



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

APPELLANT: Deva Development
DOCKET NO.: 06-29646.001-I-2 through 06-29646.004-I-2
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Deva Development, the appellant(s), by attorney Patrick J. Cullerton, of Thompson Coburn LLP 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
06-29646.001-I-2	13-25-226-030-0000	17,187	0	\$17,187
06-29646.002-I-2	13-25-226-031-0000	35,750	0	\$35,750
06-29646.003-I-2	13-25-226-032-0000	92,125	0	\$92,125
06-29646.004-I-2	13-25-226-033-0000	38,500	0	\$38,500

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 33,375 square foot parcel of vacant land, classified as 1-00 vacant land as designated by the county assessor. The appellant argued unequal treatment in the assessment process as the basis of the appeal.

In support of the equity argument, the appellant, via counsel, submitted assessment information on a total of eight lots suggested as comparable and located on the same street within one block of the subject. Of the eight suggested comparables, four are class 2 lots, as designated by the county assessor, improved with a mixed use building or residential dwelling. These properties range in lot size from 2,175 to 6,386 square feet and have land assessments that reflect a market value that ranges from \$14.25 to \$18.00 per square foot. Four of the suggested comparables are class 5 lots, as designated by the county assessor improved with a special use structure or commercial

store. These lots range in size from 2,716 to 9,432 square feet and have land assessments that reflect a market value range from \$8.50 to \$10.50 per square foot.

The appellant also included a brief which asserted that all the properties, including the subject, are located close to each other and should be valued similarly. The appellant argued that the suggested comparables are all zoned similarly to the subject, have the same highest and best use, and, therefore, should be assessed at the same market value. 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 land assessment of \$183,562 was disclosed. This assessment reflects a market value of \$25.00 per square foot. In support of the subject's assessment, the board of review submitted assessment information on 11 suggested comparables. Of the 11 suggested comparables, three are class 1 lots, as designated by the county assessor, the same as the subject. These properties range in lot size from 2,725 to 3,100 square feet and have land assessments that reflect a market value of \$25.00 per square foot. The remaining comparables are the the appellant's eight comparables. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney argued that the subject property was over assessed when compared to similar properties. Mr. Cullerton asserted that the subject properties land value was arbitrarily high when the property was vacant and was reduced to a lower market value once the property was improved in 2007.

The record was left open for the appellant to submit the county records that show the market value for each of the appellant's suggested comparables. These documents were timely submitted.

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 contends unequal treatment in the subject's improvement assessment as the basis of the appeal. 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). After an analysis of the assessment data, the Board finds the appellant has not met this burden.

The parties submitted a total of 14 properties suggested as comparable to the subject for equity analysis. The PTAB is not persuaded by the appellant's argument that the market values of the different classified parcels as established by the assessor show the subject is over assessed. The appellant submitted suggested comparables that are improved lots. While the parcels

have the same zoning, as improved, they differ from a vacant lot and thus, differ in market value.

The PTAB finds the board of review's three vacant equity comparables most similar to the subject. These properties are located within two blocks of the subject and are all vacant parcels classified as 1-00 vacant lots. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. The properties range in size from 2,725 to 3,100 square feet and have land assessments that reflect a market value of \$25.00 per square foot. In comparison, the subject's land assessment reflects a market value of \$25.00 per square foot which is the same as the comparables. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's per square foot land assessment is supported and 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.



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: February 24, 2012



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.