FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Salvador Hernandez
DOCKET NO.: 06-31174.001-C-1 through 06-31174.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Salvador Hernandez, the appellant(s), by attorney Arnold G. Siegel 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
06-31174.001-C-1	16-27-403-004-0000	4,258	17,661	$21,919
06-31174.002-C-1	16-27-403-005-0000	1,053	6,376	$7,429

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of two parcels of land totaling 7,500 square feet and improved with a two, two-story, mixed-use buildings that are connected by opening in the common wall. The buildings were built in 1922 and 1932 and contain a total of 8,250 square feet of building area. The appellant, via counsel, argued that the fair market value of the subject was not accurately reflected in its assessed value.

In addition, the appellant asserts that part of the subject property is misclassified under the Cook County Real Property Assessment Classification Ordinance as a class 5-97, special commercial structure and should be classified as the other half of the improvement, a class 2 mixed residential and commercial property. In support of this, the appellant submitted the appraisal which describes the improvement.

In support of the market value argument, the appellant submitted an appraisal undertaken by Rufino Arroyo and George K. Stamas of Meridian Appraisal and Consulting Group, Ltd. The report indicates Rufino and Stamas are State of Illinois certified

general appraisers. The appraisers indicated the subject has an estimated market value of $290,000 as of January 1, 2006. The appraisal report utilized the sales comparison approach to value to estimate the market value for the subject property.

In describing the improvement, the appraisal describes the subject property as follows: a part 94-year and part 74-year old, one and part two-story, masonry constructed mixed-use building. The first floor is a retail space while the partial second floor contains one two-bedroom apartment. The first floor consists of two units separated by a pass thru and is primarily open area. The appraisal lists the total square footage of the improvement as 8,250 square feet. The appraisal includes photographs of the exterior and interior of the subject, including the apartment and the first floor pass through. The appraisal finds the subject's highest and best use is its current use.

Under the sales comparison approach, the appraiser analyzed the sales of five, two or three-story, masonry, mixed-use buildings located within the subject's market. The properties contain between 3,800 and 7,526 square feet of building area. The comparables sold from April to September 2003 for prices ranging from $117,000 to $230,000 or from $30.56 to $35.38 per square foot of building area, including land. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and difference of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach $290,000, rounded.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $123,767 was disclosed. The subject's final assessment reflects a fair market value of $552,833 when the Cook County Real Property Assessment Classification Ordinance level of assessment of 38% for Class 5A property and the Illinois Department of Revenues 2006 three-year median level of assessment of 10.12% for Cook County Class 2 property are applied. The board of review memorandum lists the subject total size as 9,510 square feet of building area, but the official county documents included in the evidence show the subject's total size at 8,250 square feet of building area. In support of the subject's assessment, the board also submitted raw sales information on seven properties suggested as comparable. The properties sold from June 2001 to October 2007 for prices ranging from $210,000 to $1,300,000 or from $21.00 to $162.50 per square foot of building area, including land. The board also included photographs and the property record cards for the subject.

As to the appellant's argument that all of the subject property should be assessed as a class 2, mixed use residential and commercial property, the board of review submitted, as part of their memo, a statement asserting that the construction on doors between separate buildings does not necessarily create on new building. It further asserts that the doors can easily be

removed. Based on the evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a letter asserting that the 2006 assessment applies to how the structure exists in 2006 and the board's argument that the door can be removed and the wall replaced is irrelevant. The appellant again asserts that the subject should be classified as a class 2 and includes the requirements for class 2 properties as listed in the ordinance.

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.

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, 331Ill.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 PTAB concludes that the evidence indicates a reduction is warranted.

The first issue before the PTAB is the subject's classification and assessment level. The PTAB finds the appellant has submitted sufficient evidence to show that the subject is currently used as one building. The appellant's appraisal describes the property as connected on the first floor and used as one retail space, the photographs submitted by both parties show that one of the entrances to the building has been blocked off with bars to allow for entrance through only one doorway, and the appraisal describes the second story as a residential property. The PTAB gives no weight to the board of review's argument that the wall can easily be replaced to create separate spaces. In the lien year in question, 2006, the appellant did not replace the wall or separate the two spaces. Therefore, the PTAB finds that subject, in totality, should be assessed as a class 2 property as allowed for in the Cook County Real Property Assessment Classification Ordinance.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the sales comparison approach to value in determining the subject's market value. The PTAB finds this appraisal to be persuasive for the appraiser: has experience in appraising; personally inspected the subject property and reviewed the property's history; and used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary.

The PTAB gives little weight to the board of review's comparables as the information provided was unadjusted raw sales data.

Therefore, the PTAB finds the subject had a market value of $290,000 for the 2006 assessment year. Since the market value of this parcel has been established, the Illinois Department of Revenues 2006 three-year median level of assessment of 10.12% for Cook County Class 2 property will apply. In applying this level of assessment to the subject, the total assessed value is $29,348 while the subject's current total assessed value is above this amount. Therefore, the PTAB finds that 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: September 23, 2011

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.