FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: CRP Holdings c/o Colliers B&K REMS
DOCKET NO.: 07-24459.001-I-1
PARCEL NO.: 10-29-401-030-0000

The parties of record before the Property Tax Appeal Board are CRP Holdings c/o Colliers B&K REMS, the appellant, by attorney Mitchell L. Klein, of Schiller Klein PC in Chicago; 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:	$ 189,699
IMPR.:	$ 632,109
TOTAL:	$ 821,808

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 126,083 square feet of land that is improved with a 32 year old, one-story, multi-unit, masonry, flex office/warehouse building with 64,969 square feet of building area, of which 30% is used as office space. There are eight interior docks and three drive-in doors. The appellant, via counsel, argued that the subject's market value was not accurately reflected in its assessment.

In support of the market value argument, the appellant submitted an appraisal, which stated that the subject had an estimated market value of $2,000,000 as of January 1, 2008, based on the cost approach to value, the income approach to value, and the sales comparison approach to value to estimate the market value for the subject property. The appraisal states that the appraiser personally inspected the subject, and that the subject's highest and best use as improved is its current use.

The appraisal also stated that there have been no known transfers of the subject in the past three years. 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 $821,808 was disclosed. The subject's final assessment yields a fair market value of $2,282,800 when the 36% assessment level for class 5-93 property under the Cook County Classification of Real Property Ordinance is applied. In support of the subject's assessment, the board of review submitted a property characteristic printout for the subject, and raw sales data for five industrial warehouse or manufacturing properties located within one mile of the subject. The suggested comparables range in size from 49,068 to 58,242 square feet of building area. The properties sold from August 2002 to November 2007 in an unadjusted range from $2,200,000 to $5,859,000 (bulk sale), or from $38.63 to $119.41 per square foot of building area, land included. 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.

Additionally, the memorandum noted that the subject property, along with two additional parcels (indentified by PINs 10-29-401-028 & -029), was sold in April 2006 for a total purchase price of $20,129,234. The combined assessor's market value for these two additional PINs for the tax year 2006 totaled $5,053,364 based on a partial assessment and $5,597,531 for the tax year 2007, based on the county printouts in the board of review's evidence. The board of review also submitted: a recorded copy of a Trustee's Deed indicating transfer stamps that reflect the total purchase price of $20,129,234; the PTAX-203 Illinois Real Estate Transfer Declaration indicating the three properties were similar in acreage and transferred simultaneously for $20,129,234, with no allocation for personal property, and a certification that the properties were advertised for sale or sold using a real estate agent; and a supplemental PTAX-203-A indicating that it was the appellant's opinion that the net consideration paid for the real property was a fair reflection of the market value on the sale date. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney, Mitchell Klein, reaffirmed the evidence previously submitted through testimony elicited from the appellant's appraiser, James O. Hamilton, MAI. Mr. Hamilton also testified that he had no knowledge of the 2006 transfer but indicated that the price per square foot value based on the sale was "absurd". The Cook County Board of Review's representative

reaffirmed the evidence previously submitted, questioned the appellant's income approach in the appraisal, and indicated the assessment was fair based on the 2006 purchase.

After reviewing the record, hearing the testimony, and considering the evidence, 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). "[A] contemporaneous sale between parties dealing at arm's length is not only relevant to the question of fair cash market value, [citations] but would be practically conclusive on the issue of whether an assessment was at full value." People ex rel. Korzen v. Belt Ry. Co. of Chi., 37 Ill. 2d 158, 161 (1967). Having considered the evidence presented, the Board finds that a reduction is not warranted.

In determining the fair market value of the subject property, the Board finds the best evidence of market value to be the sale of the subject in April 2006. The evidence reflects: that the property was advertised for sale or that a broker was involved in the transaction; the appellant felt that the price paid reflected the actual market value of the property; and that the price paid reflected real estate only with no allocation for personal property. The evidence also reflects that the three properties purchased simultaneously were similar in use and acreage. Additionally, the Board finds that the appraiser's testimony at hearing regarding his complete lack of knowledge of the sale to be influential. The testimony surrounding the circumstances of the sale could have undermined the arm's-length nature of the recent sale of the subject, as the appellant did not submit any further evidence to support the claim that the April 2006 sale was not at market value. Finally, as the sale is within eight months of the 2007 lien date of January 1, 2007, the Board finds that the subject's sale is closely related in time and should be considered in properly determining the subject's market value. For these reasons, the Board finds that a reduction 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.

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: April 19, 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.