



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

APPELLANT: Golden Country
DOCKET NO.: 06-28853.001-R-1 through 06-28853.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Golden Country, the appellant, by attorney Gregory J. Lafakis, of Verros, Lafakis & Berkshire, 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
06-28853.001-R-1	17-28-222-053-0000	5,829	32,566	\$38,395
06-28853.002-R-1	17-28-222-054-0000	25,874	45,054	\$70,928

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of two land parcels containing 9,375 square feet of land which contains two improvements thereon. There are two improvements on the subject's land parcels: improvement #1 is a 118-year old, three-story, masonry building with a combination of mixed-use units, and improvement #2 is a two-story, frame building with four units therein. Overall the unit mix consists of three storefront commercial units and 16 two-bedroom residential units comprising 17,900 square feet of 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 submitted a summary appraisal report of the subject property with an effective date of January 1, 2006 undertaken by Christopher Nickell, who holds the designation of State Certified Real Estate Appraiser. The appraiser estimated a market value for the subject of \$350,000, while developing the three approaches to

value. The estimated market value under the cost approach was \$382,000, under the income approach was 364,000, and under the sales comparison approach was \$304,000.

As to the subject, the appraisal indicated that the subject consists of two parcels of land improved with a 118-year old, three-story, mixed-use building with 17,900 square feet of building area. In addition, there was a brick storage building with enclosed porches and 380 square feet of area. The appraisal stated that the subject was in fair to average physical condition. The appraisal stated that the appraiser had personally inspected the subject, but did not identify the date or scope of this inspection.

In developing the subject's highest and best use, the appraiser concluded that the highest and best use was for its current use.

The first step under the cost approach was to value the site. The appraisal stated that the assessor's land value of \$138,375 was adopted by the appraiser. The appraiser estimated the replacement cost new of the subject at \$66.81 per square foot relating to 3,860 square feet of area designated as area 2 floors and \$51.05 per square foot relating to 14,040 square feet of area designated as area 3 floors with 75% of accrued depreciation applicable, thereto. Adding the land value to the total cost new of \$243,656 resulted in a value of \$382,000, rounded.

Under the income approach, the appraisal stated that the subject property was leased and that expenses were based on data provided by the owner. The appraisal stated that the property was of a very old design with bathrooms which did not have sinks, therein. Therefore, the appraisal estimated building expenses to be 50% to 70%. Gross income was stated as \$181,025 with expenses at 65% resulting in a net income of \$63,359. The appraiser used a capitalization rate of 17.4% resulting in a market value under this approach of \$364,000, rounded.

Under the sales comparison approach to value, the appraiser utilized three sale comparables. The comparables sold from October, 2002, through June, 2003, for prices that ranged from \$116,000 to \$448,000, or from \$13.33 to \$16.65 per square foot. All properties were located in the Chicago area, as is the subject. The properties were improved with a two-story, masonry, mixed-use building. They ranged: in age from 81 to 128 years; in improvement size from 8,624 to 26,900 square feet of building area; and in land size from 9,448 to 12,500 square feet of land area. After making adjustments to the suggested comparables, the appraiser estimated the subject's market value was \$304,000, rounded, or \$17.00 per square foot of building area.

In reconciling the approaches to value, the appellant's appraiser placed less reliance upon the cost approach due to the calculation of depreciation; thereby, reflecting a final market value of \$350,000 for the subject property. Based upon this

data, the appellant requested a reduction in the subject's market value.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$38,395 for tax year 2006. The subject's assessment reflects a market value of \$379,397 using the Illinois Department of Revenue's median level of assessment for Class 2 property of 10.12%.

The board also submitted descriptive and assessment data on four suggested equity comparables. These properties ranged in land size from 2,772 to 3,125 square feet, while located in the subject's subarea or within a two-mile radius. They were improved with a three-story, masonry building. The improvements ranged: in age from 95 to 120 years; in building size from 4,896 to 5,472 square feet of building area; and in improvements assessments from \$6.81 to \$8.10 per square foot of building area. The subject contains an improvement assessment of \$6.62 per square foot of building area. In addition, sales data was provided for property #4. This property sold on January 1, 2005 for a price of \$442,000 or \$80.77 per square foot. 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, 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 Board concludes that the appellant has not met this burden and that a reduction is not warranted.

In determining the fair market value of the subject property, the Board accorded minimal weight to the appellant's appraisal due to the absence of relevant and/or explanatory data. The Board finds this appraisal to be unpersuasive for: minimal data was submitted regarding a multi-parcel, multi-building property; lack of data explaining the nature and scope of the appraiser's inspection of the subject property; the terse highest and best use development; the absence of identifiable market sources in the development of the cost and income approaches; the absence of a land value development; the lack of an explanation in the development of depreciation in the cost approach; the absence of identifiable rental comparables from the marketplace; the use of actual expense data in the income approach; as well as the

absence of a unit-mix breakdown relating to the improved sale comparables.

Therefore, the Board will place most weight on the three improved sale comparables submitted by the appellant as well as the one sale comparable submitted by the board of review. These four sales occurred from October, 2002, through January, 2005, for unadjusted prices that ranged from \$13.33 to \$80.77 per square foot. In comparison, the subject's assessment reflects a market value of \$77.11 per square foot of building area which is supported by these sales.

Based on this analysis, the Board finds that a reduction in the subject's assessment 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 Morris

Member

Shawn R. Lerbis

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 19, 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.