

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Todd Pusateri
DOCKET NO.: 05-26958.001-C-1
PARCEL NO.: 27-13-308-016-0000

The parties of record before the Property Tax Appeal Board are Todd Pusateri, the appellant, by attorney Mitchell L. Klein of Schiller, Klein & McElroy, P.C. in Chicago and the Cook County Board of Review.

The subject property is improved with a 22-year-old, one-story, masonry constructed commercial office building on a concrete slab foundation containing 2,480 square feet of building area. As of the date of valuation of January 1, 2005, there was a 2,450 square foot addition being constructed, but not close to completion. The building has central air conditioning, but no sprinkler system. The building is located in Orland Park, Orland Township, Illinois on a 36,129 square foot site of which 7,225 square feet (20%) is reportedly a retention pond zoned B1Z, General Business District. With the retention pond there is a 14.6:1 land-to-building ratio and without the retention pond there is an 11.6:1 land-to-building ratio. The subject has a classification code of 5-17 under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. In support of this overvaluation argument, the appellant submitted a limited appraisal estimating the subject property had a market value of \$300,000 as of January 1, 2005 using the sale comparison approach to value only.

In addition, appellant also contended that there was 7,225 square feet of excess vacant land which was being assessed at 38% instead of 22%. Specifically, appellant contended that this land was dedicated as a retention pond/storm catch basin as described in the appraisal report. Based upon the foregoing, appellant asserted that the 7,225 square feet of excess vacant land should have a market value of \$1.00 per square foot and should be assessed at 22% for Class 1 vacant land in accordance with the Cook County Real Property Assessment Classification Ordinance.

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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:	\$	96,103
IMPR.:	\$	17,897
TOTAL:	\$	114,000

Subject only to the State multiplier as applicable.

The appellant also submitted the final decision issued by the Cook County Board of Review establishing a total assessment for the subject of \$125,338, which reflects a market value of approximately \$329,836 using the Cook County Real Property Assessment Classification Ordinance level of assessments for class 5A property of 38%. Based on the foregoing evidence the appellant requested the subject's total assessment be reduced to \$112,843 to reflect the subject's appraised value and the proper assessed value for the vacant land.

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.

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 best evidence of value in the record is the appraisal which supports a reduction in the subject's assessment.

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). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

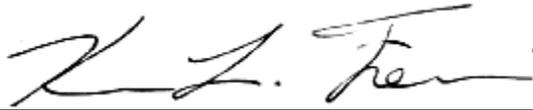
The appellant in this appeal submitted an appraisal estimating the subject property had a market value of \$300,000 as of January 1, 2005. The appraiser considered the existence of the retention pond in appraising the property and arriving at a final conclusion of value of \$300,000. Moreover, appellant provided no other market value data to support the argument of a \$1.00 assessment per square foot for the retention pond. The Board finds the subject's assessment reflects a market value greater than the appraised value presented by the appellant.

The board of review did not submit any evidence in support of its assessment of the subject property or to refute the appellant's argument as required by Section 1910.40(a) of the rules of the Property Tax Appeal Board and is found to be in default pursuant to Section 1910.69(a) of the rules of the Property Tax Appeal Board.

Based on this record the Property Tax Appeal Board finds the subject property had a market value of \$300,000 as of January 1, 2005. Since market value has been determined the 38% level of assessment for class 5A property under the Cook County Real Property Assessment Classification Ordinance shall apply. 86 Ill. Admin. Code 1910.50(c)(3).

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.

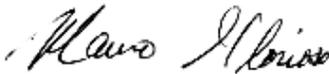
Chairman



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: April 24, 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.