



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

APPELLANT: Jalal Jato  
DOCKET NO.: 05-27565.001-C-1  
PARCEL NO.: 30-30-400-008-0000

The parties of record before the Property Tax Appeal Board are Jalal Jato, the appellant(s), by attorney Jason T. Shilson, of O'Keefe Lyons & Hynes, LLC 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:** \$31,421  
**IMPR.:** \$50,279  
**TOTAL:** \$81,700

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 164,003 square foot parcel of land improved with a 28-year old, two-story, masonry, office building containing 4,482 square feet of building area. The appellant, via counsel, argued that the fair market value of the subject was not accurately reflected in its assessed value.

In support of the market value argument, the appellant submitted an appraisal authored by Joseph T. Thouvenell of PRS Consulting, Ltd. The report indicates Thouvenell is a State of Illinois certified general appraiser and holds the designation of a MAI. The appraiser indicated the subject has an estimated market value of \$215,000 as of January 1, 2005. The appraisal report utilized the sales comparison approach to value to estimate the market value for the subject property. Although the cost approach was not conducted, the appraisal used the sales comparison approach to value the land.

The appraisal contained extensive details of the subject's land. It noted that the subject contains 3.765 acres and that three of

these acres were previously used as a land fill and are considered excess land. The appraisal described the issues involved with mitigating the contamination on this area of the land to make it buildable. The appraiser reviewed estimates of remediation at \$1,854,000 and determined that this excess land holds no value. The appraisal finds the subject's highest and best use as vacant is limited until the contamination on the three acres is cleared. As improved, the appraisal indicated the highest and best to be its current use.

As to the land value, the appraisal analyzed the sale of five vacant lots located within the subject's market. These parcels range in size from 32,613 to 404,237 square feet and sold from July 2000 to January 2003 for prices ranging from \$115,000 to \$550,000 or \$.37 to \$6.59 per square foot. The appraisal concludes that the subject is inferior in location to all the comparables and notes that the 3 acres of excess land would be valued at a considerably lesser amount than the useable area on the site. The appraisal again notes the costs for removing the contamination from this excess land; therefore, the appraisal values the .765 acres of usable land. After making adjustments to the differences in the comparables characteristics, the appraisal estimates the usable land's value at \$1.25 per square foot or \$42,000, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of 10 properties located within the subject's market. The comparables are one or two-story, masonry, commercial buildings of good, average or above average condition. The properties contain from 2,200 to 6,500 square feet of building area and sold from November 2001 to June 2003 for prices ranging from \$130,000 to \$245,000, or from \$26.32 to \$63.64 per square foot of building area, including land. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and difference of the comparables when compared to the subject, the appraiser estimated a value for the subject of \$215,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$84,997 was disclosed. The board of review's memo indicates the county assessor valued 130,680 square feet of land as excess land for a final market value of \$320,297 when the Cook County Real Property Assessment Classification Ordinance level of assessments is applied. The memo further argues that the appellant did not include the environmental report noted in the appraisal nor was any value assigned to the excess land. The board also submitted raw sales information on eight properties suggested as comparable. The properties sold from March 2001 to March 2003 for prices ranging from \$120,000 to \$625,000 or from \$32.09 to \$111.99 per square foot of building area, including land. Based on this evidence, 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 Board further finds a reduction in the subject's assessment is warranted.

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, 331Ill.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 PTAB concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the sales comparison approach to value in determining the subject's market value. The PTAB finds this appraisal to be persuasive for the appraiser: has experience in appraising; personally inspected the subject property and reviewed the property's history; analyzed and thoroughly explained the contamination located on the subject property; sufficiently explained the lack of value in the excess land; and used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary.

The PTAB gives little weight to the board of review's comparables as the information provided was unadjusted raw sales data. In addition, the PTAB finds the board's argument on the excess land unpersuasive. The PTAB finds the appraisal to be summary in fashion which would limit the inclusion of the full environmental report. In addition, the appraisal notes that all the supporting documentation is located in a file at the appraiser's office. Moreover, the PTAB finds that the appraisal did place a value on the excess land by explaining that the cost to cure exceeded the current value and placed a value of \$0.00 on this portion of the land.

Therefore, the PTAB finds that the subject property had a market value of \$215,000 for the 2005 assessment year. The PTAB further finds that the 130,680 square feet of excess land assessed at 22% has no value and that the market value of \$215,00 applies to the .765 acres of usable land and the improvement. Since the market value of the subject has been established, the Cook County Real Property Assessment Classification Ordinance level of assessment of 38% for Class 5A will apply. In applying this level of assessment to the subject, the total assessed value is \$81,700 while the subject's current total assessed value is above this amount. Therefore, the PTAB 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 M. Louie*

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: July 23, 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.