



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

APPELLANT: Niranjan Patel
DOCKET NO.: 08-23903.001-C-1 through 08-23903.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Niranjan Patel, 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 a reduction 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
08-23903.001-C-1	02-02-410-018-0000	17,600	13,806	\$31,406
08-23903.002-C-1	02-02-410-019-0000	17,485	20,709	\$38,194

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is a one and part two-story, mixed-use building built in stages from 1964 through 1976. It contains approximately 11,610 square feet on the first floor and 1,772 square feet on the second floor, for a total of 13,382 square feet of building area. The improvement is situated on a 39,870 square foot lot. The appellant, via counsel, argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted an appraisal co-authored by Louis J. Koroyanis, a State of Illinois associate real estate appraiser, and Mitchell J. Perlow, who holds an MAI designation. Koroyanis personally inspected the interior and exterior of the subject property and indicated the subject has an estimated market value of \$725,000 as of January 1, 2007. The appraisal report utilized the three traditional approaches to value to estimate the market value for the subject property and finds the subject's highest and best use is its present use.

Under the cost approach to value, the appraiser analyzed five land sales to estimate the value of the land at \$8.00 per square foot or \$320,000, rounded. The replacement cost new method was utilized to determine a cost for the improvement of \$1,140,015. The appraiser depreciated the improvement for a value of \$399,005. The land and site improvements were added back in to establish a value under the cost approach of \$730,000, rounded.

Under the income approach to value, the appraiser estimated net operating income at \$64,721. The band of investment technique was utilized to establish a capitalization rate of 9.0% for an estimate of value under the income approach of \$720,000, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of four one-story, free-standing or multi-tenant, masonry commercial buildings located within the subject's market. The properties contain between 2,585 and 32,000 square feet of building area. The comparables sold from June 2004 to February 2007 for prices ranging from \$145,000 to \$1,895,000, or from \$33.41 to \$59.22 per square foot of building area, including land. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach of \$54.00 per square foot of building area, including land or \$725,000, rounded.

In reconciling the three approaches to value, the appraisers gave most weight to the sales comparison approach with less emphasis on the cost approach. The income approach was used to support the sales comparison approach to arrive at a final estimate of value for the subject as of January 1, 2007 of \$725,000.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$124,185. This assessment reflects a market value of \$1,293,594 using the Illinois Department of Revenue's 2008 three year median level of assessment of 9.60% for Cook County Class 2 property. In support of the subject's assessment, the board of review presented property characteristic printouts containing assessment information on a total of four properties suggested as comparable. No other information or evidence was provided by the board of review. Based on this data submitted, 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. The Board further finds a reduction in the subject's assessment is 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 (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 Board concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the three traditional approaches to value in determining the subject's market value. The Board finds this appraisal to be persuasive for the appraisers: have experience in appraising; personally inspected the subject property and reviewed the property's history; estimated a highest and best use for the subject property; utilized appropriate market data in undertaking the approaches to value; and lastly, used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary.

The Board gives little weight to the board of review's comparables as no analysis was provided and no adjustments were made to the suggested comparable properties.

Therefore, the Board finds that the subject property had a market value of \$725,000 for the 2008 assessment year. Since the market value of the subject has been established, the Illinois Department of Revenue's 2008 three year median level of assessment of 9.60% for Cook County Class 2 property will apply. In applying this level of assessment to the subject, the total assessed value is \$69,600 while the subject's current total assessed value is above this amount. Therefore, the Board finds that a 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.



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: August 28, 2012



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.