



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

APPELLANT: Leo Kruss  
DOCKET NO.: 06-30638.001-C-1 through 06-30638.003-C-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Leo Kruss, the appellant, by attorney Howard W. Melton of Howard W. Melton and Associates, 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
06-30638.001-C-1	17-07-406-001-0000	18,737	59,077	\$77,814
06-30638.002-C-1	17-07-406-002-0000	3,929	24,105	\$28,034
06-30638.003-C-1	17-07-406-039-0000	7,499	6,014	\$13,513

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject matter of this appeal is comprised of three parcels improved with three interconnected industrial buildings of masonry construction. The buildings consists of part one-story and part-two story structures that were built from 1917 to 1942. The subject property is a Class 5-17 property under the Cook County Real Property Assessment Classification Ordinance (hereinafter Ordinance), which is to be assessed at 38% of fair cash value. The subject buildings have a combined 25,867 square feet of building area. The parcels total 23,778 square feet of land area. The subject parcels are located in West Chicago Township, Cook County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a summary appraisal of the subject property prepared by two state licensed appraisers. The appraisal report conveys an estimated market

value for the subject property of \$230,000 as of January 1 2006, using only the sales comparison approach to value.

Under the sales comparison approach to value, the appraiser utilized four suggested comparable sales. The comparables are located in Chicago, Illinois, but their proximate location in relation to the subject was not disclosed. The comparables consist of part one-story and part two-story or three-story buildings of masonry exterior construction. The comparables were built from 1884 to 1958. The buildings range in size from 9,300 to 34,700 square feet of building area. The buildings are situated on sites ranging in size from 7,501 to 26,946 square feet of land area. Land to building ratios ranged from .41:1 to .91:1. The subject has a land to building ratio of .91:1. The suggested comparables sold from August 2001 to September 2003 for prices ranging from \$100,000 to \$268,000 or from \$6.42 to \$10.75 per square foot of building area including land.

The appraisers made percentage adjustments to the comparables' per square foot sales prices for differences to the subject in sale date, building size and land to building ratio. The net adjustments range from 3% to 24%, resulting in adjusted sales prices ranging from \$7.00 to \$11.07 per square foot of building area including land. Based on the adjusted sale prices, the appraiser concluded the subject property had a fair market value of \$9.00 per square foot of building area<sup>1</sup> including land or \$230,000, rounded, as of January 1, 2006.

Page 11 of the appraisal report also indicates: "According to the Cook County report, the subject had a recorded sale for \$433,000 on 1/1/03. The document number, grantor, and grantee information is not listed." The appraisers did not perform any other investigation regarding this reported transaction.

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 parcels' total assessment of \$119,361 was disclosed. The subject's assessment reflects an estimated market value of \$314,108 or \$12.14 per square foot of building area including land using the Ordinance level of assessment for Class 5A property of 38%.

In support of the subject's assessment, the board of review submitted a letter addressing the appeal, property characteristic sheets and a limited market analysis of eight suggested comparable sales. A location map depicting the comparables' proximate location in relation to the subject was also submitted, depicting the comparables are located within 1.5 miles of the

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<sup>1</sup> The appellant's appraisers calculated that the subject building(s) contain 25,895 square feet of total building area. However, the appraisal report did not contain a schematic drawing of the building(s) to support the size determination.

subject. The comparables consist of 1, 2, 3 or 4-story industrial buildings. Seven comparables were built from 1894 to 1994. The age and exterior construction for comparable 3 was not disclosed. The buildings range in size from 20,000 to 27,900 square feet of building area. Six comparables have sites that range in size from 4,874 to 56,569 square feet of land area. The lots sizes for comparables 1 and 3 were not disclosed. Comparables 1, 3 and 4 are multi-tenant buildings unlike the subject. The comparables sold from January 2001 to March 2008 for prices ranging from \$900,000 to \$2,350,000 or from \$43.91 to \$117.50 per square foot of building area including land. Comparable 2 was demolished subsequent to its sale.

Based on this evidence, 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 Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted.

The appellant argued the subject property was overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2<sup>nd</sup> Dist. 2000). The Board finds the appellant failed to meet this burden of proof.

The appellant submitted an appraisal report estimating the subject property had a fair market value of \$230,000 as of January 1, 2006. The board of review submitted eight comparable sales to support its assessed valuation of the subject property.

The Property Tax Appeal Board gave little weight to the appraisal report and final value conclusion that was submitted by the appellant. The Board finds the value conclusion to be unpersuasive and not credible. The Board finds the comparable sales used by the appellant's appraiser were dissimilar when compared to the subject and overall the report lacked sufficient detail. For example, the proximate location of the comparables in relation to the subject was not disclosed. Comparable 1 is considerably larger than the subject while comparable 4 is considerably smaller and has less land area than the subject. Additionally, comparable 4 sold in 2001, which is considered less indicative of fair market value as of the subject's January 1, 2006, assessment date.

Finally, the board finds it to be problematic that the appellant's appraisers indicated the subject property sold, according to a Cook County report, for \$433,000 on January 1, 2003. The Board finds it appears the appraisers did not investigate or verify the existence of the reported transaction through the normal due course of document review or by contacting the individuals involved on the purported sale. In addition, the

purported sale of the subject post dates three of the four dissimilar comparables used by the appraisers, which further undermines the credibility of appraisers' final value conclusion.

The Board also gave less weight to board of review comparables 1 through 5. The land sizes of comparables 1 and 3 were not disclosed. The age of comparable 3 was not disclosed and comparables 4 and 5 are considerably newer than the subject. Comparables 1, 3 and 4 are multi-tenant buildings unlike the subject. Comparable 2 sold in 2001, which is considered less indicative of fair market value as of the subject's January 1, 2006 assessment date. Moreover, comparable 2 was demolished subsequent to its sale. As a result, the Board finds comparable 2 has little probative use as a market value indicator for the subject property.

The Board finds comparable sales 6, 7 and 8 submitted by the board of review are more reliable indicators of the subject's fair market value. These industrial properties had varying degrees of similarity when compared to the subject in age, size, story height and location. These comparables sold for a wide range of prices from \$1,100,000 to \$2,350,000 or from \$45.83 to \$64.68 per square foot of building area including land. The subject parcels' total assessment of \$119,361 reflects an estimated market value of \$314,108 or \$12.22 per square foot of building area including land using the Ordinance level of assessment for Class 5A property of 38%. The subject's assessment reflects a market value considerably less than the most similar comparable sales contained in this record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's assessed valuation is supported and no reduction is warranted.

Based on this analysis, the Property Tax Appeal Board finds the appellant failed to demonstrate the subject property was overvalued by a preponderance of the evidence and no reduction in the subject's assessment 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.



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Chairman



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Member



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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



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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.