FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Joseph Arnold
DOCKET NO.: 07-26705.001-C-1 through 07-26705.003-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Joseph Arnold, the appellant(s), by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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
07-26705.001-C-1	06-26-102-081-1001	29,212	63,814	$93,026
07-26705.002-C-1	06-26-102-081-1002	15,260	31,253	$46,513
07-26705.003-C-1	06-26-102-081-1003	17,813	37,998	$55,811

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 23,416 square feet of land that is improved with a 39 year old, one-story, masonry, multi-tenant office building with three condominium units and 4,284 square feet of total building area. The subject's total assessment was $203,489, which equates to a fair market value of $535,497 when the 36% assessment level for class 5-99 property under the Cook County Classification of Real Property Ordinance is applied. 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 $470,000 as of January 1, 2007, based on the sales comparison approach to value. The appraiser also valued each individual condominium unit based on each unit's percent of total building area. 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. 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 $203,489 was disclosed. In support of the subject's assessment, the board of review submitted a property characteristic printout for the subject, and raw sales data for twelve commercial properties. Five of these properties were located within one and one-half mile of the subject, while the locations of the remaining seven properties were not disclosed. 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.

The suggested comparables contained commercial condominiums that are used as offices, medical offices, retail stores, or a restaurant. The comparables are 1 to 34 years old, and range in size from 2,820 to 77,897 square feet of building area. However, the ages for Comparables #11 and #12 were not disclosed. The properties sold from March 2002 to April 2009 in an unadjusted range from $207,500 to $1,248,500, or from $42.63 to $313.83 per square foot of building area, land included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant stated that the board of review's comparables should not be considered because they have not been adjusted for market conditions.

At hearing, the appellant's attorney, Shannon Sheehan, reaffirmed the evidence previously submitted. Ms. Sheehan also stated that the subject units' percentage of total building area, as described in the appraisal, is equal to their percentage of ownership. The Cook County Board of Review Analyst, Colin Brady, rested on the evidence previously submitted.

After reviewing the record 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). Having considered the evidence presented, the Board concludes 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 appraisal submitted by the appellant. The appraiser utilized the sales comparison approach 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, 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 comparables as the information provided was unadjusted raw sales data.

However, the Board does not find that the appraiser's exclusion of 7,600 square feet of land was warranted. In making the adjustments to the sales comparables, the appraiser stated that the land-to-building ratios of Sales Comparables #2, #3, and #4 were similar to the subject's total land-to-building ratio. However, after excluding the "unusable portion of [the] lot" from the subject's land, the subject's land-to-building ratio decreased. The appraiser used this lower land-to-building ratio, and thus made downward adjustments for Sales Comparables #2, #3, and #4. The Board does not find this approach persuasive. The picture in the appraisal of the "unusable portion of lot" clearly shows a picnic table and a sidewalk on that portion of the land. Thus, the Board finds that, while it is not improved with a building, this part of the land is being used, and a value must be attributed to it. The appraiser uses the value of $110.00 per square foot, including land, to arrive at the final market value. To account for the land that was excluded, the Board will use the value of $120.00 per square foot of living area.

Therefore, the Board finds the subject had a market value of $514,080 for tax year 2007. Since market value has been determined, the Cook County Real Property Assessment Classification Ordinance as in effect for tax year 2007 shall apply. The subject is classified as a class 5-99 property. Therefore, the applicable assessment is 38% of the subject's fair market value, which equates to $195,350. The subject's current total assessed value is higher than this value, and, therefore, the Board finds a reduction is warranted. The Board will appropriate the total assessment to each condominium unit *pro rata*.

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.