



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

APPELLANT: Park Place Investments
DOCKET NO.: 05-24765.001-R-2
PARCEL NO.: 17-09-205-004-0000

The parties of record before the Property Tax Appeal Board are Park Place Investments, the appellant(s), by attorney Mitchell L. Klein, of Schiller Klein PC of 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: \$ 23,932
IMPR.: \$ 26,484
TOTAL: \$ 50,416

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 2,207 square foot parcel improved with a 112-year-old, two-story building containing 4,114 square feet of building area and located in North Chicago Township, Cook County. 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 brief arguing that the subject property is misclassified as a commercial building when it should have a class 2 designation as a mixed-use property. Also included is a copy of the subject's 2003 property characteristic printout which indicates the subject was classified residential as well as an affidavit from the owner stating that the subject consists of one commercial unit on the first floor and one apartment on the second floor. In addition,

the appellant submitted a copy of the Assessor's "Definitions for the Codes for Classification of Real Property" as well as a copy of the Real Property Assessment Classification Ordinance, as Amended.

At hearing, the appellant called Ms. Cathy Novakovich as a witness. Ms. Novakovich testified she is employed by Park Place Investments and is familiar with the subject property. She testified the subject property has a restaurant on the first floor and a vacant residential unit on the second floor. She stated that no changes have been made in the characteristics of the building in years 2003, 2004 and 2005.

Ms. Novakovich was questioned as to why permits were issued in 2004 and 2005 which generated a field inspection by the Assessor's office. The witness testified that the permits were associated with remodeling work done in the restaurant on the first floor. When questioned as to why the subject's classification was changed in 2005 from a mixed use building to a commercial building based on the inspection, the witness asserted there is no restaurant on the second floor. Based on the evidence submitted, 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 assessment of \$196,090 was disclosed. The subject's assessment reflects a market value of \$516,026 using the level of assessment of 38% for Class 5a property as contained in the Cook County Real Property Assessment Classification Ordinance. The board also submitted raw sale information on a total of five comparables that range from \$230.21 to \$522.00 per square foot of building area, including land. No adjustments were made for location, size, age or amenities. As a result of its analysis, the board of review requested confirmation of the subject's assessment.

At the hearing, the board of review's representative, Ray Schofield, stated that the board's documentation includes a property record card indicating that a field inspection was performed on August 24, 2005 and that there was no residential use of the property at the time of inspection. Mr. Klein objected to the correctness of the data on the record card in that the person who prepared it was not available for testimony or cross-examination. The hearing officer sustained the objection.

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.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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); 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 arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code §1910.65(c)) Having considered the evidence, the Board finds the appellant has satisfied this burden and a reduction is warranted.

The Property Tax Appeal Board finds that the appellant has established that the subject property is improperly classified as a commercial building. The appellant's witness testified that the second floor is a vacant residential unit. The witness has been inside the subject and is familiar with the property. The Property Tax Appeal Board finds her statements convincing. In addition, an affidavit from the owner stating that the subject consists of one commercial unit on the first floor and one apartment on the second floor was provided.

In contrast, the board of review failed to provide any evidence that the subject property was correctly classified as a commercial building. There was no witness to testify to the statements in the board of review' evidence and therefore, the Board gives little weight to the statements concerning the field inspection in 2005.

The Property Tax Appeal Board finds that the subject's best indication of value is the value placed on the subject property by the county of \$516,026 based on the 2005 assessment. Moreover, the comparables submitted by the board of review support this value. Since the market value of the subject has been established, the 2005 Cook County median level of assessments for Cook County Class 2 property of 9.77% will apply. In applying this level of assessment to the subject, the total assessed value is \$50,416, while the subject's current total assessed value is above this amount at \$196,090. 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

Frank J. Huff

Member

Member

Mario M. Louie

Shawn R. Lerski

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.

January 26, 2010

Date:

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.