FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: 179th St. Developers, LLC
DOCKET NO.: 04-26587.001-C-2
PARCEL NO.: 27-34-120-006-0000

The parties of record before the Property Tax Appeal Board are 179th St. Developers, LLC, the appellant(s), by attorney Brian P. Liston, of Law Offices of Liston & Tsantilis, P.C. of Chicago; the Cook County Board of Review.

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:	$ 81,855
IMPR.:	$ 159,932
TOTAL:	$ 241,787

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 36,986 square foot parcel improved with a one-story, four-year-old, 6,860 square foot, masonry constructed auto repair type building with a land to building ratio of 5.39:1. The subject property is located in Tinley Park, Illinois.

The appellant's attorney, Peter Tsantilis, appeared before the Property Tax Appeal Board arguing that the subject's fair market value is not accurately reflected in its assessment. In support of the market value argument, the appellant submitted a grid analysis reflecting three sales comparables located in Park Forest, Stone Park or Cicero, Illinois. These properties range in age from 35 to 50 years; have land to building ratios ranging from 1.20:1 to 3.68:1; and are one-story masonry constructed auto repair type facilities. The properties range in parcel size from 6,000 to 22,071 square feet and range in improvement size from

5,000 to 6,000 square feet of building area. The sales occurred from March 2003 to July 2003 for prices ranging from $230,000 to $270,000, or from $45.00 to $50.00 per square foot of building area.

At hearing, Mr. Tsantilis argued that the three comparables provided by the appellant are auto repair type facilities, like the subject, whereas, the six comparables provided by the board of review consist of three multi-tenant office buildings, a bar, a restaurant and a daycare facility. Mr. Tsantilis argued that the board's six comparables are not similar to the subject and do not have the same attributes as an auto repair type building. Counsel argued that the subject's assessment should be reflective of a $322,420 market value and requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of $241,787, which reflects a market value of $636,282, or $92.75 per square foot of building area, utilizing the Cook County Real Property Assessment Classification Ordinance level of assessment of 38% for Class 5a property, such as the subject. In support of its assessment, the board of review submitted six CoStar service sheets as well as a memorandum from the Assessor's office. According to the service reports, the six suggested comparables consist of one-story or multi-story, masonry or concrete block, commercial buildings located in Tinley Park, Orland Park or Mokena, Illinois. The sales occurred between May 2002 and June 2005 for prices ranging from $665,000 to $1,907,000, or from unadjusted prices ranging from $119.91 to $213.57 per square foot of building area, including land. Ranging in size from 5,057 to 8,929 square feet, the buildings are situated on parcels ranging in size from 13,778 to 53,111 square feet. No analysis or adjustment of the sales data was provided by the board. The CoStar service sheets submitted into evidence disclosed that "Information obtained from sources deemed reliable but not guaranteed."

Assistant State's Attorney, William M. Blyth, argued that the appellant's three comparables differ from the subject in age in that they range from 35 to 50 years, whereas, the subject is only four years old. In addition, Mr. Blyth argued that two of the comparables provided by the appellant are not located within the same real estate market as the subject and the third comparable in Park Forest is located about ten miles away. Based on this documentation, the board of review requested confirmation of the subject's assessment.

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

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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.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 arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code §1910.65(c)). Having considered the evidence, the Board finds that the appellant has not satisfied this burden.

The Property Tax Appeal Board finds that the parties submitted nine properties as suggested comparables to the subject. The Board places little weight on the appellant's comparables. Two of these properties are located outside the subject's market area and the third property in Park Forest is located approximately ten miles away. Further, the Board finds these properties differ to varying degrees in parcel size, building size and land to building ratio when compared to the subject. In addition, the Board finds the appellant's comparables to be vastly inferior in age as compared to the subject. Next, the Board places little weight on the board of review's evidence. The board of review presented what appears to be an in-house memorandum summarizing raw data from the sales of six commercial properties which unlike the subject are not auto repair type facilities. In addition, the board's evidence lacked analysis concerning the suggested comparables' similarity or dissimilarity to the subject. Further, there are no adjustments to any of the sales for time of sale, conditions of sale, condition of the buildings, location, size or any other factor used in a conventional comparative analysis. In conclusion, the Property Tax Appeal Board finds the evidence submitted does not support a change in the subject's assessment.

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

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 23, 2010

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.