

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Ned Kimbrel
DOCKET NO.: 05-26177.001-I-1 through 05-26177.003-I-1
PARCEL NO.: See below.

The parties of record before the Property Tax Appeal Board are Ned Kimbrel, the appellant, by attorney Edward Larkin of Park Ridge, and the Cook County Board of Review.

The subject property consists of a 67,171 square foot parcel improved with two, 45-year-old one-story style industrial buildings of masonry construction containing 14,250 square feet of building area. The subject has a 4.71:1 land to building ratio, 14 to 16 foot ceiling heights, and four loading docks with overhead doors. The subject is located in Elk Grove Township, Cook County.

The appellant, through counsel, appeared before the Property Tax Appeal Board claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant offered a spreadsheet detailing four suggested comparable properties located in the same coded assessment neighborhood as the subject. These properties consist of one-story style industrial buildings of masonry construction from 29 to 35 years old. The comparables range in building size from 13,278 to 27,250 square feet of building area and in parcel size from 30,861 to 51,991 square feet. The four comparables have land to building ratios ranging from 1.57:1 to 2.34:1; have ceiling heights of 14 feet, 16 feet, 17 feet and an undisclosed ceiling height; two of the comparables have two or three docks while two have an undisclosed number of docks. The comparables have improvement assessments ranging from \$4.87 to \$9.67 per square foot of building area and land assessments of \$1.53 per square foot of land area. The appellant argued that the subject's total assessment of \$13.68 per square foot of building area including land is excessive when compared to the range of the comparables' total assessments of from \$8.42 to \$12.88 per square foot of building area including land. A copy of the subject's 2005 board of review final decision was also included.

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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:

Table with 5 columns: DOCKET NO., PARCEL NO., LAND, IMPR., TOTAL. It lists three rows of property data with their respective assessed values.

Subject only to the State multiplier as applicable.

Based on 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 final total assessment of \$194,939 was disclosed. Of the total assessment, \$105,570, or \$1.57 per square foot, is allocated to the land; and \$89,432, or \$6.28 per square foot, is allocated to the improvement. In support, the board of review offered a memorandum indicating that the sales of 19 properties suggests an unadjusted range of sales prices from \$40.65 to \$68.42 per square foot of building area, including land, and supports the current assessment. Cook County Assessor's sales sheets for the comparables were offered in support. Based on the foregoing, the board of review requested confirmation of the subject's assessment.

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 appellant's argument was unequal treatment in the assessment process. 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. After an analysis of the assessment data, the Board finds the appellant has overcome this burden.

The Property Tax Appeal Board finds that the appellant submitted four properties as comparable to the subject. After an analysis of the appellant's comparables, the Board finds the subject's per square foot improvement assessment is not only within the range of his own comparables but at the low end of the range established by these properties. Therefore the Board finds that no reduction in the subject's improvement assessment is warranted.

Turning to the subject's land assessment, the Board finds that the four comparables proffered by the appellant all have an assessment of \$1.53 per square foot of land area while the subject has a land assessment of \$1.57 per square foot. The Board finds that the subject's per square foot land improvement assessment of \$1.57 is not supported by the properties contained in the record. As a result of this analysis, the Property Tax Appeal Board finds the appellant adequately demonstrated that the subject's land was inequitably assessed by clear and convincing evidence and 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.



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: July 28, 2009



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.