



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

APPELLANT: Comar Properties
DOCKET NO.: 06-21131.001-C-1 through 06-21131.003-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Comar Properties, the appellant(s), by attorney Brian P. Liston, of Law Offices of Liston & Tsantilis, P.C. of 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
06-21131.001-C-1	16-28-102-009-0000	11,875	2,242	\$14,117
06-21131.002-C-1	16-28-102-016-0000	35,625	2,391	\$38,016
06-21131.003-C-1	16-28-102-036-0000	42,750	46,008	\$88,758

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 31,250 square foot parcel improved with a 28-year-old, one-story, restaurant building containing 2,784 square feet of building area. The subject has a 10.55:1 land to building ratio and located in Cicero Township, Cook County.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming the subject's market value is not accurately reflected in its assessment. In support of the market value argument, the appellant submitted a grid analysis reflecting four sales located in Harvey, Blue Island, Chicago and Orland Park. These properties range in age from 23 to 76 years; have land to building ratios ranging from 1.27:1 to 7.11:1; and are one-story masonry constructed auto repair/service type buildings. The properties range in parcel size from 10,527 to

42,645 square feet and range in improvement size from 5,000 to 8,229 square feet of building area. The comparables sold between April 2002 and August 2003 for prices ranging from \$125,000 to \$250,000, or from \$25.00 to \$41.67 per square foot. Based on the evidence submitted, the appellant requested an assessment reflective of a \$250,826 market value and requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final combined assessment of \$140,891 was disclosed. In support, the board of review offered a memorandum indicating the subject's final assessment reflects a market value of \$370,766 or \$133.18 per square foot of building area, utilizing the Cook County Real Property Assessment Classification Ordinance level of assessment of 38% for Class 5a property. The memorandum also indicated that the sales of properties in the subject's area suggest an unadjusted range of from \$49.35 to \$286.93 per square foot of building area thus supporting the current assessment. Cook County Assessor's Office sales sheets for the five comparables which are located in Berwyn, Oak Park, Cicero and Chicago were provided. The comparable properties consist of one-story or two-story commercial buildings ranging in age from two to 99 years and in building size from 2,300 to 4,300 square feet. These sales occurred between July 2002 and July 2003. No analysis or adjustment of the sales data was provided by the board.

The board's evidence disclosed that the Recorder of Deeds Office recorded a warranty deed, executed on May 25, 2005 for \$1,300,000 or \$466.95 per square foot for the subject. Based on the evidence presented, 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.

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); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code §1910.65(c)) Having reviewed the record and considering the evidence, the Board finds the appellant has not met this burden and no reduction is warranted.

The Property Tax Appeal Board finds that the parties submitted nine properties as comparable to the subject. The Board places little weight on the appellant's comparables. The Board finds

these properties are located in different communities and outside the subject's market area. Further, the Board finds these properties differ to varying degrees in parcel size, building size and age when compared to the subject. The Board gives little weight to the board of review's comparables as the information provided was raw sales data with no adjustments made. The Board finds that the evidence from both parties lacked analysis concerning the suggested comparables' similarity or dissimilarity to the subject. Further, there are no adjustments to any of the sales for time of sale, conditions of sale, condition of the buildings, location, size, or other factors used in a conventional comparative analysis. In conclusion, the Board finds that the evidence submitted does not support a change in the subject's assessment.

As a final point, the Board finds the subject's sale in May 2005 for \$1,300,000 supports the subject's current assessment.

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

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: February 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.