

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Miracle Restaurant Group LLC
DOCKET NO.: 05-21994.001-C-1 and 06-26577.001-C-1
PARCEL NO.: 03-03-307-061-0000

The parties of record before the Property Tax Appeal Board are Miracle Restaurant Group LLC, the appellant, by attorney Edwin M. Wittenstein with the law firm of Worssek & Vihon LLP in Chicago, and the Cook County Board of Review.

The subject property consists of a 21,063 square foot (.48 acres) vacant site zoned B-3 general commercial, class 1-00 property, located in Wheeling Township, Cook County.

The Property Tax Appeal Board finds that these appeals are within the same assessment triennial, involve common issues of law and fact and a consolidation of the appeals would not prejudice the rights of the parties. Therefore, under the *Official Rules of the Property Tax Appeal Board, Section 1910.78*, the Property Tax Appeal Board consolidates the above appeals.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant submitted assessment information on 27 suggested comparable properties located within the subject's neighborhood. The appellant also submitted Cook County Assessor's Internet Database sheets for the subject and the suggested comparables, seven plat maps, as well as a copy of the board of review's decision. All of the comparables submitted by the appellant consist of class 1-00 property, like the subject. The 27 parcels range in size from 3,800 to 282,704 square feet with land assessments ranging from \$426 to \$68,955 reflecting market values that range from \$0.25 to \$20.00 per square foot. However, only one of the suggested comparables has a market value

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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:

<u>Docket No.</u>	<u>Parcel No.</u>	<u>Land</u>	<u>Imprv.</u>	<u>Total</u>
05-21994.001-C-1	03-03-307-061-0000	\$19,694	\$ 0	\$19,694
06-26577.002-C-1	03-03-307-061-0000	\$19,694	\$ 0	\$19,694

Subject only to the State multiplier as applicable.

PTAB/rfd5835

of \$20.00 per square foot while the remaining 26 comparables are at \$4.25 or less. The subject's assessment is \$39,387 which reflects a market value of \$8.50 per square foot. The appellant's evidence disclosed that many of the suggested comparables offered by the appellant consist of limited use or excess land with amenity value only. The land comparables which appear to be most similar to the subject in zoning, size and location reflect a market value of \$4.25 per square foot. 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" disclosing the subject's final assessment of \$39,387 for both 2005 and 2006. The board of review also submitted a memorandum from the county assessor's office which disclosed that the subject's 2005 and 2006 assessed value of \$39,387 yielded a market value of \$179,031 or \$8.50 per foot. The board submitted evidence in support of its assessed valuation of the subject property. As evidence, the board offered 13 land sales ranging in size from .20 to 1 acre that occurred between January 2001 and June 2004 for prices that ranged from \$252,500 to \$1,040,500 or from \$6.47 to \$38.01 per square foot. No analysis or adjustment of the sales data was provided by the board. 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. The appellant's argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that 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). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has overcome this burden.

The Property Tax Appeal Board finds that the appellant's comparables which appear to be the most similar to the subject in zoning, size and location reflect a market value of \$4.25 per square foot. The subject's per square foot land value of \$8.50 falls well above this range of properties. After considering the similarities in the appellant's suggested comparables when compared to the subject property, the Board finds the evidence submitted is sufficient to cause a change in the subject's assessment.

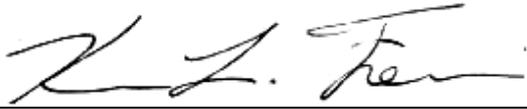
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The Board gives less weight to the board's sales evidence because it lacks analysis and a supported conclusion of value and the appeal was based on inequity not comparable sales. As a result of this analysis, the Property Tax Appeal Board finds the appellant has adequately demonstrated that the subject property was inequitably assessed by clear and convincing evidence and 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.



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: August 14, 2008



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.