



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

APPELLANT: Dominick J. Margentina Trust
DOCKET NO.: 08-26913.001-C-1
PARCEL NO.: 15-13-205-005-0000

The parties of record before the Property Tax Appeal Board are Dominick J. Margentina Trust, the appellant; of David M. Marino 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:

LAND: \$ 40,185
IMPR.: \$ 57,340
TOTAL: \$ 97,525

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 8,942 square feet of land that is improved with an 86 year old, one-story, masonry, commercial office building. The subject's improvement size is 5,320 square feet of building area and its total assessment is \$97,525. This assessment yields a fair market value of \$256,645, or \$48.24 per square foot of building area (including land), after applying the 38% assessment level for commercial properties under the 2008 Cook County Classification of Real Property Ordinance. The appellant, via counsel, argued that the fair market value of the subject property was not accurately reflected in its assessed value as the basis of this appeal.

In support of the market value argument, the appellant submitted a commercial appraisal report for the subject property with an effective date of January 1, 2008. The appraiser estimated a fair market value for the subject of \$185,000 based on the cost, income, and sales comparison approaches to value. The appraiser also conducted an inspection of the subject.

Under the cost approach to value, the appraiser analyzed four vacant land sales. Three of these sales occurred in 2003 or 2004, while the fourth occurred in 2005. Additionally, these land sales were located in Stone Park or Cicero while the subject is located in Forest Park. The appraiser rated three of these

four sales superior and made downward adjustments. Although the land sales ranged from \$9.51 to \$13.65 per square foot, the appraiser valued the subject land at \$8.75 per square foot.

Under the income approach to value the appraiser estimated net operating income at \$42,900, or \$8.06 per square foot gross. It should be noted that the three rental comparables offered by the appraiser ranged from \$11.40 to \$15.00 per square foot on a gross basis. The band of investment technique was utilized to establish a capitalization rate of 9.45% that yielded an estimate of value under the income approach of \$145,000, rounded.

Under the sales comparison approach to value, the appraiser submitted four sales of commercial properties suggested as comparable to the subject. Two sales occurred in 2002, while a third occurred in 2003. The remaining one sale was valued at \$43.20 per square foot, including land. The appraiser indicated the sales comparison approach was given maximum emphasis in his analysis and valued the subject at \$35.00 per square foot, including land, well below the only recent sale. 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 \$97,525 was disclosed. In support of the subject's assessment, the board of review submitted a property record card for the subject, and raw sales data for six commercial retail buildings located within three miles of the subject. The sales data was collected from the CoStar Comps service, and the CoStar Comps sheets state that the research was licensed to the Cook County Assessor's Office. However, the board of review included a memorandum which states that the submission of these comparables is not intended to be an appraisal or an estimate of value, and should not be construed as such. The memorandum further states that the information provided was collected from various sources, and was assumed to be factual, accurate, and reliable; but that the information had not been verified, and that the board of review did not warrant its accuracy.

The comparables are described as one-story, masonry, commercial retail buildings. Additionally, the comparables have from 2,502 to 5,040 square feet of building area. The comparables sold between December 2004 and June 2010 for \$242,500 to \$882,500, or \$56.55 to \$352.72 per square foot of building area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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.

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 finds that three of the four comparables' sale dates in the appellant's appraisal are too far removed from the lien date to accurately reflect the subject's market value as of January 1, 2008. Three sales occurred in 2002 or 2003, therefore, there is no sufficient range with which to determine the subject's comparability. Additionally, the appraiser valued the subject below the value indicated by the remaining recent sale comparable and he was not present at the hearing to testify about his adjustments as the attorney requested that the oral hearing be waived. As the appraiser indicated that the sales comparison approach was given the maximum emphasis in his final analysis, the Board does not find this appraisal to be reliable in establishing a market value for the subject as of January 1, 2008. The Board also finds that the land sales were too far from the lien date as well, and that the income approach is flawed in that the rental rate assigned to the subject was well below that of the three suggested rental comparables, with no further explanation.

Accordingly, in determining the fair market value of the subject property, the Board finds that the appellant failed to submit sufficient evidence to show the subject was overvalued. Therefore, the Board finds that the appellant has not met its burden by a preponderance of the evidence and that the subject does not warrant a reduction based upon the market data submitted into evidence.

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

Frank A. Huff

Member

J. R.

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: July 19, 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.