2004, but was in the process of having a commercial improvement build on the land. The parties were unsure of when construction on the improvement because, but evidence shows bids were taken in 2003 and a fully completed building was in place by October 2004.

The board of review's representative testified that there was an occupancy factor of 34.4% placed on the improvement by the board of review that took into consideration the construction period. Therefore, the PTAT finds that the current assessed value is supported by the evidence and no reduction is warranted.

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.



Chairman



Member



Member



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: October 26, 2007



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

Docket No. 04-24585.001-C-1

"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.