



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

APPELLANT: North Huehl Ventures, LLC
DOCKET NO.: 05-23183.001-I-2 through 05-23183.003-I-2
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are North Huehl Ventures, LLC, the appellant, by attorney Mitchell L. Klein with the law firm of Schiller Klein PC in Chicago; and the Cook County Board of Review by Assistant State's Attorney Bill Blyth with the Cook County State's Attorneys Office in Chicago.

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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
05-23183.001-I-2	04-05-102-022-0000	65,205	346,700	\$411,905
05-23183.003-I-2	04-05-102-008-0000	138,054	504,263	\$642,317

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of three land parcels comprising 142,045 square feet of land improved with a 27-year old, one-story, masonry, industrial building. It is noted that this 2005 property tax appeal relates to only two of the subject's three parcels.

The appellant argues via counsel that the descriptive data on the subject's improvement is inaccurate and that there is unequal treatment in the assessment process of the subject's improvement as the basis of this appeal.

In support of the initial issue, the appellant submitted a grid analysis reflecting that the subject's building contains 72,000 square feet of building area therein.

In support of this equity argument, the appellant submitted assessment data and descriptions on three comparable properties for consideration. There was no data reflecting the proximity of these properties to the subject other than the disclosure that

these properties were sited in the same volume and neighborhood, as is the subject. They are improved with a one-story, industrial building. They range: in land size from 76,700 to 91,450 square feet; in age from 25 to 27 years; in size from 40,700 to 52,401 square feet of building area; and in improvement assessments from \$9.40 to \$10.29 per square foot of building area. The analysis indicated that the subject's improvement assessment is \$11.90 per square foot of building area using 72,000 square feet of building area.

At hearing, the appellant's attorney stated that he had no personal knowledge as to how the subject's improvement size was calculated, but he did opine that his suggested comparables were in the same industrial park, as is the subject.

However, upon the issue of the comparables proximity to the subject, the appellant's attorney stated that he had no personal knowledge on this point. He stated that the photographs of the subject and the proposed comparables were taken by his staff member in preparation of the board of review level tax appeal. However, he noted that he lacked personal knowledge of whether these photographs would accurately depict the properties as of the January 1, 2005 assessment date. Based upon this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$1,054,222 was disclosed for the two parcels at issue in this tax appeal. The data reflected an improvement assessment of \$850,963 or \$11.99 per square foot using 70,992 square feet of building area. At hearing, the assistant state's attorney requested that the Board either maintain or increase the subject's current assessment.

The board of review also submitted a memorandum, copies of the subject's property record cards, copies of the subject's warranty deed, a copy of 2007 sale documents from the Cook County Recorder of Deeds Office relating to portions of the subject, and descriptive data on nine suggested sale comparables. The board of review's memorandum asserted that the subject's total assessment of \$1,054,222 applicable to only two of the subject's three land parcels reflected a market value of \$3,125,492, or \$44.03 per square foot by applying the Cook County Ordinance Level of Assessments for class 5b property of 36% for tax year 2005.

As to the subject's improvement, the memorandum indicated that the subject's building contained 70,992 square feet of building area on a 142,045 square foot site. In support of this assertion, the board submitted copies of the subject's property record cards as well as black and white photographs of the subject's improvement. Moreover, the property record cards include signed and dated pages reflecting the subject's size calculations indicated above. The record cards reflect that 60%

of the subject's improvement is located on parcel -008, while the remaining 40% of the improvement is located on parcel -022.

As to the subject, the memorandum stated that the subject's three land parcels sold via a Special Warranty Deed recorded on November 10, 2005 for a value of \$4,000,000, or \$56.34 per square feet using 70,992 square feet of building area. In support of this assertion, the board of review included copies of the subject's Special Warranty Deed, a CoStar Comps sale report, and a copy of the subject's transfer declaration reflecting the sale of the subject's three land parcels with the industrial building thereon. The deed reflected the sale in November, 2005, from 310 Huehl LLC to North Huehl Ventures LLC.

Further, the memorandum asserted that subsequent to the subject's November, 2005, sale, the property was converted into condominiums comprising nine units pursuant to the condominium declaration, which was attached to the board of review's evidence. In addition, copies of attached documents reflect subsequent sales of two condominium units. Specifically, unit #7 sold for \$900,000 on November 9, 2007. The board of review's memorandum stated that this sale represented 21.67% ownership in the condominium complex or approximately 15,384 square feet without further clarification. However, the Recorder of Deeds document regarding unit #7 indicated that this November, 2007, sale related to only one of the subject's three land parcels. However, a copy of the Warranty Deed for the unit #7 sale on its Exhibit A indicated that this sale was for "part of" each of the subject's three land parcels without further explanation.

