



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

APPELLANT: 1317 Moorman & Paul Moor, LLC  
DOCKET NO.: 07-29186.001-C-1 through 07-29186.002-C-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are 1317 Moorman & Paul Moor, LLC, the appellant(s), by attorney David C. Dunkin, of Arnstein & Lehr 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
07-29186.001-C-1	17-06-231-021-0000	8,075	440	\$ 8,515
07-29186.002-C-1	17-06-231-022-0000	17,297	59,983	\$ 77,280

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject contains two parcels. The first parcel, identified by Permanent Index Number 17-06-231-021-000, is a parking area. The assessment of this parcel is \$8,515. This assessment has a market value of \$22,408, after applying the 38% assessment level for commercial properties under the 2007 Cook County Classification of Real Property Ordinance. The second parcel, identified by Permanent Index Number 17-06-231-022-0000, is a newly constructed four story, masonry, mixed-use building. The subject has one commercial space on the first floor and six residential units on the upper floors. The assessment for this parcel is comprised of two land assessments and two building assessments for the commercial and residential portions of the subject. In addition, each part of the improvement assessment has an occupancy factor applied to it.

The improvement assessment for the commercial first floor of the subject building is \$21,239. This assessment has an occupancy factor of 16.40% applied to it. At 100% occupancy, this part of the subject would have a market value of \$340,806, after

applying the 38% assessment level for commercial properties under the 2007 Cook County Classification of Real Property Ordinance. The improvement assessment for the residential part of the subject is \$38,744. This assessment has a 10% occupancy factor applied to it. At 100% occupancy, this assessment yields a fair market value of \$3,858,964, using the Illinois Department of Revenue's 2007 three year median level of assessment for class 2 property of 10.04%. The subject's land assessment for Permanent Index Number 17-06-231-022-0000 is also split into two assessments: one for the commercial portion and one for the residential portion. When combined, the market value of the land is \$125,056. When all of the market values are added together, the subject's full market value of both parcels at 100% occupancy would be \$4,347,234.

The appellant, via counsel, argued that the subject should be classified as vacant land and assessed at 22% of its fair market value. In support of this claim, the appellant submitted a brief, a photo of the subject property under construction, a copy of the Cook County Real Property Classification Ordinance, and a Sidwell map. The appellant's attorney requested that the Board utilize the assessor's current market value of the land of \$1.70 per square foot and apply the assessment ratio for vacant land of 22% for a total requested assessment of \$14,694.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal," wherein the subject's final assessment of \$85,795 was disclosed. In support of the subject's assessment, the board of review submitted a property record card for the subject that indicated the subject's assessment reflected the above-mentioned occupancy factors. The board of review also submitted a copy of a deed for subject parcel 17-06-231-021-0000 and a PTAX-203 form for 17-06-231-022-0000. These documents indicate the subject was purchased, as a parking lot, in November 2005 for \$775,000. Additionally, the board of review submitted a copy of the subject's property record card that indicated the assessor's office performed a field check of the subject property on September 12, 2007 and that the estimated date of completion for the subject was November 1, 2007. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney stated that he was not contesting the assessment of the subject parking area identified by Permanent Index Number 17-06-231-021-0000 as the assessment was already low at \$8,515. The appellant's attorney stated he was focusing solely on the parcel that contains the subject

building, identified by Permanent Index Number 17-06-231-022-0000. The appellant submitted additional photos of the subject and an October 2006 City of Chicago Building Department Permit. Attached to the building permit was a detailed list of the City of Chicago's inspections of the subject property. The board of review's representative did not object to the submission of these documents. The documents were admitted into evidence as they were for the purposes of clarification of evidence already in the record.

The appellant's attorney presented a witness, Steve Lipe, manager of the developer's LLC. He testified regarding the subject's recent construction and occupancy. Mr. Lipe stated that the excavation of the subject property began in 2006 and that the above ground work on the subject property was completed in 2007. In addition, Mr. Lipe stated that the subject was first inhabitable in 2008 and that the first sale in the subject occurred in March 2008. The board of review's representative rested on the previously submitted evidence. Upon questioning from the administrative law judge, the board of review's representative indicated that the subject's assessment reflected occupancy factors.

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.

The Board notes that at hearing, the appellant's attorney stated that he was not contesting the assessment on Permanent Index Number 17-06-231-021-0000; however, the appellant listed this parcel on his appeal form and submitted a brief and evidence requesting a reduction for this parcel. Pursuant to 35 ILCS 200/16-185, the Board shall make a decision in each appeal or case appealed to it... As the appellant appealed the assessments of each of the subject parcels, the Board will issue a decision regarding both parcels.

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.

Section 9-180 of the Property Tax Code states in pertinent part, "The owner of a property on January 1 also shall be liable, on a proportionate basis, for the increased taxes occasioned by the construction of new or added buildings, structures, or other improvements on the property from the date when the occupancy permit was issued or from the date the new or added improvement was inhabitable or fit for occupancy or for intended customary use to December 31 of that year." (35 ILCS 200/9-180)

In the case of Long Grove Manor v. Property Tax Appeal Board, 301 Ill.App.3d 654 the court held that an assessor may value any partially completed improvement to the extent that it adds value to the property. This case was analyzed in Brazas v. Property Tax Appeal Board, wherein the court allowed an assessor to value any partially completed improvement to the extent it adds value to the property regardless of whether the improvement is substantially complete. (309 Ill.App.3d 520)

In the case at hand, the appellant testified that that the above ground work on the subject property was completed in 2007. In addition, the appellant's detailed building permit indicates that the subject was approved for drywall in October 2007. The board of review submitted the subject's property record card that indicated the subject's estimated completion date was November 1, 2007. The appellant's witness testified that the subject was first occupied in March 2008. Based on all of these factors, the Board finds that the subject was a partially completed improvement that added value to the property, and that pursuant to Brazas, the assessor was allowed to partially value the improvement. Id. The Board notes that subject's property record card indicates that the subject improvement assessment reflects a partial value. The record card shows that a 10% occupancy factor was applied to the residential portion of the building and that a 16.4% occupancy factor was applied to the commercial portion of the subject's improvement assessment.

The Board notes that appellant did not present evidence as to the market value of either of the subject parcels. Nor did the appellant submit evidence to show that vacant land should be

assessed at the same price per square foot as it would be for land for a mixed-use property.

The Board notes that if it were to apply the appellant's suggested assessment ratio of 22% to the subject's recent purchase in November 2005 for \$775,000, the resulting assessment would be \$170,500, which is substantially higher than the subject's current assessment.

Therefore, the Property Tax Appeal Board finds that the appellant has not met his burden of proving by a preponderance of the evidence that the subject's assessment as established by the board of review is incorrect. The Property Tax Appeal Board finds no 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.



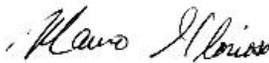
Chairman



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: March 21, 2014



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.