

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Joseph Russo
DOCKET NO.: 05-22539.001-R-1
PARCEL NO.: 14-08-102-052-0000

The parties of record before the Property Tax Appeal Board are Joseph Russo, the appellant, by attorney Michael R. Davies of Smith Davies & Nicolau of Chicago and the Cook County Board of Review.

The subject property consists of a 93-year-old, three-story, three-unit, apartment building of masonry construction containing 3,744 square feet of living area and located in Lakeview Township, Cook County. The apartment property includes three bathrooms, a full basement and a one-car garage.

The appellant, through counsel, submitted evidence before the PTAB claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant offered four suggested comparable properties located within a quarter mile of the subject. These properties consist of three-story apartment buildings of masonry construction and range in age from 77 to 92 years. The comparables include three bathrooms and full basements. The number of apartment units was not disclosed. The subject includes one, two or three-car garages. The comparables contain between 5,034 and 5,502 square feet of living area and have improvement assessments ranging from \$31,950 to \$43,840 or from \$5.80 to \$8.70 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final improvement assessment of \$40,119, or \$10.72 per square foot of living area, was disclosed. In support of the subject's assessment, the board of review offered four suggested comparable properties located within a quarter mile of the subject. The comparables consist of three-story, three-unit buildings of masonry construction. The comparables range in age from 100 to 103 years and have full basements. They have three bathrooms and three have one or two-car garages. The comparable properties range in size from 3,708 to 3,966 square feet of living area with improvement assessments

(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: \$ 5,598
IMPR. \$40,119
TOTAL: \$45,717

Subject only to the State multiplier as applicable.

PTAB/TMcG. 9/08

ranging from \$40,346 to \$42,293 or from \$10.66 to \$10.88 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject property'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 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 failed to overcome this burden.

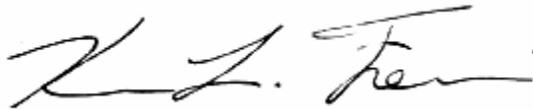
The PTAB finds the board's four; three-unit comparables are the comparables more similar to the subject. These properties have improvement assessments ranging from \$10.66 to \$10.88 per square foot of living area. The subject's per square foot improvement assessment of \$10.72 is within this range of properties. The PTAB gives less weight to the appellant's comparables because they are less similar to the subject in living area and there is no indication of dwelling units; and thus, they have less influence. After considering the differences in both parties' suggested comparables when compared to the subject property, the PTAB finds the evidence is insufficient to effect a change in the subject's assessment.

As a result of this analysis, the PTAB finds the appellant did not adequately demonstrate that the subject apartment building 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: October 10, 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.