



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

APPELLANT: Bernie's Bar
DOCKET NO.: 06-23811.001-C-1
PARCEL NO.: 14-20-224-008-0000

The parties of record before the Property Tax Appeal Board are Bernie's Bar, the appellant; of Rock, Fusco & Associates, LLC in Chicago; and the Cook County Board of Review.

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: \$43,341
IMPR.: \$40,259
TOTAL: \$83,600

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 3,993 square foot parcel of land improved with a 2,173 square foot, 118-year old, one and part two-story, masonry tavern. The appellant, via counsel, 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, via counsel appeared before the Property Tax Appeal Board and submitted an appraisal undertaken by John O'Dwyer of JSO Valuation Group, Ltd. The report indicates O'Dwyer is a State of Illinois certified general appraiser and has the designation of MAI. The appraiser indicated the subject has an estimated market value of \$220,000 as of January 1, 2006. The appraisal report utilized the three traditional approaches to value to estimate the market value for the subject property. The appraisal finds the subject's highest and best use is its current use.

Under the cost approach to value, the appraiser opined the value of the land to be \$115,000. The replacement cost method was utilized to determine a cost for the improvement at \$411,882. The

appraisal depreciated the improvement by 75% for a value of \$103,000, rounded. The land was added back in to establish a value under the cost approach of \$220,000, rounded.

In the income approach to value, the appraiser analyzed comparable leases that ranged from \$7.00 to \$21.00 per square foot net. The appraiser concluded the subject's rental rate was \$14.00 per square foot net and estimated a potential gross income of \$30,422. Expenses, which included vacancy and collection, were estimated at \$6,117 arrive at a net operating income of \$21,263. A capitalization rate of 9.50% was utilized to estimate a value under the income approach of \$220,000, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of one or two-story, masonry, restaurant, café or tavern buildings. The properties range: in age from 32 to 102 years and in size from 1,500 to 12,000 square feet of building area. The comparables sold from September 2003 to December 2005 for prices ranging from \$125,000 to \$1,500,000 or from \$81.67 to \$128.21 per square foot of building area, land included. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and difference of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach of \$100.00 per square foot of building area or \$220,000, rounded.

In reconciling the three approaches to value, the appraisal arrived at a final estimate of value for the subject as of January 1, 2006 of \$220,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$168,464 was disclosed. The subject's final assessment reflects a fair market value of \$443,326 when applying the ordinance level of 38% for class 5a property as designated by the Cook County Property Assessment Classification ordinance. In support of the subject's assessment, the board of review presented five suggested comparable sales. The properties consist of one or two-story, masonry, retail, restaurant, or mixed-use buildings. The properties range in size from 2,750 to 4,664 square feet of building area. They range in sale price from \$610,000 to \$2,400,000 or from \$173.30 to \$872.73 per square foot of improvement including land.

At hearing, the appellant's attorney indicated that the appraisal's introduction section states that due to past nightclub disasters, the City of Chicago has deemed unusable the second floor of subject building and due to this restriction the usable area of the subject decreased from 3,993 to 2,173 square feet.

The board of review's representative reviewed the previously submitted sales comparables and stated that these comparables are located in close proximity to the subject.

After hearing the testimony 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 Board further finds a reduction in the subject's assessment is warranted.

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, 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 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.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the three traditional approaches to value in determining the subject's market value. The PTAB finds this appraisal to be persuasive for the appraiser: has experience in appraising; personally inspected the subject property and reviewed the property's history; and used similar properties in the sales comparison approach while providing adjustments that were necessary. The PTAB gives little weight to the board of review's comparables as the information provided was unadjusted raw sales data.

Therefore, the PTAB finds the subject had a market value of \$220,000 for the 2006 assessment year. Since the market value of this parcel has been established, the Cook County Real Property Classification Ordinance level of 38% for Cook County Class 5a property will apply. In applying this level of assessment to the subject, the total assessed value is \$83,600 while the subject's current total assessed value is above this amount. Therefore, the PTAB finds that a reduction 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.

Donald 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: May 18, 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.