



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

APPELLANT: 16th & Halsted, LLC
DOCKET NO.: 07-30498.001-C-1 through 07-30498.031-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are 16th & Halsted, LLC, the appellant(s), by attorney Richard J. Caldarazzo, of Mar Cal Law, 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
07-30498.001-C-1	17-20-406-046-1001	637	24,855	\$25,492
07-30498.002-C-1	17-20-406-046-1002	769	8,609	\$9,378
07-30498.003-C-1	17-20-406-046-1003	800	23,367	\$24,167
07-30498.004-C-1	17-20-406-046-1004	591	23,055	\$23,646
07-30498.005-C-1	17-20-406-046-1005	633	24,684	\$25,317
07-30498.006-C-1	17-20-406-046-1006	637	18,815	\$19,452
07-30498.007-C-1	17-20-406-046-1007	677	26,398	\$27,075
07-30498.008-C-1	17-20-406-046-1008	655	25,541	\$26,196
07-30498.009-C-1	17-20-406-046-1009	644	25,112	\$25,756
07-30498.010-C-1	17-20-406-046-1010	846	32,997	\$33,843
07-30498.011-C-1	17-20-406-046-1011	822	32,055	\$32,877
07-30498.012-C-1	17-20-406-046-1012	622	24,255	\$24,877
07-30498.013-C-1	17-20-406-046-1013	648	11,630	\$12,278
07-30498.014-C-1	17-20-406-046-1014	655	25,541	\$26,196
07-30498.015-C-1	17-20-406-046-1015	659	25,712	\$26,371
07-30498.016-C-1	17-20-406-046-1016	659	25,712	\$26,371
07-30498.017-C-1	17-20-406-046-1017	659	25,429	\$26,088
07-30498.018-C-1	17-20-406-046-1018	864	33,683	\$34,547
07-30498.019-C-1	17-20-406-046-1019	796	31,026	\$31,822
07-30498.020-C-1	17-20-406-046-1020	640	11,273	\$11,913
07-30498.021-C-1	17-20-406-046-1021	666	23,710	\$24,376
07-30498.022-C-1	17-20-406-046-1022	670	26,141	\$26,811
07-30498.023-C-1	17-20-406-046-1023	677	6,916	\$7,593
07-30498.024-C-1	17-20-406-046-1024	675	26,312	\$26,987

07-30498.025-C-1	17-20-406-046-1025	1,004	39,168	\$40,172
07-30498.026-C-1	17-20-406-046-1026	1,062	41,397	\$42,459
07-30498.027-C-1	17-20-406-046-1027	844	20,635	\$21,479
07-30498.028-C-1	17-20-406-046-1028	802	31,033	\$31,835
07-30498.029-C-1	17-20-406-046-1029	912	10,208	\$11,120
07-30498.030-C-1	17-20-406-046-1030	893	745	\$1,638
07-30498.031-C-1	17-20-406-046-1031	893	745	\$1,638

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 25,574 square foot parcel of land improved with a new, 31 unit, mixed-use condominium building. Two of the units (17-20-406-046-1030 and -1031 are commercial units and the rest of the units are residential. The appellant argued that the subject's market value is not accurately reflected in its assessment and that two units are entitled to vacancy relief as the bases of this appeal. The Board notes that the appellant filed an appeal with regard to all of the Permanent Index Numbers listed above; however, the appellant submitted a brief and evidence for three of the Permanent Index Numbers: 17-20-406-046-1022, 1026, and -1028.

In support of the market value argument, the appellant submitted a Cook County Recorder of Deeds printout for Permanent Index Numbers ("PINs") 17-20-406-046-1022, -1026, and -1028. The printout for -102 2 shows that the condominium declaration was recorded in 2006. The printout for PIN -1026 shows that a warranty deed was recorded on February 4, 2008 and that the grantor was 16th and Halsted LLC and the grantee was JJRJONAS VYTAS. No other evidence regarding this sale was provided. The third Recorder of Deeds printout indicates a warranty deed in the amount of \$294,000 was recorded for PIN -1028 in January of 2007. The grantor was 16th and Halsted LLC and the grantee was Julie Muczynski. No other evidence regarding this sale was provided. 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 total assessment was \$729,770. The assessment for the residential portion of the building is \$726,494. This assessment reflects a market value of \$7,235,996 based upon the application of the Illinois Department of Revenue's three-year median level of assessment for tax year 2007 of 10.04%. The assessment for each of the commercial units

is \$1,638, or a total of \$3,276. This assessment reflects a market value of \$8,621 based on the application of a 38% assessment ratio for the commercial property pursuant to the Cook County Real Property Assessment Classification Ordinance for class 5a property.

In support of the subject commercial units' assessments, the board of review submitted a memorandum. The memorandum states that the assessment for the commercial unit was the result of a transposition error and that the assessment for the commercial units should have been \$99,152, or a market value of \$260,000. In addition, the board of review submitted a Recorder of Deeds printout that indicates a mortgage for these two units in the amount of \$516,000 was recorded in January 2007. In addition, the board of review submitted market sales data. The suggested comparable sales indicate a range of sale prices from \$296,900 to \$1,275,000. The board noted that these sales were not adjusted for market conditions such as time, location, age, size, land to building ratio, parking, zoning, or other related factors. Additionally, the board of review submitted a Marshall and Swift cost analysis for the commercial units. The indicated depreciated cost for each unit is \$119,825. As a result of its analysis, the board requested an increase in the assessment of these two units' assessments.

In support of the residential units' assessments, the board of review submitted a memorandum that included a list of recent sales within the subject building. The memorandum shows the Permanent Index Number, sale date, sale price, and percentage of ownership. Based on the sales of these units, the board requested confirmation of the residential units' assessments.

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 market value is the basis of the appeal, the value of the property must be proved 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.Adm.Code 1910.65(c)). Having considered the evidence

presented, the Board finds that the appellant has not met this burden and that a reduction is not warranted.

In determining the fair market value of the subject property, the Board finds the appellant failed to submit sufficient evidence to show the subject was overvalued. The Board finds the evidence is insufficient to be useful in determining the fair market value of the subject. The appellant's appeal was filed for over 30 units; however, only one sale was submitted. The appellant did not submit any information regarding the arm's-length nature of this sale. Therefore, the Board finds the appellant failed to show by a preponderance of the evidence that the subject was over assessed and a reduction is not warranted.

The appellant also requested an assessment reduction for the two commercial units based on vacancy. The Board gives the appellant's argument little weight. In Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970), the court stated:

[I]t is the value of the "tract or lot of real 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 that 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. Id. at 431.

To demonstrate or estimate the subject's market value using income, one must establish, through the use of market data, the market rent, vacancy and collection losses, and expenses to arrive at a net operating income reflective of the market and the property's capacity for earning income. The appellant did not provide such evidence. The Board notes that the board of review provided a recorder of deeds printout that indicates a mortgage for the two commercial units, in the amount of \$516,000, was recorded in December 2007. No further detail was provided regarding the circumstances of this mortgage.

Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no reduction or increase 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.



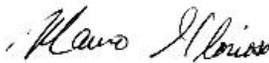
Chairman



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.