



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

APPELLANT: Michael Valentino
DOCKET NO.: 07-24155.001-R-1 through 07-24155.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Michael Valentino, the appellant, by attorney Edward Larkin, of Larkin & Larkin in Park Ridge; 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
07-24155.001-R-1	09-15-305-014-0000	11,014	27,096	\$38,110
07-24155.002-R-1	09-15-305-015-0000	16,345	2,679	\$19,024

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 47-year old, one-story, frame, single-family dwelling. It contains 1,985 square feet of living area and is situated on two parcels containing a total of 11,972 square feet. Features of the dwelling include two full baths, three bedrooms, one fireplace, and an attached two-car garage.

The appellant raised two arguments: first, that there is unequal treatment in the assessment process; and second, that the subject's market value is not accurately reflected in its assessment due to its location in a flood plain, as the bases of this appeal.

In support of the market value argument, the appellant submitted a brief asserting that the subject property is located in a Federal High Risk Flood Area and Federal Floodway as the Prairie Creek runs through a majority of the parcel identified by PIN 09-15-305-015-0000, affecting approximately one-half of this parcel and rendering it unbuildable and useless. The appellant's brief

also asserts the subject should receive a land value of \$1.00 per square foot consistent with assessment practices for property situated in Federal High Risk Flood Areas.

The appellant included the following documents to support his argument: a written brief; color photographs of a concrete bridge across from the subject property that protects and/or services the Prairie Creek; an aerial printout of the subject property from the Cook County Assessor's Office; a map and descriptive flood damage information from the FEMA website; and a copy of a Sidwell map for block 305 which includes the subject property.

In support of the equity argument, the appellant submitted: a written brief; color photographs of the subject and surrounding property; and descriptive and assessment data for the subject and three suggested comparables. The comparables are improved with a two-story, frame or frame and masonry, single-family dwelling, all of which are located on the subject's block. They range: in age from 19 to 55 years; in size from 1,937 to 2,629 square feet of living area; and in improvement assessment from \$11.56 to \$13.53 per square foot of living area. The subject's improvement assessment is \$22.08 per square foot of living area. Amenities for the suggested comparable properties include two or two and one half-baths, a partial, unfinished basement for one property, central air conditioning for two properties, one or two fireplaces, and a two-car garage. Based upon this analysis, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review-Notes on Appeal" wherein the subject's improvement assessment of \$43,820 was disclosed. In support of the subject's assessment, the board of review submitted descriptive and assessment data, as well as black and white photographs, relating to three suggested comparables located within the subject's neighborhood. The properties are improved with a one-story, masonry or frame and masonry, single-family dwelling. They range: in age from 44 to 50 years; in size from 1,935 to 2,079 square feet of living area; and in improvement assessment from \$17.29 to \$18.60 per square foot of living area. Amenities for the properties include two full or two and one half-baths, four bedrooms, a full or partial, unfinished basement for two properties, central air conditioning, one fireplace, and a two-car garage. Based upon this evidence, the board requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is warranted.

As to the argument that the subject property is devalued due to the subject's location in a flood plain, the Board finds that appellant failed to establish the value lost by this placement. The appellant did not submit any market evidence as to the value of the subject property other than photographs and data printed from the FEMA website. The appellant failed to submit any market

evidence as to the subject's value such as an appraisal, a recent sale of the subject, or recent sales of comparable properties. Therefore, the Board finds no reduction is warranted as to this issue raised by the appellant.

The appellant also contends unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellant has met this burden.

The parties submitted a total of six comparable properties for the Board's consideration. The Board finds that comparables #2 and #3 submitted by the appellant as well as comparables #1 through #3 submitted by the board of review are most similar to the subject in size, age, and/or amenities. They contain between 1,937 and 2,079 square feet of living area and range in age from 44 to 55 years. In analysis, the Board accorded the most weight to these comparables. These comparables ranged in improvement assessment from \$11.56 to \$18.60 per square foot of living area. The subject's improvement assessment at \$22.08 per square foot is above the range established by these comparables.

After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is not equitable and a reduction in the subject's assessment 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: September 21, 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.