FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Sandhu Enterprises
DOCKET NO.: 07-26531.001-C-1
PARCEL NO.: 02-16-102-001-0000

The parties of record before the Property Tax Appeal Board are Sandhu Enterprises, the appellant(s), by attorney Gregory J. Lafakis, of Verros, Lafakis & Berkshire, 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 ***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:	$51,968
IMPR.:	$93,978
TOTAL:	$145,946

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 21,040 square feet of land improved with a 50-year old, one-story, masonry constructed gas station/mini mart/auto repair building containing 1,620 square feet of gross building area. The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant's pleadings included a summary appraisal of the subject property with an effective date of January 1, 2007 undertaken by Richard J. Layman and Brian T. McNamara, certified general real estate appraisers. The appraiser estimated a market value for the subject of $300,000.

The appraisal indicated that the personal property and/or business is not included in the appraised value. The appraiser indicated that the subject's highest and best use as vacant and improved is for its current use.

The appraiser developed the sales comparison approach to value. Under the sales comparison approach to value, the appraiser utilized five sale comparables. These comparables sold from September 2004 through January 2007, for prices that ranged from

$400,000 to $1,200,000 or from $121.29 to $189.32 per square foot. The properties were gas station/minimart/auto repair centers The properties ranged in building size from 13,752 to 39,195 square feet of building area. After making adjustments to the suggested comparables, the appraisers estimated that the subject's market value was $187.00 per square foot of building area or $300,000 rounded, as of the January 1, 2005. Based upon this data, the appellant requested a reduction in the subject's market value.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was $145,946 for the tax year 2007. The subject's assessment reflects a market value of $384,068 or $18.25 per square foot of land using the Cook County Ordinance Level of Assessment for Class 5, commercial property of 38%.

In support of the subject's market value, raw sales data was submitted for eight gas station/minimart/auto repair properties. The data from the CoStar Comps service sheets reflect that the research was licensed to the assessor's office, but failed to indicate that there was any verification of the information or sources of data. The properties sold from January 2003, to June 2005, in an unadjusted range from $28.93 to $80.865 per square foot of land area. The properties contained buildings that ranged in size from 800 to 3,000 square feet and in age from 19 to 51 years. The properties contained parcels of land that ranged in size from 18,668 to 25,050 square feet. In addition, the board of review submitted a list of all the gas stations located in Palatine, Illinois which totaled 14. For each of these 14 properties, the PIN #, a brief description, assessed value, square foot of land and building, and sale history were listed. The land values per square foot ranged from $16.60 to $39.44 per square foot. As a result of its analysis, the board requested confirmation of the subject's assessment.

At hearing, the appellant's attorney, Ms. Ellen Berkshire, stated that the subject property is a gas station,/minimart/auto repair shop and summarized the facts of the appraisal.

The board of review analyst, Ms. Lena Henderson, testified that the subject's assessment per square foot is supported by the board of review's sale comparables and therefore, the subject is fairly assessed. In addition, Ms. Henderson raised the issue that gas stations are normally evaluated on the basis of sale price per square foot of land vs. building, since the land is held most valuable in gas stations. However, Ms. Henderson noted that the subject's appraisal evaluated the subject on the basis of sale price per square foot of building. Ms. Henderson noted that the appraiser should have used the land value per square foot and not building value per square foot.

Furthermore, Ms. Lena Henderson clarified that the board of review's spread sheet submitted into evidence includes all the

gas station located in Palatine, Illinois and details the land value per square foot for each property.

Per the board of review's request, the record is was held open to allow the appellant's attorney the opportunity to obtain a letter from the appraisers' explaining their methodology in calculating the price per square foot using building area vs. land area.

Appellant's attorney timely submitted a letter signed by the appraisers and dated September 4, 2007 stating that:

> "We used the unit per square foot building, including land for the sale comparables to compare the subject on a unit per square foot basis. We considered the site area of the comparables which are improved with the building improvements. The land to building ratio reflects the land and the improvements and reflects the ratio. These were compared to the subject as a line item in the elements of comparison table. We considered all the characteristics of each sale and compared to the subject before concluding a reasonable value for the subject on the unit price per square foot of building including land."

After considering the arguments, testimony, and reviewing the evidence, the Property Tax Appeal 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. National City Bank of Michigan/Illinois v.Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3d Dist. 2002; Winnbago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d (2d 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 Board concludes that the evidence indicates a reduction in the subject's assessment is not warranted.

The Board finds the additional evidence submitted by the appellant's attorney failed to explain why the appraiser deviated from the normal course of business and calculated the gas station's market value based on building square foot rather than land square footage. The Board finds that the appellant's appraisal to be flawed in that it utilized the sale comparables' building price per square foot in calculating the subject's final market value. Therefore, 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: March 22, 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.