



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Bogdan Lodyga
DOCKET NO.: 05-22606.001-I-1
PARCEL NO.: 15-11-142-003-0000

The parties of record before the Property Tax Appeal Board are Bogdan Lodyga, the appellant; by attorneys Daniel Pikarski and Kris Murphy with the law firm of Gordon & Pikarski in Chicago; and the Cook County Board of Review.

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: \$ 11,169
IMPR.: \$ 51,831
TOTAL: \$ 63,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 13,789 square foot, irregular land parcel improved with a one-story, masonry building used for light industrial purposes. The improvement contains 10,872 square feet of building area including a 1,100 square foot office area, two overhead docks and two drive-in warehouse doors.

The appellant, via counsel, argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted a limited restricted use appraisal of the subject property with an effective date of January 1, 2005 undertaken by Lawrence Starkman, a real estate appraiser holding the designation of Member of the Appraisal Institute (hereinafter MAI) as well as Susan Mustari, a field appraiser. The appraisal indicated that the intended use of this appraisal was to estimate the market value of the real estate for ad valorem tax purposes. In addition, the appraisal stated that the appraisers personally inspected the subject's perimeter site and surrounding immediate

area; inspected the building's interior; as well as gathered and confirmed information on sale comparables.

Upon review of the sales history of the subject, the appraisers reported that the subject had not sold in a three-year period prior to this appraisal. Further, the appraisal described the subject's regional and immediate neighborhood. The appraisal stated that the subject's highest and best use, as if vacant, was for industrial development, while the highest and best use, as if improved, was to maintain the existing improvements in its continued current use.

Under the sales comparison approach to value, the appraisers utilized three sale comparables, which were one-story, masonry, industrial buildings in the subject's vicinity. These comparables sold from January, 2002, through June, 2002, for prices that ranged from \$170,000 to \$240,000, or from \$11.49 to \$17.20 per square foot. The properties range: in age from 26 to 47 years; in size from 10,000 to 16,000 square feet; and in parking spaces from 10 to 16. In addition, properties #2 and #3 both contained three grade-level doors. After making adjustments to these properties, the appraisers estimate a market value for the subject under this approach of \$16.00 per square foot of building area or \$175,000.

At hearing, the appellant's attorney rested upon the written evidence submissions. Based upon this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$116,304 for tax year 2005 according to the assessor. The subject's assessment reflects a market value of \$323,066 or \$29.72 per square foot for tax year 2005 using the Cook County Ordinance level of assessment for Class 5b, industrial property of 36%. Nevertheless, the board of review's notes reflect that subject's total assessment was actually \$95,891 reflecting a market value of \$266,364 for tax year 2005.

In addition, the board of review submitted a memorandum as well as CoStar Comps printouts for eight suggested comparables. The properties contained one-story, buildings that are owner/users with the exception of property #1, which contains multiple tenants. The data reflected: that property #2 was vacant at the time of sale; that property #4 was used as a warehouse; that property #7 was used for manufacturing; and that property #8 was used for service. In addition, five of the eight properties' sales were absent a buyers and sellers real estate broker. They sold from January, 2000, to September, 2004, for prices that were in an unadjusted range from \$23.95 to \$54.38 per square foot. The buildings ranged in age from 30 to 55 years and in size from 7,541 to 11,400 square feet of building area. There was no data as to whether the properties contained office area or truck docks, therein. As a result of its analysis, the board requested confirmation of the subject's assessment.

At hearing, the board of review's representative indicated that the board of review would rest on the written evidence submissions.

After considering the arguments and reviewing 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331Ill.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 arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the Board concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's appraisal. The appellant's appraisers utilized one of the three traditional approaches to value, while placing maximum emphasis on the sales comparison approach to value in determining the subject's market value. The Board further finds this appraisal to be persuasive for the appraisers personally inspected the subject property and its surrounding area utilizing market data in the sales comparison approach, while providing sufficient detail regarding each sale as well as adjustments where necessary.

Moreover, the Board accorded diminished weight to the board of review's limited and raw sales data.

Therefore, the Board finds that the subject property contained a market value of \$175,000 for tax year 2005. Since the market value of the subject has been established, the Cook County Ordinance level of assessment for Class 5b, industrial property of 36% will apply. In applying this level of assessment to the subject, the total assessed value is \$63,000, while the subject's current total assessed value is above this amount at \$95,891. Therefore, the Board finds that a reduction 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank J. Huff

Member

Shawn R. Lerbis

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 22, 2010

Allen Castrovillari

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.