



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

APPELLANT: Associated Bank  
DOCKET NO.: 06-24981.001-C-1  
PARCEL NO.: 04-35-201-041-0000

The parties of record before the Property Tax Appeal Board are Associated Bank, the appellant, by attorney Huan Cassioppi Tran, of Flanagan/Bilton 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:** \$ 64,350  
**IMPR.:** \$ 207,350  
**TOTAL:** \$ 271,700

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of 24,192 square feet of land improved with a 44-year old, two-story, masonry constructed, commercial building used as a bank branch. The building contains 10,380 square feet of gross building area.

The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant's pleadings included a limited summary appraisal of the subject property with an effective date of January 1, 2006 undertaken by Richard Layman, Staff Appraiser, and Brian McNamara, who holds the designations of State General Real Estate Appraiser and General Associate Member of the Appraisal Institute. The appraisers estimated a market value for the subject of \$715,000.

As to the subject, the appraisal indicated that the subject's site was inspected by Layman on March 12, 2007 and that the property rights appraised for the subject are the unencumbered fee simple estate. The subject was found to be a rectangular-

shaped parcel containing 24,192 square feet of land located in Glenview. The improvement was described as a two-story, masonry constructed, commercial building used as a single-tenant, bank branch. The appraisal estimated that the building contained 10,380 square feet of gross building area after the personal inspection and submitted a building sketch with calculations reflecting the appraiser's methodology. The appraisal indicated that the building was 44 years in age and was in good overall condition. Site improvements included a paved parking lot and four drive-in teller lanes with a canopied area.

The appraisers indicated that the subject's highest and best use as vacant was for similar commercial development, while the highest and best use as improved was for its current use. The appraisers developed two of the three traditional approaches to value. The estimated market value under the income approach was \$720,000 and under the sales comparison approach was \$715,000.

Under the income approach, the appraisers reviewed the subject's actual rental data as well as rental comparables from the market, the latter of which were not enumerated within the appraisal. Based upon this data, the appraisers estimated the subject's potential gross income at \$11.00 per square foot or \$114,180. Deducting an allowance for vacancy and collection loss of estimated at 20% resulted in a net operating income of \$86,777.

Using the band of investment method, the appraisers concluded an overall capitalization rate for the subject based upon its size, age and location of 12.0%. Applying this total capitalization rate to the estimate of net operating income resulted in a final value under the income approach of \$720,000, rounded.

Under this approach to value, the appraisers utilized seven sale comparables. These comparables sold from October, 2004, through September, 2006, for prices that ranged from \$859,000 to \$10,650,000 or from \$48.15 to \$69.21 per square foot. The properties were improved with a commercial building used as a bank branch. They ranged: in number of stories from one to five; in improvement size from 16,984 to 220,000 square feet of building area; in age from 28 to 96 years; and in land size from 3,441 to 1,156,082 square feet of land. After making adjustments to the suggested comparables, the appraisers estimated that the subject's market value was \$69.00 per square foot or \$715,000, rounded, as of the assessment date. As a result of this analysis, the appellant requested a reduction in the subject's valuation.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$299,813 for tax year 2006. The subject's assessment reflects a market value of \$788,982 or \$76.01 per square foot using the Cook County Ordinance Level of Assessment for Class 5a, commercial property of 38%. As to the subject, the board submitted copies of the subject's property record cards.

In support of the subject's market value, raw sales data was submitted for seven retail/bank properties. The data from the CoStar Comps service sheets reflect that the research was licensed to the assessor's office, but failed to indicate that there was any verification of the information or sources of data. The properties sold from February, 2000, to June, 2007, in an unadjusted range from \$80.86 to \$776.18 per square foot of building area. The properties contained buildings that ranged in size from 5,000 to 8,213 square feet. The printouts indicate that sale #1 was a leased fee sale, while sales #2, #4, and #6 failed to include any real estate brokers for the parties involved in the transactions and were not advertised for sale on the open market. Moreover, the property related to sale #4 was a strip mall. In addition, the printouts reflected that the parties involved in sale #7 were each involved in a 1031 exchange as part of this sale. Lastly, the printouts indicated that the property involved in sale #3 was a multi-tenant building. As a result of its analysis, the board requested confirmation of the subject's assessment.

After considering the arguments and reviewing the evidence, 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 Board concludes that the appellant has met this burden and that a reduction is warranted.

In determining the fair market value of the subject property, the Board accorded diminished weight to properties submitted by the board of review as the evidence provided unconfirmed, raw data on these sales. As to the limited data submitted into evidence, the Board finds that sale #1 related to property with differing property rights and that sales #2, #4, #6, and #7 were less than arm's length transactions.

Therefore, the Board finds the best evidence of the subject's market value to be the appellant's appraisal. The Board finds that the appellant's appraisers utilized two of the three traditional approaches to value in developing the subject's market value. The Board also finds this appraisal to be persuasive for the appraisers: have extensive experience in appraising and assessing property; personally inspected the subject property; estimated a highest and best use for the property; and utilized market data in undertaking the income and

sales comparison approaches to value, while making adjustments to the comparables where necessary.

Therefore, the Board finds that the subject property contained a market value of \$715,000 for tax year 2006. Since the market value of the subject has been established, the Cook County Ordinance level of assessment for Class 5a, commercial property of 38% will apply. In applying this level of assessment to the subject, the total assessed value is \$271,700, while the subject's current total assessed value is above this amount at \$299,813. Therefore, the Board 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: July 20, 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.