

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Frank Gagliano
DOCKET NO.: 05-20226.001-R-1
PARCEL NO.: 15-36-202-005-0000

The parties of record before the Property Tax Appeal Board are Frank Gagliano, the appellant, by attorney Rusty A. Payton of the Law Offices of Rusty A. Payton, P.C., Chicago, Illinois; and the Cook County Board of Review.

The subject property is a 77-year old, two-story frame and masonry dwelling containing 1,896 square feet of living area with a partial, unfinished basement, a fireplace, and a one and one-half car garage. According to the appellant, the dwelling has 1,642 square feet of living area.

The appellant submitted evidence before the Property Tax Appeal Board claiming unequal treatment in the assessment process as the basis of the appeal. In support of the equity argument, the appellant submitted a grid analysis detailing four suggested comparable properties. On the appellant's map, one of the comparables is located near the subject; two are located approximately one-quarter to one-half mile from the subject; and one is located approximately three-quarter mile from the subject. The comparables are two-story frame or frame and masonry dwellings that are 84 to 122 years old. Three of the comparables have unfinished basements, and one does not have a basement. One comparable has central air conditioning. The dwellings have living areas that contain 1,665 to 2,022 square feet, and their improvement assessments range from \$11.77 to \$17.58 per square foot. The subject property has an improvement assessment of \$20.31 per square foot based on 1,642 square feet of living area; however, no evidence in the record supports that square footage. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

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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:	\$	7,140
IMPR.:	\$	33,352
TOTAL:	\$	40,492

Subject only to the State multiplier as applicable.

PTAB/BRW

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment was disclosed. In support of the subject's assessment, the board of review offered property characteristic sheets and a spreadsheet detailing three suggested comparable properties. Two are located in the same tax block as the subject, and the other one is located near the subject. The comparables are two-story frame and masonry dwellings that are 66 to 82 years old. One of the comparables has a full, finished basement; one has a full, unfinished basement; and one has a partial, unfinished basement. Two comparables have fireplaces and two-car garages, and one comparable has central air conditioning. The dwellings have living areas that contain 1,576 to 1,795 square feet and improvement assessments of \$18.25 to \$22.69 per square foot. According to the board of review, the subject property has an improvement assessment of \$17.59 per square foot. Based on this evidence, 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 Property Tax Appeal Board further finds that a reduction in the subject's assessment is not warranted. The appellant's argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has not overcome this burden.

Both parties presented assessment data on a total of seven equity comparables. According to the board of review, the subject property has 1,896 square feet of living area. According to the appellant, the dwelling contains 1,642 square feet of living area. The best evidence available to resolve this is the property characteristic sheet for the subject property provided by the board of review. The property characteristic sheet indicates that the subject property is a multi-level dwelling with 1,896 square feet of living area. The appellant's comparables one and three differed significantly from the subject in age; comparable two differed in location; and comparable four differed in foundation from the subject. As a result, the appellant's comparables received reduced weight in the Board's analysis. The board of review's comparables were more similar to the subject in age, location, and physical characteristics. These comparables had improvement assessments of \$18.25 to \$22.69 per square foot that support the subject's improvement assessment

of \$17.59 per square foot. After considering adjustments and the differences in both parties' suggested comparables when compared to the subject property, the Board finds the subject's per square foot improvement assessment is supported by the most comparable properties contained in the record, and a reduction in the subject's assessment is not warranted.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has not adequately demonstrated that the subject dwelling was inequitably assessed by clear and convincing evidence, and a reduction is not 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



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: December 7, 2007



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.