

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Jack Sharkey
DOCKET NO.: 05-21438.001-I-1
PARCEL NO.: 12-10-302-052-0000

The parties of record before the Property Tax Appeal Board are Jack Sharkey, the appellant, by attorney Anthony Farace of law firm of Amari & Locallo, of Chicago, and the Cook County Board of Review.

The subject property consists of a 27-year-old, part one-story and party two-story, masonry constructed, industrial building. The building contains 51,615 square feet and sits on a land site that contains approximately 120,000 square feet. The subject is located in the Village of Shiller Park, Leyden Township.

The appellant's petition indicated unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant presented evidence of assessment data on similar properties in the area to compare to the subject property. The comparables suggested by the appellant consist of properties located in the subject's neighborhood and within the Village of Shiller Park. Each is an industrial building ranging in age from 16 to 47 years. Their assessed valuations ranged from \$192,873 to \$389,220 or from \$1.33 to \$2.31 per square foot, while the subject was assessed at \$613,177, or \$6.65 per square foot of building area. On the basis of this evidence, the appellant requested an assessment of \$515,171.

The board of review presented its "Board of Review Notes on Appeal" wherein its final assessment of \$613,177, which yields a market value of \$1,703,269 for the subject property, was disclosed. In addition, a memo from a Robert Kownacki and a comparative market analysis consisting of six comparables was offered. The comparables were located in either Shiller Park or Franklin Park, an adjoining suburb. Their sales ranged from \$28.16 to \$43.00 per square foot while the sales prices ranged

(Continued on Next Page)

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:	\$	270,000
IMPR.:	\$	245,171
TOTAL:	\$	515,171

Subject only to the State multiplier as applicable.

PTAB/mmg

from \$1,925,000 to \$3,018,600. The subject property sold in 2004 for a price of \$2,020,000 or \$31.08 per square foot. Based on its analysis of these properties, the board of review requested confirmation of the subject's assessment.

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

The Board further finds that a reduction in the assessment of the subject property is warranted based on the evidence contained in the record.

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. In this case, the appellant has satisfied his burden.

In this appeal, there were a total of nine comparable properties submitted by the parties. However, only the appellant's comparables were presented for purposes of an equity argument, the basis of the complaint. The board's comparables, presented by Robert Kownacki, were based upon market value and do not address the appellant's argument. Furthermore, Mr. Kownacki's memo does not establish if he is an appraiser or possesses any professional designation.

The PTAB further finds that the subject's sale of \$2,020,000 in May 2004 unpersuasive. The buyer was the previous tenant on the property and the sale cannot be considered an arm's length transaction. Therefore, the PTAB gives this evidence no weight. Moreover, none of the board's evidence addresses the appellant's equity argument.

The appellant's evidence presents three similar industrial properties located in the same village as the subject. These properties were similar in construction, size, style, age and location to the subject property. These properties are assessed from \$1.33 to \$2.15 per square foot, while the subject is assessed at \$6.65 per square foot. Therefore, the subject is assessed in excess of that which equity dictates.

Based on a review of the evidence contained in the record, the Property Tax Appeal Board finds that the appellant has supported the contention of unequal treatment in the assessment process and a reduction in the assessment of the subject property 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

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 21, 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.