



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

APPELLANT: Harvestime Foods
DOCKET NO.: 07-28518.001-C-1 through 07-28518.004-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Harvestime Foods, the appellant, by attorney Edward Larkin, of Larkin & Larkin in Park Ridge; 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
07-28518.001-C-1	13-12-423-013-0000	34,844	134,206	\$ 169,050
07-28518.002-C-1	13-12-424-009-0000	49,875	2,470	\$ 52,345
07-28518.003-C-1	13-12-423-018-0000	24,937	122,187	\$ 147,124
07-28518.004-C-1	13-12-423-019-0000	24,937	75,931	\$ 100,868

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 33,734 square feet of land on four parcels which is improved with an eight year old, one-story, masonry, commercial retail building used as a grocery store. The subject's improvement size is 20,500 square feet of building area according to the appraiser, which equates to an improvement assessment of \$16.33 per square foot of building area. Its total assessment is \$469,387 which yields a fair market value of \$1,235,229, or \$60.26 per square foot of building area (including land), after applying the 38% assessment level for commercial properties under the 2007 Cook County Classification of Real Property Ordinance. The appellant, via counsel, argued that there was unequal treatment in the assessment process of the subject's improvement, and also that the fair market value of the subject property was not accurately reflected in its assessed value as the bases of this appeal.

In support of the equity argument, the appellant submitted descriptive and assessment information for three properties suggested as comparable to the subject. The comparables are described as one-story, masonry, commercial retail buildings. Additionally, the comparables range: in age from 81 to 82 years;

in size from 5,462 to 14,554 square feet of building area; and in improvement assessments from \$9.98 to \$11.21 per square foot of building area. The data submitted by the appellant from the Cook County Assessor's database reflects that the assessed values as indicated on the grid sheet are partial assessments.

In support of the market value argument, the appellant submitted a commercial appraisal report for the subject property with an effective date of January 1, 2006. The appraiser estimated a fair market value for the subject of \$850,000 based on the cost, income, and sales comparison approaches to value. The appraiser also conducted an inspection of the subject. In the sales comparison approach, the appraiser evaluated three sales suggested as comparable to the subject, each occurring in the years 2002, 2003 and 2005. They ranged in price from \$50.87 to \$79.11 per square foot, including land. 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 \$469,387 was disclosed. In support of the subject's assessment, the board of review submitted a property record card for the subject, and raw sales data for seven commercial buildings located within eight miles of the subject. The sales data was collected from the CoStar Comps service, and the CoStar Comps sheets state that the research was licensed to the Cook County 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 states 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 comparables are described as one-story, masonry, commercial buildings. Additionally, the comparables range in age from 2 to 93 years and in improvement size from 6,496 to 23,500 square feet of building area. The comparables sold between June 1995 and February 2008 for \$1,951,570 to \$7,250,000, or \$121.01 to \$329.55 per square foot of building area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the board of review's representative, Lena Henderson, noted that the appraiser's comparables ranged in price from \$50.87 to \$79.11 per square foot, including land, yet the appraiser valued the subject well below this range at \$41.50 per square foot. The appellant's attorney argued that the appraiser holds an MAI designation and is qualified to make appropriate adjustments. The appraiser was not present to testify, however.

After reviewing the record, considering the evidence, and hearing the testimony, 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 the evidence indicates a reduction is not warranted based on market value.

In determining the fair market value of the subject property, the Board finds that several of the comparables' sale dates in the appellant's appraisal are too far removed from the lien date to accurately reflect the subject's market value as of January 1, 2007. Two sales occurred in 2002 and 2003, while the third sale occurred in July 2005. Additionally, the appraiser valued the subject well below the values indicated by the sale comparables and he was not present at the hearing to testify about his adjustments. As the appraiser indicated that the sales comparison approach was given the maximum emphasis in his final analysis, the Board does not find this appraisal to be reliable in establishing a market value for the subject as of January 1, 2007.

Accordingly, in determining the fair market value of the subject property, the Board finds that the appellant failed to submit sufficient evidence to show the subject was overvalued. Therefore, the Board finds that the appellant has not met its burden by a preponderance of the evidence and that the subject does not warrant a reduction based upon the market data submitted into evidence.

The appellant also contends unequal treatment in the subject's improvement assessment as the basis of this appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Walsh v. Prop. Tax Appeal Bd., 181 Ill. 2d 228, 234 (1998) (citing Kankakee Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 131 Ill. 2d 1 (1989)); 86 Ill. Admin. Code § 1910.63(e). To succeed in an appeal based on lack of uniformity, the appellant must submit documentation "showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d 139, 145 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(b). "[T]he critical consideration is not the number of allegedly

similar properties, but whether they are in fact 'comparable' to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d at 145 (citing DuPage Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 284 Ill. App. 3d 649, 654-55 (2d Dist. 1996)). After an analysis of the assessment data, the Board finds that the appellant has not met this burden.

The Board finds that none of the comparables submitted by the appellant were similar to the subject in improvement size. Additionally, the appellant's evidence reflects that the assessments as indicated on the grid sheet are partial assessments. As such, the Board finds that the appellant has not met the burden of clear and convincing evidence, as there is no range of equity comparables with which to compare the subject. Therefore, the Board finds the subject's improvement assessment is equitable and a reduction in the subject's assessment is not 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: July 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.