

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Giordano's Restaurant
DOCKET NO.: 06-20775.001-C-1
PARCEL NO.: 16-07-101-019

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are Giordano's Restaurant, the appellant, by Attorney Ellen Berkshire with the law firm of Verros Lafakis & Berkshire in Chicago; and the Cook County Board of Review.

The subject property is sited on a 3,613 square foot parcel of land, which is improved with a 21-year old, one-story, retail building used as restaurant with 3,330 square feet of building area.

At hearing, the parties jointly agreed to waive their rights to a hearing and requested that the PTAB render a decision in this matter based upon the written evidence submissions.

The appellant's appeal is based on unequal treatment in the assessment process. The appellant submitted assessment data and descriptions on six comparable properties for consideration. They are improved with a one-story building used as a restaurant. They range: in age from 35 to 82 years; in size from 3,150 to 5,103 square feet of building area; and in improvement assessments from \$5.59 to \$22.31 per square foot of building area. The subject's improvement assessment is \$32.37 per square foot of area.

The appellant's pleadings also included copies of the assessor's database printouts for each comparable. The properties range in land size from 3,125 to 12,300 square feet. 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 assessment of \$125,311 was disclosed. This assessment reflects a market value of \$329,765 or \$99.03 per square foot when the Cook County Ordinance level of assessment for commercial property of 38% is applied.

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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:	\$	17,504
IMPR.:	\$	73,260
TOTAL:	\$	90,764

Subject only to the State multiplier as applicable.

PTAB/KPP

In support of the subject's market value, raw sales data was submitted for five properties. The data from the CoStar Comps service sheets reflect that the research was licensed to the assessor's office, but failed to indicate that there was any verification of the information or sources of data. The properties sold in an unadjusted range from \$350,000 to \$600,000, or from \$109.03 to \$179.92 per square foot. The data further indicated that the properties were improved with a one-story, masonry, retail/restaurant building. A breakdown of assessment data was not provided. 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 appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. 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). After an analysis of the assessment data, the PTAB finds the appellant has met this burden.

The PTAB finds that comparables submitted by the appellant are most similar to the subject in style, size, and age. Due to their similarities to the subject, these comparables received the most weight in the PTAB's analysis. These comparables had improvement assessments that ranged from \$5.59 to \$22.31 per square foot of building area. The subject's improvement assessment of \$32.37 per square foot of area is above this range.

After considering adjustments and the differences in both parties' comparables when compared to the subject, the PTAB finds the subject's per square foot improvement assessment is not supported and a reduction in the subject's assessment is warranted.

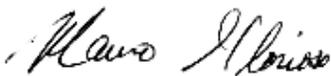
This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



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: August 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.