



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

APPELLANT: ANR Petroleum Inc.
DOCKET NO.: 07-29312.001-C-1
PARCEL NO.: 04-07-200-033-0000

The parties of record before the Property Tax Appeal Board are ANR Petroleum Inc., the appellant, by attorney Michael D. Gertner, of Michael D. Gertner, Ltd. 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: \$ 78,477
IMPR.: \$ 92,523
TOTAL: \$ 171,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 25,815 square foot parcel of land improved with a 22-year old, one-story, masonry, commercial building used as a mini-mart and gasoline service station. The improvement contains 494 square feet of building area with an additional 804 square feet of bay automated car wash area.

The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted an appraisal report of the subject property with an effective date of January 1, 2007. The appraisers estimated a market value for the subject of \$450,000, based upon development of the sales comparison approach to value. The appraisers inspected

the subject on October 16, 2007. They developed a highest and best use as vacant, for commercial development, while the highest and best use as improved was its current use.

As to the subject, the appraisal indicated that the subject was purchased on October 24, 2006 for a price of \$1,176,000 via quit claim deed without a separate allocation for business equipment, ongoing concern, or inventory. Therefore, the appraisal stated that the sale was discounted due to this failure to allocated real estate versus personalty.

Next, the appraisal developed a sales comparison approach using five sale comparables. The properties sold from March, 2004, to January, 2007, and ranged in building size from 2,215 to 4,488 square feet of building area. After making adjustments to the comparables, the appraisal stated a market value for the subject of \$450,000. Based upon this evidence, the appellant requested a reduction in market value.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$222,720. The subject's assessment reflects a market value of \$586,105 using the Cook County Ordinance level of assessment for commercial class 5A property of 38%.

In support of the subject's market value, raw sales data was submitted for 9 properties via Costar Comps printouts. The data from the CoStar Comps service sheets reflect that the research was licensed to the assessor's office, but failed to indicate that there was any verification of the information or sources of data. The properties were identified as gas station/grocery market facilities. They sold from January, 2003, to November, 2005, for unadjusted sale prices that ranged from \$198.68 to \$2,420.00 per square foot.

In addition, the board of review submitted a grid analysis with hand written notations thereon. At hearing, the board's representative testified that these notations were most likely made by a prior member of the board of review's staff, while indicating that this grid was a tracking system for uniform assessment. As a result of its analysis, the board requested confirmation of the subject's assessment.

In rebuttal at hearing, the appellant's attorney asserted that the board's grid was for uniformity only and failed to explain when the data thereon was obtained.

After considering the arguments and/or testimony as well as reviewing 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, 331Ill.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 Board concludes that the appellant has met this burden and that a reduction is warranted.

The Board finds the best evidence of the subject's market value to be the appellant's appraisal, which utilized one of the three traditional approaches to value in developing the subject's market value. The Board also finds the appraisal to be persuasive for the appraisers: have experience in appraising and assessing property; personally inspected the subject property; estimated a highest and best use for the property; and utilized market data in undertaking the sales comparison approach to value, while making adjustments to the comparables where necessary.

In contrast, the Board finds that the board of review submitted raw, unadjusted sales data, while not warranting the accuracy or reliability of this data.

Therefore, the Board finds that the subject property contained a market value of \$450,000. Since the market value of the subject has been established, the Cook County Ordinance level of assessment for Class 5A, commercial property of 38% will apply. Therefore, the Board 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.

Ronald R. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Mario M. Lino

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: March 21, 2014

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.