

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Khamis Akel
DOCKET NO.: 05-20968.001-C-1
PARCEL NO.: 23-01-408-003-0000

The parties of record before the Property Tax Appeal Board (PTAB) are Khamis Akel, the appellant, by attorney John P. Fitzgerald of John P. Fitzgerald, Ltd of Chicago and the Cook County Board of Review.

The subject property consists of a 26-year-old, masonry, one and part two-story, retail/grocery and office building containing 5,893 square feet of building area on a 26,606 square foot parcel and located in Palos Township, Cook County.

The appellant, through counsel, appeared before the PTAB and submitted evidence before the PTAB claiming that the subject's market value is not accurately reflected in its assessment.

In support of this argument the appellant submitted an appraisal dated January 1, 2005 containing the comparable sales approach to value. In the sales approach the appraiser used five office building sales ranging in size from 7,500 to 11,800 square feet that occurred between December 2002 and April 2005 for prices ranging from \$490,000 to \$770,000 or from \$62.42 to \$83.33 per square foot and after appropriate adjustments arrived at a value of \$80.00 per square foot or a value of \$471.444 or \$470,000 rounded via the sales comparison approach.

The appraiser described the subject's condition and functional utility as below average and described the subject's signs of wear and tear and inutility. The tenant was the purchaser.

In rebuttal, the board disclosed that in the subject's 2008 proposed triennial assessment the Assessor increased the subject's building area from 5,893 to 8,763 square feet and the total assessment from \$233,095 to \$275,424 or a market value of \$724,800.

Based upon this evidence, the appellant requested a reduction in the subject's total assessment to reflect the reduced market value.

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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: \$ 65,716
IMPR. \$112,884
TOTAL: \$178,600

Subject only to the State multiplier as applicable.

PTAB/TMcG. 11/08

The board of review submitted "Board of Review-Notes on Appeal" that disclosed the subject's total assessment of \$233,095 which reflects a market value of \$613,408 as factored by the Cook County Ordinance level of 38%. The board submitted evidence in support of its assessed valuation of the subject property. As evidence the board offered three sales of commercial buildings that occurred between March 2003 and June 2004 for prices ranging from \$425,000 to \$570,000 or from \$89.96 to \$143.33 per square foot of land and building. No analysis and adjustment of the sales data was provided by the board. The board also noted the subject was purchased by the tenant in April 2005 for \$760,000. Based on this evidence the board asked for confirmation of the subject's assessment.

In rebuttal, the appellant claimed the subject was not an arm's length purchase because the appellant was the building's tenant who needed the location to continuing servicing a nearby Mosque.

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.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. *Property Tax Appeal Board Rule 1910.63(e)*. 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. *Property Tax Appeal Board Rule 1910.65(c)*.

The PTAB finds that the appellant has met this burden and has submitted the best evidence of market value. The Assessor's proposed 2008 increase in building area and assessment would better reflect the 2005 \$760,000 sale that took place beyond the reassessment date. And the appraiser's description of the subject's condition would explain the appraiser's final value estimate. The appellant's appraisal indicates that the subject property was valued at \$470,000. Since the market value of the subject has been established, the Cook County Class 5a property assessment of 38% will apply. The subject's total assessment should not be in excess of \$178,600, while the subject's current total assessment is at \$233,095.

The PTAB gives less weight to the board's sales evidence because it lacks analysis and a supported conclusion of value.

As a result of this analysis, the PTAB finds that the appellant has adequately demonstrated that the subject property was overvalued and that a reduction in the subject's assessment 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: December 5, 2008



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.