



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

APPELLANT: Advance Auto Parts  
DOCKET NO.: 06-22949.001-C-1  
PARCEL NO.: 12-28-116-002-0000

The parties of record before the Property Tax Appeal Board are Advance Auto Parts, the appellant(s), by attorney Dennis M. Nolan, of Dennis M. Nolan, P.C. in Bartlett; 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:

**LAND:** \$105,665  
**IMPR.:** \$166,068  
**TOTAL:** \$271,733

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 31,779 square foot parcel of land improved with a one-year old, one-story, masonry, commercial building. The appellant 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 sales listings by Costar Comps Service and black and white photographs for six properties. The listings have limited descriptive information on the properties, but do show that they contain between 4,940 and 19,000 square feet of building area. They sold between May 2003 and May 2006 for prices ranging from \$130,000 to \$750,000 or from \$26.32 to \$39.63 per square foot of building area, including land.

In addition, the appellant's brief asserts the subject contains 13,714 square feet of building area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$271,733 was disclosed. This assessment reflects a fair market value of \$715,086 when the Cook County Real Property Assessment Classification Ordinance level of assessments of 38% for Class 5A properties is applied. In support of the subject's assessment, the board of review presented descriptions and sales information on a total of five properties. The properties range in size from 5,000 to 7,100 square feet of building area and sold from November 2003 to September 2007 for prices ranging \$480,000 to \$1,570,000 or \$93.53 to \$221.13 per square foot of building area, including land.

As to the subject's size, the board of review submitted the property record card for the subject with a schematic showing the dimensions of the subject improvement. These dimensions reflect a size of 6,902 square feet of building area. A copy of a database page shows the subject's new improvement was appraised on June 9, 2006.

In addition, the board submitted copies of a printout from the recorder of deeds office and the trustee's deed showing the subject sold in July 2004 for \$700,000. The board of review's memo also indicates that this sale was for the property as it existed prior to the demolition and construction of the new subject improvement. Based on this evidence, the board of review requests confirmation of the subject's assessment.

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.

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.

As to the subject improvement's size, the PTAB finds the appellant failed to submit any evidence to substantiate the subject's size at 13,714. Moreover, the PTAB finds the board of review submitted a property record card showing the dimensions of the improvement along with a document indicating this was done in June 2006, after the new improvement existed. Therefore, the PTAB finds the subject contains 6,902 square feet of building area.

The PTAB further finds the subject's sale in 2004 does not accurately reflect the subject property as of the 2006 lien date.

The subject's improvement was demolished after the 2004 purchase and a new improvement was constructed. Therefore, the \$700,000 purchase price reflects a nonexistent improvement.

The parties presented sales information on a total of 11 suggested comparables. In reviewing the evidence, the PTAB finds the appellant's comparables #1, #3 and #4 and the board of review's comparables are the most similar to the subject and, therefore, receive the most weight in the analysis. These properties sold between June 2003 and September 2007 for prices ranging from \$130,000 to \$1,570,000, or from \$26.32 to \$221.13 per square foot of building area, including land. In comparison, the subject properties assessment reflects a value of \$715,086 or \$103.61 per square foot of building area, including land, is within the range established by the most similar comparables. The PTAB finds that the appellant has failed to establish by a preponderance of the evidence that the subject is overvalued and a reduction 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 M. Louie*

Member

*Shawn R. Lerski*

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: June 24, 2011

*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.