



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

APPELLANT: 2119 Clark, LLC
DOCKET NO.: 07-27004.001-C-1
PARCEL NO.: 14-33-206-013-0000

The parties of record before the Property Tax Appeal Board are 2119 Clark, LLC, the appellant, by attorney Anthony M. Farace of Amari & Locallo, Chicago, Illinois; 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: \$24,243
IMPR: \$92,126
TOTAL: \$116,369

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a three-story masonry constructed building with 4,422 square feet of building area. The building is approximately 99 years old. Features of the property include a partial unfinished basement, five units and a three-car detached garage. The property has a 2,928 square foot site and is located in Chicago, North Chicago Township, Cook County. The property is classified as a class 2-12 mixed use commercial/residential building under the Cook County Real Property Assessment Classification Ordinance.

The appellant marked on the appeal form assessment equity as the basis of the appeal. In support of this argument the appellant provided descriptions and assessment information on three comparables with the same classification code and neighborhood code as the subject property. The comparables were improved with three-story buildings of masonry construction that ranged in size from 4,434 to 6,225 square feet of building area. The buildings ranged in age from 86 to 121 years old. Two comparables had a full or partial unfinished basement and three to six units. One comparable had a detached one-car garage. Their improvement assessments ranged from \$45,711 to \$66,292 or from \$7.34 to \$13.73 per square foot of building area. Based on these

comparables the appellant requested the subject's improvement assessment be reduced to \$47,764 or \$10.80 per square foot of building area.

The appellant also submitted a narrative brief that was previously filed with the Cook County Board of Review. The brief included a capitalization worksheet using the subject's actual income for 2004 through 2006. The appellant also submitted information on five comparables sales that sold from January 2004 to February 2005 for prices ranging from \$400,000 to \$700,000 or from \$76.92 to \$106.06 per square foot of building area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of the subject totaling \$116,369 was disclosed. The subject had an improvement assessment of \$92,126 or \$20.83 per square foot of building area. In support of the assessment the board of review provided descriptions and assessment information on four comparables improved with three-story buildings of masonry construction that ranged in size from 3,912 to 4,497 square feet of building area. The buildings ranged in age from 66 to 135 years old. The properties had the same classification code and neighborhood code as the subject property. Each comparable had a partial unfinished basement, two comparables had central air conditioning and two had two-car garages. Their improvement assessments ranged from \$82,696 to \$116,831 or from \$20.83 to \$25.98 per square foot of building area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 assessment inequity as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data the Board finds a reduction is not warranted.

The record contains seven equity comparables submitted by the parties in support of their respective positions. The Property Tax Appeal Board finds the appellant's comparables #2 and #3 and the comparables submitted by the board of review were relatively similar to the subject in features and most similar to the subject in size. These comparables had improvement assessments ranging from \$56,576 to \$116,831 or from \$12.76 to \$25.98 per square foot of building area. The subject has an improvement assessment of \$92,126 or \$20.83 per square foot of building area,

which is within the range established by the best comparables in the record. Two of the comparables also had improvement assessments equivalent to the subject on a square foot basis. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject building was being inequitably assessed and no reduction in the assessment is justified.

The appellant's evidence also included a copy of a narrative brief that was filed with the Cook County Board of Review. This brief contained an income approach analysis prepared by the appellant's counsel and five sales identified by the appellant's counsel. The Board gives this documentation no weight. Section 16-180 of the Property Tax Code provides in part:

Each appeal shall be limited to the grounds listed in the petition filed with the Property Tax Appeal Board.

. . .

35 ILCS 200/16-180. In this appeal the appellant specifically marked on the appeal form that the appeal was based on assessment equity. There was no reference on the commercial appeal form that the appeal was based on a contention of law, an income approach to value or comparable sales. As a result the Board finds the appellant's appeal is limited to assessment equity and gives no weight to the purported market value evidence that was directed to the Cook County Board of Review.

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.

Ronald R. Cuit

Chairman

Frank J. Huff

Member

Mario M. Louie

Member

J.R.

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: November 30, 2012

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.