



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

APPELLANT: Advance Auto Parts
DOCKET NO.: 08-21840.001-C-1
PARCEL NO.: 02-02-410-025-0000

The parties of record before the Property Tax Appeal Board are Advance Auto Parts, the appellant(s), by attorney Dennis M. Nolan, of Dennis M. Nolan, P.C. in Bartlett; 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: \$106,402
IMPR: \$129,895
TOTAL: \$236,297**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 32,942 square foot parcel of land improved with a two-year old, one-story, masonry, commercial building containing 10,000 square feet of building area. The appellant argued that the market value of the subject property was not accurately reflected in its assessed value as the bases of this appeal.

In support of the market value argument, the appellant, via counsel, submitted an appraisal undertaken by Shawn Schneider and Susan Z. Ulman with Zimmerman Real Estate Group, Ltd. The appraisal report states that Schneider and Ulman are certified general real estate appraisers and Ulman holds the MAI designation. The appraisers stated that the subject had an estimated market value of \$500,000 as of January 1, 2008.

The appraisers describe the subject and indicate a previous sale of the subject in March 2005 for \$1,400,000. This sale was for

the underlying land in which the improvement was subsequently built on. The appraisal was prepared for Advance Auto Parts. The appraisal noted that ownership reported the subject was not under a current sales agreement or option for sale or lease on the open market.

The appraisal report utilized only one of the traditional approaches to value, the sales comparison approach, to estimate the market value for the subject property. The appraisal did not include the cost approach to value even though the subject's land was recently purchased and an improvement was built within two years of the lien date. In addition, the appraisal has a report date of September 3, 2008.

As to the subject's highest and best use, as vacant, the appraisers opined development with a commercial facility; while the subject's highest and best use, as improved, was its current use.

Under the sales comparison approach, the appraisers analyzed the sales of five suggested comparables with four located within the subject's area and one located in a different market. The properties are described as one-story, commercial buildings with one property a supermarket. They range: in age from 3 to 59 years; in improvement size from 12,000 to 32,597 square feet of building area; and in land-to-building ratio from 2.33:1 to 6.50:1. These suggested comparables sold from December 2004 to December 2007 for prices that ranged from \$37.69 to \$54.76 per square foot of building area, including land.

Downward adjustments were made to all the sales for the superior market conditions for the sales comparables. Other adjustments were made to the comparables and the overall net adjustments for comparables #1 and #4 were downward adjustments and upward adjustments for comparables #2, #3, and #4. Based on the similarities and differences of the comparables when compared to the subject, the appraisers estimated a value for the subject under the sales comparison approach to value of \$50.00 per square foot or \$500,000 as of January 1, 2008. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal" wherein the subject's final assessment of \$236,297 was disclosed. The subject's final assessment yields a fair market value of \$621,833 or \$62.18 per square foot when the Cook County Ordinance Level of Assessment for commercial properties of 38% is applied.

As to the subject, the board's analysis stated that the subject was purchased by the appellant in May 2008 for a price of \$2,657,000 or \$265.70 per square foot of building area. In support of this sale, the board of review submitted copies of the warranty deed and a recorder of deeds printout showing the sale of the subject for \$2,657,000. The deed was recorded in May 2008.

In support of the subject's market value, the board of review presented descriptive and sales data on six properties suggested as comparable to the subject and located within the subject's area. These properties are described as one-story, masonry, commercial buildings. They range in age from 2 to 35 years and in improvement size from 9,583 to 10,486 square feet of building area. The properties sold from March 1997 to December 2004 for unadjusted prices ranging from \$63.13 to \$296.59 per square foot of building area.

The board's cover memorandum also stated that this analysis was not intended to be an appraisal or estimate of value and that the data reflected therein was collected from multiple sources which were not verified, but assumed to be reliable. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted the CoStar Comp detailing the sale of the subject in may 2008. This report indicates the seller to be Insite Palatine LLC and the buyer to be Merit Property Partners Advanced Auto LLC. The report indicates the property was listed on the market for 35 days with an asking price of \$2,756,000. The sale conditions indicate a 1031 exchange. The tenant at the time of the sale was Advanced Auto Parts.

After reviewing the record and considering the evidence, the Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of this appeal. After submission of the parties' evidence, the appellant waived the right to hearing.

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(c). Having considered the evidence presented, the Board finds that the evidence indicates a reduction is not warranted.

In determining the fair market value of the subject property, the Board thoroughly considered the parties' evidence. The Board gives diminished weight to the appraisal because it lacks details on the adjustments and why they were made. In addition, the appraisal includes a statement on the sale of the subject in March 2005, but does not provide any information as to the sale

of the subject in May 2008. For these reasons, the Board finds the methodologies and adjustments in the appraisal unreliable and gives the adjustments and the conclusion of value within the appraisal no weight.

In addition, the Board gives diminished weight to the sale of the subject. Although it was advertised for sale and the sale price was less than the asking prices, the Board finds the subject was leased by Advanced Auto Parts at the time of sale.

The courts have stated that where there is credible evidence of comparable sales, these sales are to be given significant weight as evidence of market value. Chrysler Corp. v. Illinois Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989). Therefore, the PTAB will consider the raw sales data from both parties.

The parties submitted 11 sales comparables. The Board finds the appellant's sale comparables and the board of review's sale comparable #3 similar to the subject and most probative in determining the subject's market value as of the lien date. These sales occurred from July 2004 to December 2007 for prices ranging from \$525,000 to \$3,110,000 or from \$37.69 to \$296.59 per square foot of building area. In comparison, the appellant's assessment reflects a market value of \$62.18 per square foot of building area which is within the range established by the sales comparables. After considering adjustments and the differences in the comparables when compared to the subject, the Board finds the subject's per square foot assessment is supported 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

Richard 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: June 20, 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.