



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

APPELLANT: Arthur Klaviter
DOCKET NO.: 08-24077.001-I-1 through 08-24077.004-I-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Arthur Klaviter, the appellant; 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
08-24077.001-I-1	29-08-309-024-0000	3,622	97	\$3,719
08-24077.002-I-1	29-08-309-025-0000	2,817	1,498	\$4,315
08-24077.003-I-1	29-08-309-026-0000	3,099	3,496	\$6,595
08-24077.004-I-1	29-08-309-104-0000	8,439	12,932	\$21,371

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of two, one-story, masonry constructed, 12,151 square foot industrial warehouse/office buildings situated on a 27,261 square foot site. The subject buildings are older structures constructed in stages from 1920 to 1967. The subject is zoned R-1D, Single Dwelling Unit, within the City of Harvey.

The appellant, Arthur Klaviter, appeared before the Property Tax Appeal Board claiming the subject's market value is not accurately reflected in its assessment. In support of this claim, the appellant submitted an appraisal report prepared by a State of Illinois certified real estate appraiser. The appraisal report disclosed the subject property was inspected on August 14, 2008. The appraiser determined the subject's highest and best use to be its current use. The appraiser utilized the sales comparison approach to estimate a market value of \$100,000 for the subject as of January 1, 2007.

In the sales comparison approach to value, the appraiser employed the sales of four properties located within the subject's area. The four comparables consist of one-story or multi-story, industrial/warehouse type buildings. The parcels range in lot size from 12,600 to 54,150 square feet and the improvements range in size from 3,200 to 8,000 square feet of building area. The comparables sold between June 2005 and August 2007 for prices ranging from \$41,000 to \$160,000 or from \$12.81 to \$18.33 per square foot of building area, including land. After making adjustments, the appraiser concluded a value for the subject via the sales comparison approach of \$100,000 as of January 1, 2007.

The appraisal report disclosed that based on the subject's current zoning, in the event the buildings are damaged more than 50%, they could not be rebuilt. The appraiser indicated this factor has a negative impact on the subject's market value and was considered in the adjustment process in the sales analysis. Based on the evidence submitted, the appellant requested an assessment reflective of a fair market value for the subject of \$100,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total combined assessment of \$65,613, which reflects a market value of \$182,258 or \$15.00 per square foot of building area, utilizing the Cook County Real Property Assessment Classification Ordinance level of assessment of 36% for Class 5b property, such as the subject. As evidence, the board of review submitted five sales with an unadjusted range from \$12.50 to \$29.77 per square foot of building area, including land with the sale prices ranging from \$175,000 to \$382,500. The sales occurred between May 2000 and May 2007. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

At hearing, the board's representative indicated that the board of review would rest on the written evidence submissions. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

After hearing the testimony 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 arms-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 reviewed the record and considering the evidence, the Board finds the appellant has satisfied this burden and a reduction is warranted.

In determining the fair market value of the subject property, the Property Tax Appeal Board finds the best evidence to be the appellant's appraisal report. The appellant's appraiser utilized the sales comparison approach to value to estimate the fair market value of the subject. The Board finds the appraisal to be persuasive for the appraiser: has experience in appraising; reviewed the subject's history; estimated a highest and best use for the subject property; utilized appropriate market data in undertaking the sales comparison approach to value; and lastly, used similar properties in the sales comparison approach with appropriate adjustments deemed necessary. The Board gives little weight to the board of review's comparables as the information provided was raw sales data with no adjustments made.

Therefore, the Property Tax Appeal Board finds that the subject had a fair market value of \$100,000 as of January 1, 2008. Since fair market value has been established, the Cook County Real Property Assessment Classification Ordinance level of assessment for Class 5b property of 36% shall apply. In applying this level of assessment to the subject, the total combined assessed value is \$36,000, while the subject's current total assessed value is above this amount at \$65,613. 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Shawn R. Lerbis

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 24, 2011

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.