



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

APPELLANT: 7-Eleven, Inc.
DOCKET NO.: 07-22486.001-C-1 through 07-22486.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are 7-Eleven, Inc., the appellant(s), by attorney Edwin M. Wittenstein, of Worssek & Vihon 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
07-22486.001-C-1	08-28-201-009-0000	85,348	204,240	\$289,588
07-22486.002-C-1	08-28-201-011-0000	15,477	835	\$16,312

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 40,808 square feet of land and a 36-year old, one-story, masonry constructed, multi-tenant, retail building containing 8,037 square feet of gross building area.

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

In support of the market value argument, the appellant's pleadings included a summary appraisal of the subject property with an effective date of January 1, 2007 undertaken by Kent L. Oxley, licensed real estate appraiser, and Gary T. Peterson, who holds the designation of MAI and certified general real estate appraiser. The appraisers estimated a market value for the subject of \$805,000.

As to the subject, the appraisal indicated that the subject's site was inspected on May 23, 2007. The subject was found to contain 8,037 square feet of building area. The appraisal indicated that the building was in average condition. The appraisers indicated that the subject's highest and best use as vacant would be a commercial development, while the highest and

best use as improved was for its current use, cured of any deferred maintenance.

The appraisers developed all of the three traditional approaches to value.

Under the sales comparison approach to value, the appraisers utilized four sale comparables. These comparables sold from July 2004 through November 2006, for prices that ranged from \$550,000 to \$1,146,000 or from \$76.40 to \$101.29 per square foot, including land. The properties were zoned for retail strip center buildings. They ranged in building size from 6,000 to 15,000 square feet of building area. After making adjustments to the suggested comparables, the appraisers estimated that the subject's market value was \$100.00 per square foot or \$805,000 rounded, as of the assessment date.

Under the income approach, the appraisers reviewed five rental comparables from the market. The comparable rental properties include retail strip center buildings. These properties ranged in rental rates from \$10.00 to \$15.95 per square foot on a gross lease basis, while the properties ranged in rental area from 1,200 to 2,400 square feet. Based upon this data, the appraisers estimated the subject's potential gross income to be \$12.00 per square foot or \$96,444. Deducting a vacancy and collection loss of 10% resulted in an effective gross income of \$86,800. Total carrying costs of 10% or \$8,680 resulted in a net operating income of \$78,120.

Using the band of investment methodology as well as market data from various sources including: Korpacz Real Estate Investor Survey, Second Quarter, 2008, for non-institutional properties, published by PriceWaterhouseCoopers LLP, the appraisers noted a range of capitalization rates from 5.50% to 11%. They concluded an overall capitalization rate for the subject based upon its size, condition and location of 9.75%. Applying an overall capitalization rate of 9.75% to the estimate of net operating income resulted in a final value under the income approach of \$800,000, rounded.

Lastly, under the cost approach, the appraiser analyzed four land sales to estimate the value of the land at \$15.00 per square foot or \$612,120, rounded. The replacement cost new was utilized to determine a cost for the improvement at \$521,682. The appraisers depreciated the improvement by 50% for a value of \$286,925. Adding the land value of \$615,000 and the depreciated value of the site improvements resulted in a market value estimate under this approach of \$920,000, rounded.

The appellant's appraisers indicated the most weight was accorded to the sales comparison approach to value in reconciling a final value estimate of \$805,000. Based upon this data, the appellant requested a reduction in the subject's market value.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$386,237 for the tax year 2007. The subject's assessment reflects a market value of \$1,016,412 or \$126.47 per square foot using the Cook County Ordinance Level of Assessment for Class 5a, commercial property of 38%.

In support of the subject's market value, raw sales data was submitted for four retail/storefront properties. The data from the CoStar Comps service sheets reflect that the research was licensed to the assessor's office, but filed to indicate that there was any verification of the information or sources of data. The properties sold from November 2004, to November 2008, in an unadjusted range from \$95.24 to \$199.07 per square foot of building area. The properties contained buildings that ranged in size from 5,400 to 12,000 square feet and in age from 21 to 53 years. The printouts indicate that sale #4 failed to include any real estate brokers for the parties involved in the transactions. As a result of its analysis, the board requested confirmation of the subject's assessment.

After 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, 331 Ill.App.3d 1038 (3d Dist. 2002; Winnbago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d (2d 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 evidence indicates a reduction in the subject's assessment is warranted.

In determining the fair market value of the subject property, the Board accorded diminished weight to the properties submitted by the board of review as the evidence provided unconfirmed, raw data on sales.

Therefore, as to the subject's market value, the Board finds the best evidence to be the appellant's appraisal. As to the subject's market value, the Board finds that the appellant's appraiser utilized all three traditional approaches to value in developing the subject's market value. The Board also finds this appraisal to be persuasive for the appraisers: have extensive experience in appraising and assessing property; personally inspected the subject property; estimated a highest and best use for the property; utilized market data in undertaking the approaches to value; and lastly, used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary.

Therefore, the Board finds that the subject property contained a market value of \$805,000 for the tax year 2007. 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. In applying this level of assessment to the subject, the total assessed value is \$305,900, while the subject's current total assessed value is above this amount at \$386,237. 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: November 30, 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.