FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Bryan Sord
DOCKET NO.: 07-22395.001-C-1
PARCEL NO.: 27-27-320-008-0000

The parties of record before the Property Tax Appeal Board are Bryan Sord, the appellant, by attorney Michael D. Gertner, of Michael D. Gertner, 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:	$ 215,018
IMPR.:	$ 449,982
TOTAL:	$ 665,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 83,828 square feet of land which is improved with a two-year old, one-story, masonry, commercial building used as a car wash/oil change facility.

The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of this appeal.

In support of the market value argument, the appellant submitted an appraisal report of the subject property with an effective date of January 1, 2007. The appraisers estimated a market value for the subject of $1,750,000, based upon development of the three approaches to value. The appraisers inspected the subject on March 7, 2008 and estimated the subject's building contained 14,000 square feet of building area. They developed a highest and best use as vacant, for commercial development, while the highest and best use as improved was its current use.

In the cost approach, the appraisers used 5 land sales to estimate a land value at $6.50 per square foot or $545,000, rounded. Then they employed the Marshall & Swift Valuation

Service to estimate a replacement cost new of $1,366,014. Less 10% depreciation while adding the land value resulted in an opinion of value under this approach of $1,775,000, rounded.

In the income approach, the appraisers used 5 rental comparables to estimate a net income of $168,286 for the subject. Applying a market derived capitalization rate of 9.75% resulted in a value of $1,725,000, rounded, under this approach to value.

Lastly, the appraisers developed a sales comparison approach using 5 improved sale comparables, which ranged in building size from 5,000 to 20,296 square feet of building area. The properties sold from June, 2004, to April, 2005. After making adjustments to the comparables, the appraisers opined a market value for the subject of $1,750,000 under this approach.

In reconciling these approaches to value, the appraisers placed maximum emphasis on the sales comparison and income approaches with moderate emphasis on the cost approach. Therefore, the final estimate of value for the subject property is $1,750,000 as of the assessment date at issue. Based upon this evidence, the appellant requested a reduction in market value.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was $678,298. The subject's assessment reflects a market value of $1,784,995 using the Cook County Ordinance level of assessment for commercial class 5A property of 38%. The board's memorandum states that the subject's improvement size is 18,596 square feet with the subject’s property record card submitted in support thereof.

In support of the subject's market value, raw sales data was submitted for 7 properties. The properties are designated as auto repair or car wash locations. The data from the CoStar Comps service sheets reflect that the research was licensed to the assessor's office, but failed to indicate that there was any verification of the information or sources of data. The properties sold in an unadjusted range from $62.05 to $183.93 per square foot of building area and range in building size from 2,800 to 8,500 square feet of building area.

Moreover, the board of review's memorandum stated that the data was not intended to be an appraisal or an estimate of value and should not be construed as such. The memorandum indicated that the information provided therein had been collected from various sources that were assumed to be factual and reliable; however, it further indicated that the writer hereto had not verified the information or sources and did not warrant its accuracy. As a result of its analysis, the board requested confirmation of the subject's assessment.

In rebuttal at hearing, appellant’s attorney argued that the board of review’s sales #2 and #7 are located in Will County and not Cook County, as is the subject, while sales #4 and #5 contain aged improvements.

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, 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 Board concludes that the appellant has met this burden and that a reduction is warranted.

The Board finds the best evidence of the subject's market value to be the appellant's appraisal, which utilized all three traditional approaches to value in developing the subject's market value. The Board also finds the appraisal to be persuasive for the appraisers: have experience in appraising and assessing property; personally inspected the subject property; estimated a highest and best use for the property; and utilized market data in undertaking each of the approaches to value, while making adjustments to the comparables where necessary. Further, the Board finds the best evidence of building size was proffered by the appellant's appraisal.

In contrast, the Board finds that the board of review submitted raw, unadjusted sales data, while not warranting the accuracy or reliability of this data.

Therefore, the Board finds that the subject property contained a market value of $1,750,000. Since the market value of the subject has been established, the Cook County Ordinance level of assessment for Class 5a, commercial property of 38% will apply. Therefore, the Board 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: December 20, 2013

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.