



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

APPELLANT: Nancy Mitros  
DOCKET NO.: 07-30344.001-I-1 through 07-30344.002-I-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Nancy Mitros, the appellant, 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 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
07-30344.001-I-1	30-19-422-008-0000	113,144	327,727	\$440,871
07-30344.002-I-1	30-19-400-006-0000	44,130	0	\$44,130

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of two land parcels reflecting 273,414 square feet of land. One parcel is classified as vacant land, while the second parcel is improved with a 36-year old, one-story, industrial building.

The appellant raised three arguments: that the subject's improvement size was incorrect; that the subject's improvement is inequitably assessed; and that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of this appeal.

As to the subject's improvement size, the appellant's grid asserted that the subject contained 65,612 square feet of building area without further explanation.

In support of the equity argument, the appellant submitted a grid analysis with assessment and descriptive data on three suggested comparables. These properties are located from one block to eight blocks distance from the subject and are improved with a one-story, industrial building. They range in: land size from

53,579 to 133,785 square feet; land-to-building ratio from 2.98:1 to 6.66:1; in improvement size from 8,540 to 44,934 square feet of building area; in building age from 37 to 42 years; and in improvement assessments from \$2.23 to \$4.27 per square foot of building area. In comparison, the subject's improvement assessment is \$4.99 per square foot of building area using 65,612 square feet of building area.

In support of the overvaluation argument, the appellant asserts that the subject suffers from vacancy. In support, the appellant submitted two affidavits, several black and white photographs, and an actual 2007 income and expense statement. The affidavit states that the subject suffers from a 40% vacancy during 2007 with attempts to lease that portion of the building. The photographs reflect four interior and two exterior views of the improvement. Based upon this analysis, 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 total assessment for both parcels was \$494,998 which reflects a market value of \$1,453,000 or \$22.30 per square foot employing 65,160 square feet and using the Cook County Ordinance Level of Assessment for Class 5B, industrial property and class 1 property, or vacant land as determined by the county assessor. However, the notes also indicate that a reduction was accorded at the board of review level appeal to a total assessment of \$485,001. This reduction resulted in an improvement assessment of \$327,727 or \$5.03 per square foot using 65,160 square feet of building area.

In support of the subject's building size, the board submitted copies of the subject's property record cards along with a cover memorandum. The memorandum stated that the subject contained an improvement size of 65,160 square feet, which was reflected on the property record cards. In addition, the board's memorandum asserted that in 2007 the subject's second parcel was incorrectly assessed as vacant land which was altered in 2008 to reflect industrial land with the subject improvement's assessment prorated over both land parcels.

In support of the subject's market value, raw sales data was submitted for four properties with either an industrial/warehouse or industrial/manufacturing designation. 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 sold from December, 2003, to December, 2008, in an unadjusted range from \$10.96 to \$94.41 per square foot of building area. The properties contained one-story, masonry buildings that ranged in size from 29,131 to 51,902 square feet. The printouts reflect that properties #1 through #4 were multi-property sales which included the business.

Moreover, the board of review's memorandum stated that the data was not intended to be an appraisal or an estimate of value and

should not be construed as such. The memorandum indicated that the information provided therein had been collected from various sources that were assumed to be factual and reliable; however, it further indicated that the writer hereto had not verified the information or sources and did not warrant its accuracy. As a result of its analysis, the board requested confirmation of the subject's assessment.

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

The Board finds the best evidence of the subject's size to be the board of review's evidence which included property record cards for the subject. The Board finds based upon this evidence that the subject's improvement contains 65,160 square feet of building area.

Next, the appellant contends unequal treatment in the subject's improvement assessment as the basis of the 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. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the data, the Board finds that the appellant has not met this burden.

Upon due consideration of the evidence, the Board finds that the appellant's comparables are similar to the subject, but to varying degrees. In analysis, the Board accorded most weight to comparables #1 and #2, while all three comparables range in improvement assessments from \$2.23 to \$4.27 per square foot of building area. Comparables #1 and #2 range in improvement assessments from \$3.73 to \$4.27 per square foot; in land size from 53,579 to 71,000 square feet; and in improvement size from 8,540 to 10,664 square feet of building area. While no adjustments are necessary to the comparables' location or improvement age, the Board finds that adjustments are necessary for land size and improvement size. After marking adjustments to these comparables, the Board finds that the subject's improvement assessment of \$5.03 per square foot is within the adjusted range established by these comparables.

Therefore, the Board finds that the appellant has not demonstrated that the subject is inequitably assessed and that a reduction in the subject's assessment is not warranted.

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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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 not met this burden and that a reduction is not warranted.

The Board finds the appellant's argument that the subject's assessment is excessive due to a partial vacancy is unconvincing. In Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970), the court stated:

it is the value of the "tract or lot of real property" property which is assessed, rather than the value of the interest presently held. . . [R]ental income may of course be a relevant factor. However, it cannot be the controlling factor, particularly where it is admittedly misleading as to the fair cash value of the property involved. . . [E]arning capacity is properly regarded as the most significant element in arriving at "fair cash value". . . Many factors may prevent a property owner from realizing an income from property, which accurately reflects its true earning capacity; but it is the capacity for earning income, rather than the income actually derived, which reflects "fair cash value" for taxation purposes." Springfield Marine Bank v. Property Tax Appeal Board 44 Ill.2d 428 at 430-431.

The appellant did not demonstrate that the subject's vacancy diminished its market value, while failing to submit any probative evidence reflective of the market in respect to this issue. In contrast, the Board notes that the only market data submitted was the sale properties by the board of review which established an unadjusted range from \$10.96 to \$94.41 per square foot. The subject's assessment reflects a market value of \$22.30 which is at the low end of this established range. Therefore, the Board gives this argument no weight. Thereby, the Board finds that no reduction is warranted to this subject property.

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

*Marko M. Louie*

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: July 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.