



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

APPELLANT: 325 Union LLC
DOCKET NO.: 07-30397.001-R-1
PARCEL NO.: 17-09-301-004-0000

The parties of record before the Property Tax Appeal Board are 325 Union LLC, the appellant(s), by attorney Patrick J. Cullerton, of Thompson Coburn LLP 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: \$151,717
IMPR.: \$260,962
TOTAL: \$412,679

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of new develop condominium buildings Two of the buildings were partially complete in 2007. Building C contains 53 residential units and Building B contains 56 residential units. There are also 161 separately deeded garage units and four motorcycle parking units. The appellant, via counsel, argued that the market value of the subject property is not accurately reflected in its assessed value.

In support of this overvaluation argument the appellant submitted a brief asserting that 30 units within Building C. These units sold from September 2007 to December 2007 for prices ranging from \$187,684 to \$378,625. Seventeen of the units in Building B sold from October to December 2007 for prices ranging from \$240,802 to \$307,356. The appellant acknowledges that the subject receives a 12% occupancy factor, but argues that the subject should receive an occupancy factor of 10% based on a review of the units that are unoccupied. The appellant also included a copy of an affidavit from the appellant's agent indicating the subject was under construction in 2006 and only 27 units have closed in 2007;

copies of the settlement statements were included. Based on this evidence the appellant requested the improvement assessments be reduced.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$412,679 was disclosed. This assessment reflects a market value of \$4,110,349 using the Illinois Department of Revenue's 2007 three year median level of assessment for class 2 property of 10.04%.

In support of the subject's assessment, the board of review also submitted a memo from Matt Panush, Cook County Board of Review Analyst. The memorandum indicates the subject is classified as a special residential improvement which is applied to condominium buildings the first year of construction before division into individual units. The memo asserts the best way to value the improvements is by using the sale to determine an average sale price and value the building as whole if fully occupied. If the building is not fully occupied, the board of review will then determine a weighted occupancy factor and apply this to the improvement. If no sales have occurred, the board of review will apply a 10% occupancy factor. The board of review also submitted a copy of the appellant's evidence listing the sales within the two buildings. Handwritten notations on this document indicate a weighted average of 12.4%. As a result of its analysis, the board requested confirmation of the subject's assessment.

After reviewing the record and considering 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, 331 Ill.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.

Section 9-160 of the Property Tax Code provides:

On or before June 1 in each year other than the general assessment year * * * the assessor shall list and assess all property which becomes taxable and which is not upon the general assessment, and also make and return a list of all new or added buildings, structures or other improvements of any kind, the value of which had not been previously added to or included in the valuation of the property on which such improvements

have been made, specifying the property on which each of the improvements has been made, the kind of improvement and the value which, in his or her opinion, has been added to the property by the improvements. The assessment shall also include or exclude, on a proportionate basis in accordance with the provisions of Section 9-180, all new or added buildings, structures or other improvements, the value of which was not included in the valuation of the property for that year, and all improvements which were destroyed or removed. 35 ILCS 200/9-160.

The PTAB finds that the appellant began the process of constructing the condominium development in 2006 and acknowledged that this property was partially complete in 2007. The appellant submitted evidence to show that units within the buildings began selling in September 2007. The PTAB finds that the subject was substantially complete by September 2007.

The courts have found that a token assessment to the extent that the improvement adds value can be applied when the improvement is substantially completed. Long Grove Manor v. Property Tax Appeal Bd., 301 Ill.App.3d 654, 704 N.E.2d 872 (2d Dist. 1998). The courts have rejected the argument that a property that is not "under roof" cannot be taxed. Id. at 302.

In this matter, the PTAB finds the appellant submitted closing statements showing the subject property was under roof and substantially complete as established in Long Grove Manner. The PTAB further finds that the board of review's evidence shows that the subject's market value was determined based on the sales within the subject's buildings and a weighted occupancy factor was applied to the total value base don't he number of vacant units within the building. Therefore, the PTAB finds that the appellant failed to show by a preponderance of the evidence that the board of review has incorrectly assessed the subject property and a reduction 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

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: June 21, 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.