



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

APPELLANT: Marquette Bank
DOCKET NO.: 06-29790.001-C-1
PARCEL NO.: 22-32-107-016-0000

The parties of record before the Property Tax Appeal Board are Marquette Bank, the appellant, by attorney John P. Fitzgerald, of John P. Fitzgerald, Ltd. 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: \$131,898
IMPR.: \$170,202
TOTAL: \$302,100

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a seven year old, one-story masonry constructed bank branch building. It contains 4,680 square feet and is situated on a 53,400 square foot site for a building ratio of 11.41 to 1. Site improvements include five drive-up lanes, on-site parking and landscaping.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal prepared by Gary Peterson, MAI and President of Peterson Appraisal Group.

In appraising the subject property, Peterson developed the cost, income and sales comparison approaches to value. The cost approach reflected a value of \$825,000, rounded; the income capitalization approach indicated a value of \$795,000, rounded; and, the sales comparison approach indicated a value of \$795,000 rounded. In reconciling these approaches to value, Peterson placed the most weight on the sales comparison approach to arrive at a final value of \$795,000, as of January 1, 2006.

The first approach developed by Peterson was the cost approach to value. The appraiser estimated the value of the subject site to be \$465,000. The appraiser then estimated the replacement cost of the subject of \$600,000. Accrued depreciation based on the age life method was estimated to be \$240,000 and deducted from the estimated replacement cost. Thus the appraiser determined a value for the subject using the cost approach of \$825,000.

The appraiser's second approach to value was the income capitalization approach. The appraiser reviewed five comparable rental properties and determined the subject could reasonably command a net rental rate of \$19 per square foot, or \$88,920 annually. After deducting expenses and applying a capitalization rate of 9.25%, the appraiser estimated the subject's market value to be \$795,000.

The appraiser's third approach to value was the sales comparison approach. The appraiser examined six recent sales that occurred from January, 2003 to January, 2006. Four of the properties are located in Orland Park, one property is in Bridgeview and one is in Country Club Hills. The properties ranged in age from two to 23 years old and in size from 5,224 to 10,500 square feet. The comparable sales had land to building ratios ranging from 6.64:1 to 13.35 to 1. The sales dates ranged from December 2003 to January 2006. After making adjustments, the appraiser estimated the subject's value to be \$170 per square foot or \$795,000.

In reconciling the three approaches, the sales approach was given the most weight. The appraiser estimated the value for the subject property as of January 1, 2006 to be \$795,000.

The board of review submitted its "Board of Review Notes on Appeal," wherein the subject property's total assessment of \$359,997 was disclosed. The subject had an estimated market value of \$947,360, applying the ordinance level of 38% for a Class 5a property as designated by the Cook County Real Property Assessment Classification Ordinance. The evidence includes a cover memorandum and a market analysis that includes sales data for five suggested comparables.

Three of the board of review's suggested comparables, #1, #2 and #4, are part of bulk portfolio sales. Comparable #1 had a sale date of July 2006, comparable #2 had a sale date of July 1996, and comparable #4 had a sale date of June 1999. The two other suggested comparables were sold individually. Comparable #3 sold in January 2008 and comparable #5 sold in September 1995.

The board of review's comparables are all one story bank buildings that range in age from two to twenty-three years old. Their sale prices that range from \$450,000 to \$1,750,000 or \$90.93 to \$166.67 per square foot.

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

The appellant argued overvaluation as the basis of appeal. When market value is the basis of appeal, the value must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist 2001), 86 Ill.Admin.Code 1910.65(c). After analyzing the market evidence submitted, the Board finds the appellant has overcome this burden.

Three of the board of review's suggested comparables, #2, #4 and #5, were sold prior to 2000, which is not indicative of the value of the subject as of the January 1, 2006 assessment date. Due to the distance in time between these sales dates and the January 1, 2006 assessment date, the Board gave less weight to the board of review's evidence. Comparable #3 was sold in 2008, two years after the subject's January 1, 2006 assessment date. As such, the Board accords this sale no weight. Lastly, board of review's suggested comparable #1 was sold in January, 2006; however, this sale was part of a bulk portfolio sale and leaseback of 236 bank branches for approximately \$317 million dollars. The board of review provided limited data regarding the individual sale within the bulk sale. As such, the Board accorded this sale no weight.

The Property Tax Appeal Board finds the best evidence of the subject's market value is the appraisal submitted by the appellant, which included a credible sales comparison approach to value. The courts have stated that where there is credible evidence of comparable sales, these sales are to be given significant weight as evidence of market value. Crysler Corp. v. Property tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979). The appellant's appraisal contains six comparable sales. The Board finds the appraiser made reasonable adjustments to the comparables to account for differences in market conditions, location, physical characteristics, size, building age and condition, and land to building ratio to arrive at a final value conclusion of \$795,000. The subject's assessment reflects an estimated market value of \$947,360, which is higher than the appraisal. Therefore, a reduction is warranted.

In conclusion, the Property Tax Appeal Board finds the subject property had a market value of \$795,000 as of January 1, 2006. Since the fair market value has been established, Cook County's level of assessment of 38% shall apply. 86 Ill.Admin.Code 1910.50(c)(37).

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 M. Louie

Member

Shawn P. 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: October 21, 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.