



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

APPELLANT: Krzysztof Mirowski
DOCKET NO.: 07-23566.001-C-1
PARCEL NO.: 08-34-100-054-0000

The parties of record before the Property Tax Appeal Board are Krzysztof Mirowski, the appellant, by attorney Terrence Kennedy Jr., of Law Offices of Terrence Kennedy Jr. 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: \$ 38,250
IMPR.: \$ 136,350
TOTAL: \$ 174,600

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of one parcel of land containing 25,000 square feet which is improved with a 22-year old, one-story, masonry-constructed building used as a light industrial warehouse facility.

The appellant raised two arguments: that the subject's improvement size was incorrect; and 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's pleadings included a summary appraisal of the subject property with an effective date of January 1, 2007 undertaken by Matthew Kang, Associate Real Estate Appraiser, and Gary T. Peterson, who holds the designations of State General Real Estate Appraiser and Member of the Appraisal Institute. The appraisers estimated a market value for the subject of \$485,000.

As to the subject, the appraisal indicated that the subject's site was inspected on February 20, 2008 and that the property rights appraised for the subject are the unencumbered fee simple

estate. The subject was found to be a regular-shaped parcel containing 25,000 square feet of land. The improvement was described as a one-story, masonry constructed, light industrial building.

The appraisal estimated that the building contained 10,080 square feet of gross building area after the interior and exterior inspection. The appraisal indicated that the building was 22 years in age. The subject's improvements were characterized as in average condition with an office and shop area. However, the appraisers noted that the subject building is set toward the front of the site with primary loading facility consisting of two-overhead door loading located on the front elevation on Tonne Road. There is no room for maneuverability with ingress and egress being dangerous on Tonne Road which is well traveled. Therefore, the front loading facility is not well utilized reflecting functional and external obsolescence.

The appraisers indicated that the subject's highest and best use as vacant was for build-to-suit development, while the highest and best use as improved was for its current use. The appraisers developed one of the three traditional approaches to value. The estimated market value under the sales comparison approach was \$485,000.

Under this approach to value, the appraisers utilized five sale comparables. These comparables sold from July, 2004, through August, 2006, for prices that ranged from \$555,000 to \$1,000,000 or from \$39.68 to \$50.00 per square foot. The properties were improved with a one-story, masonry building. They ranged: in improvement size from 11,560 to 25,200 square feet of building area; in age from 23 to 34 years; and in land size from 29,638 to 59,966 square feet of land. After making adjustments to the suggested comparables, the appraisers estimated that the subject's market value was \$48.00 per square foot or \$485,000, rounded, as of the assessment date. As a result of this analysis, the appellant requested a reduction in the subject's valuation.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$217,726 for tax year 2007. The subject's assessment reflects a market value of \$604,794 using the Cook County Ordinance Level of Assessment for Class 5B, industrial property of 36%. As to the subject, the board submitted copies of the subject's property record cards along with a cover memorandum. The memorandum stated that the subject was purchased via a Trustee's Deed executed in July, 2006, for a price of \$650,000. A copy of the deed was attached.

In support of the subject's market value, raw sales data was submitted for 12 industrial properties with either a warehouse or manufacturing usage. 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 from

December, 2002, to August, 2008, in an unadjusted range from \$55.50 to \$75.00 per square foot of building area. The properties contained one-story, masonry buildings that ranged in size from 8,000 to 11,500 square feet and in age from 17 to 35 years. The printouts indicate that sales #2, #3, and #7 reflected that the parties to each transaction were not represented by a real estate broker, while sale #9 appeared to be the seller's downleg and buyer's upleg as part of a 1031 exchange. In addition, sale #10 reflected contradictory sale prices without explanation.

Moreover, the board of review's cover 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.

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, 331 Ill.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 building size and market value to be the appellant's appraisal. The Board finds based upon this appraisal that the subject's improvement contains 10,080 square feet of building area as determined by the appraisers' inspection.

Further, as to the subject's market value, the Board finds that the appellant's appraisers utilized one of the 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 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 the sales comparison approach to value, while making adjustments to the comparables where necessary. Further, the Board finds that the board of review failed to provide any contradictory evidence of market value.

Therefore, the Board finds that the subject property contained a market value of \$485,000 for tax year 2007. Since the market value of the subject has been established, the Cook County Ordinance level of assessment for Class 5b, industrial property of 36% will apply. In applying this level of assessment to the subject, the total assessed value is \$174,600, while the subject's current total assessed value is above this amount at \$217,726. 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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 21, 2012

Allen Castrovillari

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.