FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: First American Bank Trust No. 8674
DOCKET NO.: 06-22358.001-C-1 through 06-22358.003-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are First American Bank Trust No. 8674, the appellant(s), by attorney Allen A. Lefkovitz, of Allen A. Lefkovitz & Assoc. P.C. in 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
06-22358.001-C-1	10-23-203-003-0000	11,875	33,876	$45,751
06-22358.002-C-1	10-23-203-004-0000	11,875	31,884	$43,759
06-22358.003-C-1	10-23-203-005-0000	11,875	33,876	$45,751

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 9,375 square foot parcel of land improved with a 44-year old, one-story, masonry, retail store containing 5,625 square feet of building area. The appellant argued unequal treatment in the assessment process as the basis of the appeal.

In support of the equity argument, the appellant, via counsel, submitted information on a total of 10 properties suggested as comparable and located on the same street as the subject within six blocks. The properties are described as one-story, masonry, retail stores. The properties range: in age from 19 to 49 years; in size from 5,084 to 9,890 square feet of building area; and in improvement assessments from $11.40 to $20.84 per square foot of building area. The appellant also submitted colored photographs and property record cards for the subject and the suggested comparables.

In addition, the appellant submitted evidence from the 2003 PTAB appeal along with the decision. The decision granted a reduction based on a settlement between the parties. 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 improvement assessment of $99,636 or $17.71 per square foot of building area was disclosed. The board also submitted copies of the property characteristic card for the subject as well as raw sales data on five properties. The sales occurred between October 2001 and April 2005 for prices ranging from $300,000 to $700,000 or from $82.83 to $161.03 per square foot of building area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a letter arguing that the subject received a reduction in 2003 and submitted the appellant's evidence from that year. This reduction was based on a settlement between the parties. As this information is new evidence submitted during rebuttal, the PTAB will not consider this evidence. *Official Rules of the Property Tax Appeal Board*. 86 Ill.Admin.Code 1910.66(c).

The appellant also argued that two of the board of review's sales comparables were included in the appellant's evidence. The appellant also included an updated copy of the appellant's grid which includes descriptions and assessment information on the board of review's comparables.

At hearing, the appellant's attorney reiterated that the appellant's suggested comparables are the most similar to the subject and although the subject is assessed within the range of these comparables, the subject's assessment should be reduced.

The attorney argued that while the 2003 evidence should not be used to establish the assessment, it shows that the board of review reduced the assessment for 2003. He acknowledged that 2003 was in a prior triennial cycle.

The board of review's representative asserted that county assessor's website indicates that information gathered on commercial properties may be misleading to compare properties solely based on the information in the site. In response to questions regarding the assessment amount for the property at 3358 Dempster St., the board's representative testified that he did not know the assessment information because it is not directly linked to the sale price.

The parties were asked about discrepancies in description and assessment data for one of the comparables submitted by both parties.

After reviewing the record and considering the testimony, 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 not warranted.

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 Board finds the appellant has not met this burden.

The appellant submitted a total of 10 properties suggested as comparable to the subject. The board of review submitted five sale comparables; however, the appellant presented the characteristic and assessment data for these properties. The PTAB finds the appellant's comparables, with the exception of #4, and the board of review's comparables #2, #3, and #4 the most similar to the subject in size, design, construction and age. Due to their similarities to the subject, these comparables received the most weight in the PTAB's analysis. The properties are one-story, class 5-17, retail stores located on the subject's street within five blocks. The properties range: in age from 18 to 52 years; in size from 3,803 to 9,890 square feet of living area; and in improvement assessment from $3.75 to $25.67 per square foot of living area. In comparison, the subject's improvement assessment of $17.71 per square foot of living area is within the range of these comparables. The remaining comparables were given less weight due to disparities in classification or discrepancies in the evidence as to the properties true characteristics and assessment.

Further, the PTAB notes that the constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evidence to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is supported and a reduction in the subject's assessment is not warranted.

As to the 2003 evidence, the PTAB finds this evidence is not indicative of the reasons why the parties agreed on the reduction for the 2003 lien year and give this evidence little weight.

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: December 23, 2010

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.