Further, the board of review's memorandum stated that the unit #9 sale represented 31.61% ownership in the condominium complex or approximately 22,441 square feet without further clarification. A copy of an Illinois Real Estate Transfer Declaration disclosed that unit #9 sold for \$1,883,000 in November of 2007. However, the document identified the subject's three land parcels as the subject of this sale with a handwritten notation thereon that the lot size or acreage involved in the purchase was a total of only 31,400 square feet.

Further, the board submitted unadjusted, raw sales data on nine properties all located in Northbrook, as is the subject. These sale properties indicated an unadjusted value range from \$28.77 to \$79.79 per square foot. Five properties were single-tenant users, while the remainder were multi-tenant properties, all varying in usage from industrial warehouses to industrial manufacturing. Beyond this submission, the board of review failed to proffer equity evidence in support of the subject's current assessment.

At hearing, the assistant state's attorney asserted that the industrial condominium sales occurring in November of 2007 related to portions of the subject's three parcels, but indicated that he had no personal knowledge of whether the subject's November, 2005 sale or its units subsequent 2007 sales were arm's

length transactions. Further, he stated that he had no personal knowledge regarding the market value attributable to each of the subject's three parcels as well as regarding the subsequent 2007 sales, whether there was a particular percentage sold of each parcel and/or the applicability of each sale price to a respective portion of the property, thereof. In addition, he asserted that an equity analysis of industrial properties is not as predictive of value as other forms of analysis due primarily to multiple variables such as location, market, age, and condition of properties. Based on this evidence, the board of review requested either a confirmation or an increase of the subject's assessment.

In written rebuttal, the appellant submitted assessor property characteristic printouts for the nine sale properties submitted by the board of review. In addition, the appellant created a grid analysis for these nine properties reflecting: each improvement's square footage, each property's 2005 improvement assessment, and the 2005 assessed value of the improvements per square foot for each property. The data indicated that the improvements ranged in size from 31,645 to 102,534 square feet and in improvement assessments from \$1.89 to \$12.62 per square foot of building area. The appellant's attorney argued that using the board of review's improvement size for the subject of 70,992 square feet of building area reflects an improvement assessment for the subject of \$12.07 per square foot. Therefore, the appellant's attorney opined that the parties submitted a total of 13 equity properties of which 12 properties contained improvement assessments below the subject's improvement assessment.

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

As to the initial issue, the Board finds that the best evidence of size was the property's record card submitted by the board of review. The appellant failed to provide any documentation and/or testimony to support the grid analysis's assertion that the subject's building contained a differing improvement size. Therefore, the Board finds that the subject's improvement contains 70,992 square feet of building area.

Further, the appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. 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).

As to the improvement assessment, the Board finds that the parties submitted a total of 13 suggested comparables located either within the subject's industrial park or within close proximity thereto. In addition, the appellant's grid analysis as

well as the appellant's rebuttal analysis of the board of review's properties reflects that the 13 properties range in improvement assessments from \$1.89 to \$12.62 per square foot of building area. In comparison, the subject's improvement assessment is \$12.07 per square foot, which is within the comparables' established range.

Moreover, the Board notes that the constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the appellant's initial grid analysis disclosed comparables located in the area containing improvement assessments lower than the subject, the appellant's rebuttal analysis reflected similarly situated industrial properties with either lower or higher assessments per square foot of building area. Therefore, even though the properties' assessments are not at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence.

The Board further finds that the unadjusted raw sales data proffered regarding these properties was insufficient to warrant an increase in the subject's assessment due to a disparity in properties' location, size, age, number of units and/or the age of the proposed sale. Therefore, the Board finds the board of review's request for an increase in the subject's improvement assessment unpersuasive.

Lastly, the Board finds that the subsequent sales of the subject and/or various condominium units were unpersuasive regarding the subject's market value as of the January 1, 2005 assessment date at issue. While the board of review submitted November, 2005, sale documents, there was neither conclusive evidence nor testimony confirming that this sale was an arm's length transaction between unrelated parties. Moreover, there was an absence of a valuation breakdown for the subject's three parcels, because only two parcels are currently under appeal in this matter. Further, the Board finds that as to the subsequent condominium unit sales in 2007, there was an absence of written or verbal evidence supporting precisely what portion of the subject each sale related to as well as the market value attributed to each unit's portion. The documents reflect that each unit sale is attributable to an unspecified portion or portions of the subject's three land parcels and improvement, without a definitive designation of the value allocated to each portion. Therefore, the Board finds that this absence of data and/or testimony greatly diminished the probative weight and applicability to the January 1, 2005 assessment date.

After considering adjustments and the differences in the properties when compared to the subject, the Board finds the subject's per square foot improvement assessment is supported and that a reduction or an increase in the subject's improvement assessment 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

Member

Shawn R. Lerbis

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: July 23, 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.