FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Tower Crossing Condo. Assoc.
DOCKET NO.: 05-25015.001-R-2 through 05-25015.006-R-2
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Tower Crossing Condo. Assoc., the appellant(s), by attorney James A. Field, of Field and Goldberg, LLC in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds ***no change in part and reduction in part*** 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
05-25015.001-R-2	04-27-103-045-1001	5,435	66,072	$71,507
05-25015.002-R-2	04-27-103-045-1063	5,628	68,423	$74,051
05-25015.003-R-2	04-27-103-045-1065	4,989	60,650	$65,639
05-25015.004-R-2	04-27-103-045-1067	5,435	66,072	$71,507
05-25015.005-R-2	04-27-103-045-1069	4,989	60,650	$65,639
05-25015.006-R-2	04-27-103-008-0000	70,931	549,471	$620,402

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 154 unit residential condominiums spread out between multiple buildings. Of the 154 units, 75 units have their own separate property identification numbers (PINs); the remaining 79 units consist of multiple buildings covered under four remaining PINs, one of which is part of this appeal. The appellant has appealed on only six of the 154 units in the development.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation and that the subject was inequitable assessed. In support of this overvaluation argument the appellant submitted a brief addressing three separate issues.

The appellant first argues that PIN 04-27-103-045-1001 is a single condominium unit that incorrectly had two additional condominium units' assessments added to this PIN's assessment. To support this, the appellant included a copy of condominium summary sheet which lists the PIN, the unit number, the percentage of ownership, the tax status, and the taxpayer. This document indicates this PIN has a 1.37700% ownership. The property characteristic printout for this PIN also lists a 1.37700% ownership. The condominium summary sheet lists several other units as containing 1.37700% ownership and having significantly lower improvement assessment amounts.

The appellant next argues that four of the appealed PINs, 04-27-103-045-1063,-1065, -1067 and -1069, were partially vacant and unoccupied throughout the 2005 assessment year due to the fact they did not sell. The appellant asserts these units are assessed at a 100% occupancy level and should have an occupancy factor applied to the improvements' assessment to account for the time the properties were vacant and being offered for sale. To support this argument, the appellant submitted a copy of the Developer's Closing Report which indicates when each unit sold.

Finally, the appellant argues that 04-27-103-008-000 was being developed into residential condominium units and was partially vacant during the 2005 assessment year. To support this, the appellant included a copy of the condominium analysis which lists the unit number, closing date, occupancy factor, and weighted occupancy factor for each unit's percentage of ownership. The appellant requests a 79% occupancy factor be applied to this PIN.

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. The board of review was defaulted on October 27, 2008.

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 for PIN 04-27-103-045-1001.

As to the equity argument, appellants 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, 544 N.E.2d 762 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. Proof of assessment inequity should include assessment data and documentation establishing the physical, locational, and jurisdictional similarities of the suggested comparables to the subject property. *Property Tax Appeal Board Rule* 1910.65(b). Mathematical equality in the assessment process is not required. A practical uniformity, rather than an absolute one is the test. Apex Motor Fuel Co. v.

Barrett, 20 Ill. 2d 395, 169 N.E.2d 769 (1960). Having considered the evidence presented, the PTAB concludes that the appellant has met this burden and that a reduction in PIN 04-27-103-045-1001 is warranted.

The PTAB finds the appellant submitted sufficient evidence to show that PIN 04-27-103-045-1001 was not assessed similarly than other PINs with the same percentage of ownership as the subject. The evidence shows that six other units also had a 1.37700% ownership, but had an improvement assessment of $66,072 which is significantly lower than this PIN. Therefore, the PTAB finds a reduction in the improvement assessment for the PIN is warranted.

As to the remaining two arguments, 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). Proof of the market value of the subject property may consist of an appraisal of the subject property as of the assessment date at issue. (86 Ill.Admin.Code 1910.65(c)(1)). The Board finds the appellant has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The PTAB finds the appellant failed to submit any evidence to show that these units were not habitable during the assessment year. The appellant's evidence only shows that these units were vacant. There is no evidence to support the fact that these vacancies were based on the inhabitability of the units. Therefore, the PTAB finds the appellant has failed to meet its burden and a reduction in the assessment of the remaining PINs 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.

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: January 31, 2013

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.