



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

APPELLANT: Geril Zern
DOCKET NO.: 07-23957.001-R-1
PARCEL NO.: 09-10-301-119-0000

The parties of record before the Property Tax Appeal Board are Geril Zern, the appellant(s), by attorney Edward P. Larkin, of Attorney at Law 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:

LAND: \$ 114,421
IMPR: \$ 0
TOTAL: \$ 114,421

Subject only to the State multiplier as applicable.

ANALYSIS

The subject consists of a 109,410 square foot vacant land parcel. Its total assessment is \$114,421. This assessment yields a fair market value of \$520,095, or \$6.00 per square foot of land area after applying the 22% assessment ratio for vacant land pursuant to the Cook County Classification Ordinance for class 1-00 property. 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 this argument, the appellant's attorney submitted a brief that stated the subject's assessment should be reduced because 40% of the land at issue is located in Lake Mary Anne. The appellant's submitted the subject's property record card, a photo of the subject, and a printout from FloodSmart.gov. In addition, the printout indicates the subject is in an "AE" high risk flood zone area. The appellant also submitted a printout of a FEMA aerial photo of the subject that indicates Lake Mary Anne

is located in an AE zone while the area surrounding the lake is labeled Zone X. In addition, the appellant submitted a copy of the subject property's 2004 Property Tax Appeal Board decision. The decision indicates the 2004 assessment was reduced based on a subsequent year (2005) board of review reduction. 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 total assessment of \$114,421 was disclosed. In support of the subject's assessment, the board of review submitted a memorandum, one comparable sale, and four equity comparables. The comparable sale consists of a 21,602 square foot parcel of land located on the subject's Sidwell block. This parcel sold in 2005 for \$475,000, or \$21.99 per square foot. The equity comparables consists of vacant land parcels located in the subject's city with one parcel located on the subject's Sidwell block. The comparables range in size from 32,714 to 62,557 square feet of land and are assessed at \$1.32 per square foot of land. The board of review's memorandum states that the appellant did not provide a Plat of Survey which would have delineated the portion of the subject land that is situated in Lake Mary Anne. Additionally, the board's memorandum states there may be value to areas under water and identifies this value as riparian rights. Based on this submission, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant's attorney took issue with the board's definition of "riparian rights." In addition, the appellant's attorney stated that the board of review did not address the issue that the lake is in a federal floodway or that the subject is a common area and services a much larger public need. Lastly, the appellant's rebuttal states the board of review did not address the 2004 PTAB decision.

At hearing, the appellant's attorney argued that the subject land is not buildable as it is situated in a high risk flood zone area known as "AE" and that AE land is typically assessed at \$1.00 per square foot. The appellant's attorney also stated that the subject land is not buildable. In addition, the appellant's attorney argued that the subject's assessment should be reduced as its 2009 assessment was lower than its 2007 assessment pursuant to Hoyne Savings & Loan Assoc. v. Hare, 60 Ill.2d 84, 90, 322 N.E.2d 833, 836 (1974); 400 Condominium Assoc. v. Tully, 79 Ill.App.3d 686, 690, 398 N.E.2d 951, 954 (1st Dist. 1979) wherein the court found, "a substantial reduction in

the subsequent year's assessment is indicative of the validity of the prior year's assessment". The board of review's representative argued that the subject's 2009 land assessment reflected a market value of \$7.25 per square foot of land while the subject's 2007 assessment reflected a market value of \$6.00 per square foot of land. She explained that vacant land was assessed at 22% of market value in 2007 while vacant land was assessed at 10% of market value in 2009. In addition, the board's representative stated that the appellant did not provide any evidence of the subject's market value such as an appraisal or sales comparables.

After reviewing the record, considering the evidence, and hearing the testimony, the Property Tax Appeal Board (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 the evidence indicates a reduction is not warranted.

The Board finds that the appellant has not met the burden of proving, by a preponderance of the evidence, that the subject is overvalued. The appellant did not provide an appraisal or a range of sales comparables with which to compare the subject. In addition, the Board finds the appellant submitted insufficient evidence to show a portion of the subject land is underwater in Lake Mary Anne. Such evidence could have included a Plat of Survey. Furthermore, the appellant did not provide any evidence in support of the argument that 40% of the subject land should be accorded common area status with an assessment of \$1.

In addition, the Board finds no reduction is warranted pursuant to the Hoyne Savings & Loan Assoc. decision. Hoyne Savings & Loan Assoc. v. Hare, 60 Ill.2d 84, 90, 322 N.E.2d 833, 836

(1974); 400 Condominium Assoc. v. Tully, 79 Ill.App.3d 686, 690, 398 N.E.2d 951, 954 (1st Dist. 1979). The Board finds that 2007 and 2009 were in different triennial periods and that the level of assessment for vacant land changed from 22% in 2007 to 10% in 2009. In addition, the market value of the subject land was \$6.00 per square foot in 2007 and was \$7.25 per square foot in 2009.

Therefore, the Board finds the subject is not overvalued, and a reduction in the subject's assessment is not 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.

Ronald R. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Mario M. Lino

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: March 21, 2014

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.