



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

APPELLANT: Tom Megalogiannis
DOCKET NO.: 06-20912.001-C-1 through 06-20912.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Tom Megalogiannis, the appellant, by attorney Ellen G. Berkshire of Verros, Lafakis & Berkshire, P.C., 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 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
06-20912.001-C-1	10-36-326-028-0000	31,468	87,943	\$119,411
06-20912.002-C-1	10-36-326-029-0000	31,468	97,764	\$129,232

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of two adjacent parcels with 12,500 square feet of land area improved with a one-story retail store with 9,160 square feet of building area. The building is approximately 52 years old. The property is located in Chicago, Rogers Park Township, Cook County. The subject property is classified as a class 5-17 one-story commercial building under the Cook County Real Property Assessment Classification Ordinance (hereinafter "Ordinance") with a level of assessment of 38% of market value.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument the appellant submitted information on three comparables improved with one-story commercial buildings with the same classification code and neighborhood code as the subject property. The comparables range in size from 5,205 to 6,550 square feet of building area and in age from 33 to 65 years old. These properties have improvement assessments ranging from \$59,244 to \$106,985 or from \$9.04 to \$20.55 per square foot of building area. The appellant also submitted copies of the Supplemental Income and Loss statements

for 2003 through 2005 for the subject property as well as a copy of the lease for the subject. Based on this evidence the appellant requested the subject's improvement assessment be reduced to \$133,110 or \$14.53 per square foot of building area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of the subject totaling \$248,643 was disclosed. The subject's assessment reflects a market value of \$654,323 or \$71.43 per square foot of building area, including land, when applying the 38% Ordinance level of assessment for class 5-17 property. In support of the assessment the board of review submitted a memorandum from Ralph F. DiFebo, Jr. to Tom Jaconetty as well as information on five comparable sales. The comparables were improved with retail buildings that ranged in size from 8,250 to 12,200 square feet of building area. The comparables were located in Chicago and Lincolnwood and were constructed from 1939 to 1990. The sales occurred from January 2001 to April 2005 for prices ranging from \$850,000 to \$1,250,000 or from \$80.74 to \$109.09 per square foot of building area, including land.

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 the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

The appellant contends assessment inequity with respect to the 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 assessments 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 comparables and the assessment data in this record the Board finds a reduction is not warranted.

The record contains three assessment comparables provided by the appellant with information with respect to style, age and size. These properties had improvement assessments that ranged from \$9.04 to \$20.55 per square foot of building area. The subject has an improvement assessment of \$20.27 per square foot of building area, which is within the range established by these comparables on a square foot basis.

The Uniformity Clause of the Illinois Constitution provides that: "Except as otherwise provided in this Section, taxes upon real property shall be levied uniformly by valuation ascertained as the General Assembly shall provide by law." Ill.Const.1970, art. IX, §4(a). Taxation must be uniform in the basis of assessment as well as the rate of taxation. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395, 401 (1960). Taxation must be in proportion to the value of the property being taxed. Apex Motor Fuel, 20 Ill. 2d at 401; Kankakee County Board of Review, 131 Ill.2d at 20 (fair

cash value is the cornerstone of uniform assessment.) It is unconstitutional for one kind of property within a taxing district to be taxed at a certain proportion of its market value while the same kind of property in the same taxing district is taxed at a substantially higher or lower proportion of its market value. Kankakee County Board of Review, 131 Ill.2d at 20; Apex Motor Fuel, 20 Ill. 2d at 401; Walsh v. Property Tax Appeal Board, 181 Ill.2d 228, 234 (1998). After an analysis of the assessment data the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject property was being assessed at a substantially higher proportion of market value than the comparables.

The Board further finds the board of review submitted information on comparable sales that indicated the subject property was not overvalued for assessment purposes.

Based on this record the Board finds that a reduction in the subject's assessment 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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: March 23, 2012

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.