



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

APPELLANT: Carl Yelnick
DOCKET NO.: 07-26724.001-C-1 through 07-26724.004-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Carl Yelnick, the appellant(s), by attorney Howard W. Melton, of Howard W. Melton and Associates 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:

| DOCKET NO | PARCEL NUMBER | LAND | IMPRVMT | TOTAL |
|------------------|--------------------|--------|---------|----------|
| 07-26724.001-C-1 | 20-19-324-039-0000 | 24,684 | 3,797 | \$28,481 |
| 07-26724.002-C-1 | 20-19-324-040-0000 | 8,073 | 43,170 | \$51,243 |
| 07-26724.003-C-1 | 20-19-324-047-0000 | 2,268 | 1,008 | \$3,276 |
| 07-26724.004-C-1 | 20-19-324-048-0000 | 1,660 | 167 | \$1,827 |

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story industrial building with 8,625 square feet of building area. The building was constructed in 1949. The subject property has a 48,140 square foot site resulting in a land to building ratio of 5.58:1. The subject property is located in Chicago, Lake Township, Cook County. The property is classified as a class 5-93 industrial property under the Cook County Real Property Assessment Classification Ordinance and is to be assessed at 36% of market value.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted a Limited Restricted Appraisal report prepared by James A. Matthews a Certified General Real Estate Appraiser. Matthews developed the sales comparison approach using five comparable sales improved with one-story single tenant industrial buildings that range in size from 6,600 to 15,000 square feet of building area. The buildings were constructed from 1949 to 1967. These properties had sites that ranged in size from 9,975 to 39,767 square feet resulting in land to building ratios ranging from 1.11:1 to

1.54:1. These properties were located in Chicago, Alsip, Riverdale, Cicero and Blue Island. The sales occurred from May 2001 to June 2003 for prices ranging from \$100,000 to \$150,000 or from \$10.00 to \$15.15 per square foot of building area, including land.

The report indicated that all sales were adjusted upward for time; three were adjusted upward for inferior land to building ratios; all sales but comparable #3 were adjusted for building size. The appraiser stated within the report the adjusted range was from \$12.20 to \$20.15 per square foot of building area with a mean of \$16.11 per square foot of building area and a median of \$15.13 per square foot of building area. Based on these sales the appraiser estimated the subject property had a market value of \$16.00 per square foot of building area, including land, or \$140,000 as of January 1, 2006.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$84,827. The subject's assessment reflects a market value of \$235,631 or \$27.32 per square foot of building area, including land, using the 36% level of assessment for class 5-93 industrial property under the Cook County Real Property Assessment Classification Ordinance.

As evidence in support of the assessment the board of review submitted a memo and information on seven comparable sales. The comparables were described as being improved with five, one-story industrial buildings and two, two-story industrial buildings that ranged in size from 5,000 to 9,078 square feet of building area. The comparables were located in Chicago. The evidence indicated six of these properties had sites that ranged in size from 9,375 to 25,221 resulting in land to building ratios ranging from 1.04:1 to 3.34:1. The land size of comparable #6 was not disclosed. Five of the comparables were reported to be constructed from 1915 to 1985. The age of comparable #6 was not disclosed. The sales occurred from July 2003 to January 2009 for prices ranging from \$70,000 to \$1,050,000 or from \$7.78 to \$139.07 per square foot of building area, including land. The evidence disclosed that comparable #3, which sold for the highest price per square foot, was purchased by a buyer to acquire the remaining portion of the block. The information in the record disclosed the property was not on the market at the time of sale; the buyer approached the seller directly. Additionally, the buyer of this comparable demolished the warehouse building and had a pending zoning application to rezone the property and construct a carwash.

After 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 the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved 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). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant submitted what was described as a "Limited Restricted Appraisal report" by the appellant's appraiser.¹ The Board gives little weight to the appellant's appraisal report due to the fact it is a restricted appraisal and four of the sales used by the appraiser occurred from approximately 39 months to 67 months prior to the assessment date at issue. The Board also gave little weight to board of review comparable sales #2 and #6 due to their two-story design. The Board also gave less weight to board of review comparable #3, which was not actively marketed at the time of sale and was purchased by the an owner of adjoining land to complete the assemblage of the entire block. The Board finds this sale does not have the elements of an arm's length transaction. The Board finds the best sales include appellant's sale #2 and board of review sales #1, #4, #5 and #6. These sales occurred from June 2003 to December 2008 for prices ranging from \$12.50 to \$85.00 per square foot of building area, including land. The four best sales provided by the board of review had unit prices ranging from \$44.44 to \$85.00 per square foot of building area, including land. The subject's total assessment reflects a market value of \$27.32 per square foot of building area, including land, which is supported by the best comparable sales in the record. Based on this record the Board finds a reduction in the subject's assessment is not justified.

¹ ¹ A Restricted Use Appraisal Report is for client use only. Advisory Opinion 11 (AO-11), *Uniform Standards of Professional Appraisal Practice, 2002 Edition*, The Appraisal Foundation, p. 146; *Uniform Standards of Professional Appraisal Practice and Advisory Opinions, 2006 Edition*, The Appraisal Foundation, p. 137. See also Standard Rule 2-2(c), *Uniform Standards of Professional Appraisal Practice, 2002 Edition*, The Appraisal Foundation, p. 27; and *Uniform Standards of Professional Appraisal Practice and Advisory Opinions, 2006 Edition*, The Appraisal Foundation, p. 28, explaining that a Restricted Use Appraisal is for client use only.

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 20, 2012



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.