



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

APPELLANT: TNTW Distinctive Properties LLC
DOCKET NO.: 08-23845.001-C-1 through 08-23845.025-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are TNTW Distinctive Properties LLC, the appellant, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
08-23845.001-C-1	28-12-424-014-0000	2,846	0	\$2,846
08-23845.002-C-1	28-12-424-015-0000	1,771	0	\$1,771
08-23845.003-C-1	28-12-424-016-0000	1,771	0	\$1,771
08-23845.004-C-1	28-12-424-017-0000	1,771	0	\$1,771
08-23845.005-C-1	28-12-424-018-0000	1,771	0	\$1,771
08-23845.006-C-1	28-12-424-019-0000	1,771	0	\$1,771
08-23845.007-C-1	28-12-424-020-0000	1,771	0	\$1,771
08-23845.008-C-1	28-12-424-021-0000	1,771	0	\$1,771
08-23845.009-C-1	28-12-424-022-0000	1,771	0	\$1,771
08-23845.010-C-1	28-12-424-023-0000	1,771	0	\$1,771
08-23845.011-C-1	28-12-424-024-0000	1,771	0	\$1,771
08-23845.012-C-1	28-12-424-025-0000	1,771	0	\$1,771
08-23845.013-C-1	28-12-424-026-0000	1,771	0	\$1,771
08-23845.014-C-1	28-12-425-003-0000	1,771	0	\$1,771
08-23845.015-C-1	28-12-425-004-0000	1,771	0	\$1,771
08-23845.016-C-1	28-12-425-005-0000	1,771	0	\$1,771
08-23845.017-C-1	28-12-425-006-0000	1,771	0	\$1,771
08-23845.018-C-1	28-12-425-007-0000	1,771	0	\$1,771
08-23845.019-C-1	28-12-425-008-0000	1,771	0	\$1,771
08-23845.020-C-1	28-12-425-009-0000	1,771	0	\$1,771
08-23845.021-C-1	28-12-425-010-0000	1,771	0	\$1,771
08-23845.022-C-1	28-12-425-011-0000	1,771	0	\$1,771
08-23845.023-C-1	28-12-425-012-0000	1,771	0	\$1,771
08-23845.024-C-1	28-12-425-013-0000	1,771	0	\$1,771

08-23845.025-C-1	28-12-425-015-0000	1,771	0	\$1,771
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Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 25 individual parcels of vacant land that are classified as 1-00 vacant land by the county assessor. The appellant, via counsel, indicated a contention of law was the basis of this appeal.

In support of this argument, the appellant submitted an affidavit that was not signed or notarized, indicating that the subject property was purchased in December 2005 for \$482.50 for each of the 25 parcels. The appellant's petition was not completed with any recent sale information and no additional evidence regarding the purchase was submitted. The appellant also included listing data for suggested comparables from the Multiple Listing Service ("MLS") as well as printouts from the Realtor.com website. The appellant's memorandum also argued that one recently purchased parcel's assessment exceeds the price paid for the property.

Furthermore, the appellant submitted assessment data for five properties suggested as comparable based on equity. The data, in its entirety, reflects that all five of the properties are classified as class 1 property as designated by the county assessor. The suggested comparables range in individual lot size from 38,236 to 196,455 square feet and are assessed at a land unit price of \$0.25 to \$0.50 per square foot. The subject property has a land unit price of \$1.91 per square foot according to the appellant's grid sheet. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review-Notes on Appeal" wherein the subject's total land assessment of \$45,350 was disclosed. In support of the subject's assessment, the board submitted raw sales data for eight properties. The sales occurred between 2004 and 2007 for prices ranging from \$10,000 to \$91,000, or a land unit price from \$1.02 to \$5.35 per square foot. The board of review indicated that the subject parcels were part of a scavenger sale in 2005.

The board of review also submitted assessment equity information on nine suggested comparables, seven of which are located on the same Sidwell block as the subject property. The properties are all class 1 vacant land parcels as designated by the county assessor and valued at a land unit price of \$2.50 per square foot. They range in individual lot size from 2,875 to 5,031 square feet. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant's counsel argued that none of the board of review's comparables were adjusted for market conditions, therefore, greater weight should be placed on the listings provided by the appellant.

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.

The appellant indicated the basis for appeal was a contention of law yet provided no legal argument for the Board's consideration. No data was submitted supporting the arm's-length nature of the December 2005 purchase of the subject parcels. The appellant did submit equity comparables although this was not a basis of appeal on the appellant's petition. However, 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 assessment data, the Board finds the appellant has not met this burden.

The parties submitted a total of 14 equity properties suggested as comparable for the Board's consideration. The Board finds that comparables #3 through #9 submitted by the board of review are most similar to the subject in classification, size and location. In analysis, the Board accorded the most weight to these comparables. These comparables were all assessed at a land unit price of \$2.50 per square foot. The subject's land unit price at \$1.91 per square foot is below the range established by these comparables.

The Board accorded diminished weight to the remaining properties due to a disparity in lot size and/or location. Additionally, the Board gives little weight to the parties' sales evidence as the data is merely raw sales data or listing information.

The constitutional provision for uniformity of taxation and valuation does not require a mathematical equality. A practical, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no reduction 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.

Ronald R. Cuit

Chairman

K. L. Ferr

Member

Frank A. Huff

Member

Mario M. Louie

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.