



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

APPELLANT: Healy
DOCKET NO.: 07-27479.001-I-1
PARCEL NO.: 03-07-204-009-0000

The parties of record before the Property Tax Appeal Board are Healy, the appellant(s), by attorney Arnold G. Siegel, of Siegel & Callahan, 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 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:

LAND: \$62,507
IMPR: \$221,893
TOTAL: \$284,400

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 40,855 square foot parcel of land improved with a 21-year old, one and part two-story, masonry, multi-tenant, industrial building. The appellant argued that the fair market value of the subject was not accurately reflected in its assessed value as the basis of the appeal.

In support of the market value argument, the appellant submitted an appraisal undertaken by Rufino Arroyo and George K. Stamas with Meridian Appraisal & Consulting Group, Ltd. The report indicates Arroyo and Stamas are State of Illinois certified general real estate appraisers. The appraisers indicated the subject has an estimated market value of \$790,000 as of January 1, 2007.

The appraisal report utilized the three traditional approaches to value to estimate the market value for the subject property. The subject was inspected on June 23, 2008. The appraisal describes the subject as containing 16,538 square feet of building area and finds the subject's highest and best use is its current use.

Under the cost approach to value, the appraiser analyzed the sale of four properties to arrive at an estimate of value for the land at \$5.00 per square foot or \$205,000, rounded. The replacement cost new was utilized to determine a cost for the improvement at \$909,758 and site improvements at \$41,160 for a total replacement cost of \$909,758. The appraisers estimated depreciation at 35% for a value of \$591,343. The land value was added back in to establish a value under the cost approach of \$795,000, rounded.

In the income approach to value, the appraisers analyzed the rents of five properties to estimate potential gross income at \$16.00 per square foot or \$222,720. Vacancy and collection were estimated at 10% for an effective gross income of \$200,448. Expenses were estimated at \$61,345 to arrive at a net operating income of \$139,103. The appraisers analyzed surveys and used the band of investment method to determine the capitalization rate of 9.5% which was loaded to 17.56% to estimate a value under the income approach of \$790,000, rounded.

Under the sales comparison approach, the appraisers analyzed the sales of five one or two-story, masonry industrial buildings located within the subject's market. The properties range in age from 21 to 41 years and in size from 15,000 to 27,200 square feet of building area. The comparables sold from March 2005 to March 2007 for prices ranging from \$690,000 to \$1,300,000, or from \$45.02 to \$47.79 per square foot of building area, including land. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach of \$47.50 per square foot of building area or \$785,000, rounded.

In reconciling the three approaches to value, the appraisal gave most weight to the income approach and secondary weight to the sales comparison to arrive at a final estimate of value for the subject as of January 1, 2007 of \$790,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$362,362 was disclosed. The subject's final assessment reflects a fair market value of \$1,006,560 when the Cook County Real Property Assessment Classification Ordinance level of assessment of 36% for Class 5b property is applied.

In support of the assessment the board of review submitted information on five comparables sales. The comparables were improved with industrial buildings that ranged in size from 14,400 to 17,667 square feet of building area. These properties sold from May 1999 to October 2004 for prices ranging from \$300,000 to \$1,150,000 or from \$18.75 to \$67.20 per square foot of building area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment. The board of review also included information on the sale of the subject property in 2000 for \$800,000.

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 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 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd 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 PTAB concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the appellant's appraisal. The appellant's appraisers utilized the three traditional approaches to value in determining the subject's market value. The PTAB finds this appraisal to be persuasive for the appraisers: have experience in appraising; personally inspected the subject property and reviewed the property's history; estimated a highest and best use for the subject property; utilized appropriate market data in undertaking the approaches to value; and lastly, used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary. The PTAB gives less weight to the board of review's evidence as the documentation is raw sales data and the sale of the subject is too far removed from the lien date to reflect a market value.

Therefore, the PTAB finds that the subject property had a market value of \$790,000 for the 2007 assessment year. Since the market value of the subject has been established, the Cook County Real Property Assessment Classification Ordinance level of assessment of 36% for Class 5b property will apply. In applying this level of assessment to the subject, the total assessed value is \$284,400 while the subject's current total assessed value is above this amount. Therefore, the PTAB finds that 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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

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.