



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

APPELLANT: Popeyes #2812
DOCKET NO.: 07-29796.001-C-1
PARCEL NO.: 25-03-327-045-0000

The parties of record before the Property Tax Appeal Board are Popeyes #2812, the appellant(s), by attorney Brian P. Liston, of Law Offices of Liston & Tsantilis, 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 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: \$27,075
IMPR: \$133,197
TOTAL: \$160,272

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property a 14,250 square foot parcel of land improved with a 21-year old, one-story, commercial, restaurant building. The appellant, via counsel, argued that the fair market value of the subject was not accurately reflected in its assessed value.

In support of the market value argument, the appellant submitted sales information and limited descriptions on a total of five properties suggested as comparable to the subject. The data in its entirety reflects that the properties are improved with one-story, masonry, retail, commercial buildings. The properties range in age from 10 to 94 years and contain between 1,728 and 4,840 square feet of building area. The properties sold from April 2004 to November 2005 for prices ranging from \$205,000 to \$620,000 or from \$116.28 to \$139.53 per square foot of building area. The appellant lists the subject as containing 2,470 square feet of building area without further information. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's assessment of \$160,272 was disclosed. The subject's final assessment reflects a fair market value of \$421,768 when the Cook County Ordinance level of assessment for Class 5a property of 38% is applied. The board also submitted copies of the property record card for the subject as well as raw sales data on seven properties. The property record card indicates the subject was inspected in 1987 and a diagram indicates the subject contains 2,481 square feet of building area. The comparables are described as one-story, commercial, restaurant buildings. The properties range in size from 2,033 to 3,000 square feet of building area. The sales occurred from February 2003 to June 2009 for prices ranging from \$425,000 to \$1,525,000 or from \$155.17 to \$750.12 per square foot of building area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

As to the subject's size, the PTAB finds the best evidence of the subject's size to be the property record card submitted by the board of review. This evidence shows an individual inspected the subject property, drew a diagram of the building and based the subject's size on the exterior measurements of the building. Therefore, the PTAB finds the subject contains 2,481 square feet of building area which reflects a market value of \$170.00 per square foot of building area.

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 PTAB concludes that the evidence indicates a reduction is not warranted.

The parties presented sales data on a total of 12 comparables. The PTAB finds the board of review's comparables #1, #2, #3, and #6 and the appellant's comparables similar to the subject and have sales dates reflective of the 2007 lien date. The properties are improved with one-story, commercial buildings. They range in size from 1,728 to 4,840 square feet of building area. The sales occurred from April 2004 to September 2008 for prices ranging from \$205,000 to \$1,525,000 or from \$116.28 to \$750.12 per square foot of building area. In comparison, the subject's assessment reflects a market value of \$170.00 per square foot of building area which is within the range and at the lower end of comparables.

After considering adjustments and the differences in the comparables when compared to the subject, the PTAB finds the subject's per square foot assessment is supported 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.

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: January 31, 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.