



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

APPELLANT: CRP Holdings c/o Colliers B&K Road
DOCKET NO.: 07-24457.001-I-1
PARCEL NO.: 10-20-300-024-0000

The parties of record before the Property Tax Appeal Board are CRP Holdings c/o Colliers B&K Road, the appellant(s), by attorney Brian P. Liston, of Law Offices of Liston & Tsantilis, P.C. 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: \$ 266,874
IMPR: \$ 856,617
TOTAL: \$ 1,123,491

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 156,067 square feet of land, which is improved with a 35 year old, one-story, masonry, industrial warehouse building. The subject's improvement size is 87,566 square feet of building area, and its total assessment is \$1,223,490. This assessment yields a fair market value of \$3,398,583, or \$38.81 per square foot of building area (including land), after applying the 36% assessment level for industrial properties under the 2007 Cook County Classification of Real Property Ordinance. 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 industrial appraisal report for the subject property with an effective date of January 1, 2007. The appraiser estimated a fair market value for the subject of \$2,800,000 based on the cost, income, and sales comparison approaches 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 \$1,223,490 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 industrial warehouse or industrial manufacturing buildings located within one mile 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 Cook County 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 states 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 comparables are described as one-story, masonry, industrial warehouse or industrial manufacturing buildings. Additionally, the comparables are from 22 to 46 years old, and have from 60,000 to 85,850 square feet of building area. The comparables sold between April 2005 and June 2009 for \$2,710,000 to \$4,400,000, or \$32.03 to \$60.00 per square foot of building area, including land.

The board of review also submitted evidence showing that the subject sold in April 2006 for \$8,239,366. This evidence included an Illinois Real Estate Transfer Tax Declaration and a trustee's deed. Furthermore, the board of review's pleadings state that the sale was not between related parties, that the subject was advertised for sale on the open market, and that the parties used a real estate broker. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant requested that the board of review's evidence be given no weight because the sales comparables did not make any adjustments for market conditions. The appellant also argued that, if the board of review's comparables were given weight, they support the appellant's assertion that the subject is overvalued.

At hearing, the appellant's attorney, Michael F. Frantz, and the Cook County Board of Review Analyst, Michael Terebo, both reaffirmed the evidence previously submitted. Mr. Frantz then argued that the board of review's evidence should be given no weight because the comparables were not adjusted for market conditions.

In addressing the sale of the subject in April 2006, Mr. Frantz argued that the purchase price was not indicative of the subject's fair market value because it was part of a bulk sale. This bulk sale included 13 other properties, and the purchaser was a real estate investment trust. Moreover, the subject was 90% leased at the time of the sale. Mr. Frantz pointed out that the appraiser noted the sale was not at market value for the same

reasons just articulated. At this time, it became apparent that the appraisal was double-sided, and that only one side had been submitted. Mr. Frantz offered to submit the entire appraisal, and Mr. Terebo objected. Ruling on this objection was withheld until further notice.

The parties' attention was then drawn to the PTAX-203-A Form submitted by the board of review, and, in particular, question eight on that form. In this question, the purchaser affirmatively stated that the purchase price of \$8,239,266 was "a fair reflection of the market value on the sale date." Mr. Frantz stated that, at the time of the sale, the purchaser was looking at the sale of a leased fee, and not a fee simple estate.

On April 24, 2013, the board of review's objection was overruled, and the appellant was ordered to submit the entire appraisal for consideration, which was timely received on April 26, 2013. The board of review did not respond to this submission, despite being given time to do so.

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 warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the cost, income, and sales comparison approaches to value in determining the subject's market value. The Board finds this appraisal persuasive because the appraiser has experience in appraising, personally inspected the subject property, reviewed the property's history, and used similar properties in the sales comparison approach while providing adjustments that were necessary. The Board gives little weight to the board of review's evidence as it was raw sales data that did not make any adjustments for age, exterior construction, improvement size, improvement type, location, or market conditions.

Additionally, the Board gives little weight to the sale of the subject in April 2006 for \$8,239,366. This sale price was significantly higher than even the board of review's assessment, was purchased by an investment company, and was part of a bulk sale. These facts were stated at hearing by the appellant's attorney, and by the appraiser. The Board finds these arguments persuasive.

Therefore, the Board finds the subject had a market value of \$2,800,000 for the 2007 assessment year. Since the market value of this parcel has been established, the Cook County Real Property Assessment Classification Ordinance as in effect for tax year 2007 shall apply. 86 Ill. Admin. Code § 1910.50(c)(3). The subject is an industrial property, and, therefore, the applicable assessment level is 36% of the subject's fair market value, which equates to \$1,008,000. However, the appellant requested a reduction of less than \$100,000 in assessed value. The Board will honor this request and grant a total reduction of \$99,999 in assessed value, for a total assessment of \$1,123,491. The subject's current total assessed value is above this amount, and, thus, 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

Marko M. Louie

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: June 21, 2013

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.