



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

APPELLANT: Mr. James Annes
DOCKET NO.: 07-26912.001-C-1 through 07-26912.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Mr. James Annes, the appellant(s), by attorney Robert J. Paul 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
07-26912.001-C-1	04-33-406-016-0000	40,772	99,241	\$140,013
07-26912.002-C-1	04-33-406-035-0000	11,796	191	\$11,987

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 17,671 square feet of land that is improved with a one-story, 47 year old and part 30 year old, masonry, gas station with 2,578 square feet of building area. The subject also includes three overhead doors, 13 foot ceilings, two baths, and two in-ground hydraulic lifts. 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 undertaken by Robert P. Litz and John J. Moody of Midwest Appraisal Group, LLC. The report states that Mr. Moody is a licensed State of Illinois Certified General Real Estate Appraisers, while Mr. Litz is licensed as a State of Illinois Residential Real Estate Appraiser. The appraisers stated that the subject had an estimated market value of \$400,000 as of January 1, 2007. The appraisal report utilized the cost approach to value, and the sales comparison approach to value to estimate the market value for the subject property. The appraisal states that Mr. Litz personally inspected the subject, and that the subject's highest and best use as improved is its current use.

Under the cost approach to value, the appraisers estimated the subject's land value to be \$175,000 based on discussions with local realtors. The improvement's replacement cost was estimated

to be \$283,709 using the Marshall and Swift Cost Manual. The appraisers then deducted 60.00% from the replacement cost to account for depreciation of the improvement. The appraisers also found that the subject contained \$77,278 worth of site improvements. The appraisers then added the estimated land value, the site improvements, and the value of the depreciated replacement cost to arrive at a value under the cost approach to value of \$365,000, rounded.

Under the sales comparison approach, the appraisers analyzed the sales of six suggested comparables, which are described as one-story, masonry, gas stations that range in age from 11 to 39 years old, in building size from 600 to 6,914 square feet of building area, and in land size from 17,736 to 43,726 square feet of land area. All of the comparables have a mini mart, two have service bays, and two have a car wash. These sales comparables sold from January 2004 to November 2006 for prices ranging from \$425,500 to \$1,250,000, or from \$23.99 to \$30.62 per square foot of land, including building area. The appraisers adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraisers estimated a value for the subject under the sales comparison approach of \$435,000.

The income approach was not developed in the appraisal. The appraisers gave the cost approach primary consideration, and the sales comparison approach secondary consideration in valuing the subject. Thus, the appraisers concluded that the subject's appraised value was \$400,000 as of January 1, 2007. 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 \$192,999 was disclosed. The subject's final assessment yields a fair market value of \$507,892 when the 38% assessment level for class 5-23 property under the Cook County Classification of Real Property Ordinance is applied. In support of the subject's assessment, the board of review submitted raw sales data for 11 commercial properties. 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, each printout stated that "Information obtained from sources deemed reliable but not guaranteed."

The suggested comparables contained gas station buildings that range in age from 15 to 51 years old, in building size from 374 to 4,800 square feet of building area, and in land size from 15,300 to 21,823 square feet of land. However, the ages for Comparables #1, #6, and #11 were not disclosed, and the building sizes for Comparables #4, #8, and #11 were not disclosed. The properties sold from July 2003 to March 2005 in an unadjusted range from \$540,000 to \$1,600,000, or from \$28.93 to \$81.70 per square foot of land, including building area. The printouts also indicate that no real estate brokers were used in any of the

sales, except Comparable #7, where the purchaser used an in-house broker. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney, Robert Paul, and the Cook County Board of Review Analyst, Colin Brady, both 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 finds that 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 appraisers utilized the cost approach to value, and the sales comparison approach to value in determining the subject's market value. The Board finds this appraisal persuasive because the appraisers have 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.

Therefore, the Board finds the subject had a market value of \$400,000 for tax year 2007. Since market value has been determined, the Cook County Real Property Classification Ordinance as in effect for tax year 2007 shall apply. The subject is classified as a class 5-23 property. Therefore, the applicable assessment is 38% of the subject's fair market value, which equates to \$152,000. The subject's current total assessed value is higher than this value, and, therefore, the Board finds a reduction 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.



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: January 31, 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.