



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

APPELLANT: Rode Welding Service
DOCKET NO.: 07-25765.001-I-1
PARCEL NO.: 08-27-400-061-0000

The parties of record before the Property Tax Appeal Board are Rode Welding Service, the appellant, by attorney Terrence J. Griffin, of Eugene L. Griffin & Associates, Ltd. 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: \$159,878
IMPR.: \$308,122
TOTAL: \$468,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 104,496 square foot site improved with a one-story, masonry, 30 year-old industrial manufacturing building that contains 40,450 square feet. The appellant, via counsel, argued that the fair market value of the subject was not accurately reflected in its assessed value.

In support of the market value argument, the appellant submitted an appraisal by Terrence O'Brien and Brian Duniec of Terrence O'Brien & Co. The report indicates Duniec is a State of Illinois general certified appraiser and O'Brien is an MAI. The appraisers indicated the subject had an estimated market value of \$1,300,000 as of January 1, 2007. The appraisal report utilized the three traditional approaches to value to estimate the market value for the subject property. The appraisal finds 80,900 square feet of the subject land is developed to its highest and best use while the remaining 23,596 square feet of land is excess. The appraisers opined that the excess land should be developed with an industrial building; however due to the land's small size, it

would likely be used by the current owner for purposes of expansion.

Under the cost approach to value, the appraisers accepted the assessor's land value of \$4.25 per square foot or a total of \$445,000, rounded. The replacement cost new method was utilized to determine a cost for the improvement of \$2,770,000. The appraiser depreciated the improvement by \$1,925,000 for a value of \$845,000. Site improvements of \$45,000 and the land value were added to establish a value under the cost approach of \$1,335,000, rounded.

Under the income approach to value, the appraisers conducted a market study and analysis and concluded the subject's annual net market rent would be \$2.85 per square foot or \$115,283. A capitalization rate of 9.0% was utilized to estimate a value under the income approach of \$1,280,000, rounded.

Under the sales comparison approach, the appraisers analyzed the sales of six one-story masonry or steel sided industrial warehouse buildings located in the subject's market. The properties range in age from 35 to 51 years and range in size from 33,940 to 73,765 square feet of building area. The comparables sold from October 2004 to September 2006 for prices that ranged from \$1,000,000 to \$2,000,000 or from \$21.35 to \$36.83 per square foot of building area, including land. The appraisers adjusted each of the comparables for pertinent factors. Based on the similarities and difference of the comparables when compared to the subject, the appraisers estimated a value for the subject under the sales comparison approach of \$32.00 per square foot of building area or \$1,295,000, rounded.

In reconciling the three approaches to value, the appraisers gave primary consideration to the sales approach and arrived at a final estimate of value for the subject as of January 1, 2007 of \$1,300,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$509,668 was disclosed. The subject's final assessment reflects a fair market value of \$1,415,744 or \$35.00 per square foot of building area including land when the Cook County Real Property Assessment Classification Ordinance for class 5b property of 36% is applied.

In support of the subject's assessment, the board of review submitted a memorandum that indicates its evidence is assumed to be factual, accurate and reliable, but that the writer has not verified the information or sources and does not warrant its accuracy. The board of review presented information regarding the sales of five suggested comparable properties located within a two and one-half mile radius from the subject. The properties consist of one-story, industrial warehouse buildings that range in size from 38,115 to 43,370 square feet of building area. The comparables sold from January 2004 to March 2008 for prices that

ranged from \$1,000,000 to \$3,589,000 or from \$31.79 to \$90.00 per square foot of building area, including land.

After considering the evidence and 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 PTAB further finds a reduction in the subject's assessment is warranted.

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 PTAB concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the appellant's appraisal. The appellant's appraisers utilized the cost approach, income approach and sales comparison approach to value in determining the subject's market value. The PTAB finds this appraisal to be persuasive for the appraisers: have experience in appraising; personally inspected the subject property and reviewed the property's history; and used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary.

The PTAB gives little weight to the board of review's comparables as the information provided was unadjusted raw sales data.

The PTAB finds the subject had a market value of \$1,300,000 for the 2007 assessment year. This market value equates to a total assessment of \$468,000 when the Cook County Real Property Assessment Classification Ordinance for class 5b property of 36% is applied. Therefore, the PTAB finds that a reduction to the appellant's requested 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.

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: February 22, 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.