



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

APPELLANT: Combined Oil Inc.  
DOCKET NO.: 05-23656.001-C-1  
PARCEL NO.: 18-13-203-073-0000

The parties of record before the Property Tax Appeal Board are Combined Oil Inc., the appellant; by attorneys Dan 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:** \$ 70,110  
**IMPR.:** \$ 62,890  
**TOTAL:** \$133,000

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a rectangular-shaped, interior site containing 18,450 square feet of land. This parcel is improved with a one-story, masonry-constructed building used for commercial purposes as a gas station containing 2,000 square feet of building area.

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 summary report of a complete appraisal of the subject property with an effective date of January 1, 2005 undertaken by two real estate appraisers, one of which holding the designation of Member of the Appraisal Institute (hereinafter MAI). 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 perimeter of the subject site and surrounding immediate area; inspected the interior of the building; gathered

and confirmed information on comparable sales; and developed the sales comparison approach to value.

Upon review of the sales history of the subject, the appraisers reported that the subject had sold after the January 1, 2005 assessment date at issue. The sale occurred on May 11, 2005, for a price of \$500,000. Further, the appraisers noted that the managing partner for the subject property, Akbar Syed, declared in a deposition dated November 1, 2005, that the subject's sale was part of a bulk purchase. The appraisal indicated that Syed asserted that the sale price was inflated due to the sale of all furniture, fixtures, and equipment usually associated with a gas station, including but not limited to gasoline pumps, underground tanks, and interior commercial vending equipment. A copy of said affidavit appeared in the addendum of this appraisal.

The appraisal stated that the subject's highest and best use, as if vacant, was for commercial development, while the highest and best use, as if improved, was to maintain the existing improvements in its continued current usage as a gas station. The subject was described as a one-story, masonry building with an actual age of 44 years and an effective age of 15 years.

Under the sales comparison approach to value, the appraisers utilized six sale comparables, which were one-story gas stations. These comparables sold from March, 2002, through October, 2003, for prices that ranged from \$120,000 to \$600,000, or from \$11.44 to \$26.57 per square foot. The properties range in age from 15 to 18 years and in size from 1,200 to 4,800 square feet. After making adjustments to the suggested comparables, the appraisers estimated the subject's market value was \$19.00 per square foot or \$350,000.

At hearing, the appellant's attorney argued that the appellant's appraisal provides a more accurate determination of market value in contrast to the subject's purchase in early 2004, which counsel asserted occurred within a different triennial reassessment period for the subject property.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$140,218 for tax year 2005. The subject's assessment reflects a market value of \$368,995 for tax year 2005 using the Cook County Ordinance level of assessment for Class 5a, commercial property of 38%.

The board of review submitted copies of CoStar Comps printouts for 12 suggested comparables. These properties were improved with one-story gas stations, with ten also containing a mini-mart or other retailer. The data reflected that all 12 properties' sales were absent a buyers and sellers real estate brokers, with the data further stating that three of those properties were not on the market while another four properties' were purchased by the properties' users. They sold from July, 2003, to June, 2005,

for prices that were in an unadjusted range from \$540,000 to \$1,900,000. The buildings ranged in size from 375 to 2,700 square feet of building area. In addition, the unconfirmed data indicated that one sale included personal property, while the 12 proximity of the properties varied widely from Barrington, Elgin, Harvey, Bellwood, Des Plaines, Mount Prospect and Chicago. Moreover, the submitted printouts reflect a printed notation that no opinion is expressed concerning the accuracy of any information contained therein.

Further, the board of review submitted a four-page, unsigned and undated, hand-written document. At hearing, the board of review's representative testified that this hand-written analysis was for the board of review's internal use relating to gas stations with the subject's township; however, the representative did indicate that he had not personally prepared this document. As a result of its analysis, the board requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney argued that the board of review's evidence should be accorded little weight because it consisted of raw, unconfirmed data.

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, 331 Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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 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 utilized 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 \$350,000 for tax year 2005. Since the market

value of the subject has been established, the Cook County Ordinance level of assessment for Class 5a, commercial property of 38% will apply. In applying this level of assessment to the subject, the total assessed value is \$133,000, while the subject's current total assessed value is above this amount at \$140,218. 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 A. Huff*

Member

*Mario Morris*

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: 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.