



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

APPELLANT: Ronald Young
DOCKET NO.: 07-22960.001-C-1 through 07-22960.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Ronald Young, the appellant(s), by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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
07-22960.001-C-1	05-07-206-001-0000	22,087	203,757	\$225,844
07-22960.002-C-1	05-07-206-002-0000	32,395	120,377	\$152,772

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property has 9,250 square feet of land, which is improved with a 77 year old, one and part two-story, masonry, mixed-use building with 7,692 square feet of building area. The subject has nine commercial units and two apartment units. The two Property Index Numbers ("PIN") that make up the subject are prorated at 50% each. Additionally, the portion of the subject that is used for residential purposes is classified as a class 3 property, while the rest of the subject is classified as a class 5 property. Thus, the effective assessment level for the subject under the Cook County Classification of Real Property Ordinance is 35.5%, for a total market value of \$1,066,524. The appellant, via counsel, argued that the fair market value of the subject property was not accurately reflected in its assessed value as the basis of this appeal.

In support of the market value argument, the appellant submitted an appraisal for the subject property with an effective date of January 1, 2007. The appraiser estimated a fair market value for the subject of \$915,000 based on the income approach to value. The appraiser also conducted an inspection of the subject. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$378,616 was disclosed. In support of the subject's assessment, the board of review submitted a property record card for the subject, and raw sales data for six mixed-use buildings located within five miles of the subject. The sales data was collected from the CoStar Comps service, and the CoStar Comps sheets state that the research was licensed to the assessor's office. However, the board of review included a memorandum which states that the submission of these comparables is not intended to be an appraisal or an estimate of value, and should not be construed as such. The memorandum further stated that the information provided was collected from various sources, and was assumed to be factual, accurate, and reliable; but that the information had not been verified, and that the board of review did not warrant its accuracy.

The suggested comparables contained either retail/residential or retail/office buildings that range in age from 47 to 84 years old and in size from 8,640 to 19,360 square feet of building area. The properties sold from April 2002 to May 2008 in an unadjusted range from \$2,200,000 to \$3,850,000, or from \$152.78 to \$428.24 per square foot of living area, land included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney, Shannon R. Sheehan, reaffirmed the evidence previously submitted. The Property Tax Appeal Board (the "Board"), then asked Ms. Sheehan how this evidence differs from that in Cook Cnty. Bd. of Review v. Ill. Prop. Tax Appeal Bd., 384 Ill. App. 3d 472 (1st Dist. 2008) (the "Omni" case), where the Appellate Court stated that "[w]here the correctness of the assessment turns on market value and there is evidence of a market for the subject property, a taxpayer's submission that excludes the sales comparison approach in assessing market value is insufficient as a matter of law." Id. at 484. In lieu of answering the Board's question, Ms. Sheehan stated that she would be willing to submit a supplemental brief addressing why the instant case is distinguishable from the Omni case within one month. The Cook County Board of Review Analyst, Colin Brady, rested on the evidence previously submitted.

The Board timely received the supplemental brief from the appellant addressing the Omni case. In the brief, the appellant argued that buyers and sellers of properties similar to the subject look to those properties' income producing ability, and not necessarily at other sales of similar properties in the area. Therefore, the appellant argued, the Omni case is inapplicable.

After reviewing the record, hearing the testimony, and considering the evidence, the 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. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code. § 1910.65(c). Having considered the evidence presented, the Board finds that a reduction is not warranted.

The Board gives no weight to the appellant's appraisal, because it did not include the sales comparison approach to value. The court has held that "[w]here the correctness of the assessment turns on market value and there is evidence of a market for the subject property, a taxpayer's submission that excludes the sales comparison approach in assessing market value is insufficient as a matter of law." Omni, 384 Ill. App. 3d at 484. "The exclusion of market valuation by sales comparison is limited to 'property [that] is of such nature and applied to such *special use* that it cannot have a market value, such as a church, college, cemetery, club house, or terminal of a railroad. [Citations.]" (Emphasis added.) Omni, 384 Ill. App. 3d at 842 (quoting City of Chicago v. Farwell, 286 Ill. 415, 420 (1918)). For a property to be a "special use" property it must essentially have no market, and be so unique as to not be salable. United Airlines, Inc. v. Pappas, 348 Ill. App. 3d 563, 572 (1st Dist. 2004). The Board finds that the subject is not a special use property, and that there is a market for mixed-use properties in the subject's location. In fact, the board of review presented six suggested comparables, all of which were mixed-use buildings within five miles of the subject property, proving that there is a market for the subject, and the sales comparison approach could have been developed. The appellant's argument in the supplemental brief that buyers and purchasers don't necessarily look to the sales of similar properties in the subject's area prior to purchasing it, does not override the Board's duty to apply the applicable law in this case, and in particular, the Omni case. Therefore, the Board finds that reliance on the appellant's appraisal would be deficient as a matter of law, and, thus, no 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.

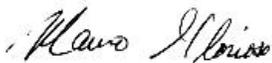


Chairman



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: May 24, 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.