

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Chicago Faucet Company
DOCKET NO.: 05-23494.001-I-1
PARCEL NO.: 09-30-300-055-0000

The parties of record before the Property Tax Appeal Board are Chicago Faucet Company, the appellant, by attorney Patrick J. Cullerton of Fagel/Haber, Chicago, Illinois; and the Cook County Board of Review.

The subject property consists of a Class 5-93, one-story industrial building containing 87,454 square feet of building area that is situated on 236,091 square feet of land area. The subject property is located in Maine Township, Cook County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming both overvaluation and a lack of uniformity in the subject's assessment as the bases of the appeal. In support of the overvaluation claim, the appellant submitted a complete self contained appraisal report using the three traditional approaches to value. The appraisal estimated the subject property had a fair market value of \$2,500,000 as of January 1, 2004. The appellant submitted a copy of the final decision issued by the Cook County Board of Review establishing a final assessment for the subject property of \$944,500. The subject's assessment reflects an estimated market value of \$2,623,611 using the Cook County Real Property Assessment Classification Ordinance level of assessment for Class 5B property of 36%.

With respect to the inequity claim, the appellant argued Cook County Assessment Officials have a policy to debase assessments to account for vacancy without regard to a particular property's market value. This policy grants temporary assessment relief to property struggling from economic hardship due to vacancy. The appellant argued this assessment policy must be followed uniformly based on the uniformity clause contained in Article IX, Section 4 of the Illinois Constitution. The appellant argued the Illinois Constitution's Uniformity Clause requires uniformity in the level of taxation and also in the basis for achieving the levels regardless of a property's value. Walsh v. Property Tax

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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:	\$	361,218
IMPR.:	\$	420,250
TOTAL:	\$	781,468

Subject only to the State multiplier as applicable.

Appeal Board, 181 Ill.2d 228, (1998). In support of this claim, the appellant offered an affidavit submitted by the Cook County Assessor's Office in a Cook County Circuit Court Case indicating a policy of assessing vacant property without regard to market value. The appellant argued this document represents a judicial admission regarding Cook County's assessment policy for vacant property. In addition, the appellant submitted voluminous documentation that shows examples of properties that received assessment reductions on the basis of vacancy. Finally, the appellant argued the Cook County Assessor granted a reduction in the subject's assessment for the 2006 assessment year to account for vacancy. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review did not submit its "Board of Review Notes on Appeal" or any evidence in support of its assessed valuation of the subject property as required by Section 1910.40(a) of the Official Rules of the Property Tax Appeal Board. (86 Ill. Adm. Code 1910.40(a)). Thus, the Cook County Board of Review was found to be in default pursuant to Section 1910.69(a) of the Official Rules of the Property Tax Appeal Board. (86 Ill. Adm. Code 1910.69(a)).

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 Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessment. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App.3d 1038 (3rd Dist. 2002). The appellant also argued the subject property was inequitably assessed. More specifically, the appellant argued the subject was not treated equally in the methodology of applying vacancy assessment relief by Cook County Assessment Officials. 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. The Board finds the appellant have met these burdens of proof and a reduction in the subject's assessment is warranted.

The appellant in this appeal submitted an appraisal to demonstrate the subject's assessment was not reflective of its fair market value. In addition, the appellant submitted credible documentation showing Cook County Assessment Officials have a policy of granting assessment reductions on the basis of vacancy, but this policy was not uniformly applied in determining the

subject's assessment. The board of review did not submit any evidence in support of its assessment of the subject property or to refute the arguments outlined by the appellant as required by Section 1910.40(a) of the Official Rules of the Property Tax Appeal Board. (86 Ill.Adm.Code 1910.40(a)). Therefore, the board of review was found to be in default pursuant to Section 1910.69(a) of the Official Rules of the Property Tax Appeal Board. (86 Ill.Adm.Code 1910.69(a)). The Board has examined the information submitted by the appellant and finds it supports a reduction in the assessed valuation commensurate with the assessment request outlined in the appellant's legal brief

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: August 29, 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.