FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Advance Auto Parts
DOCKET NO.: 08-27648.001-C-1
PARCEL NO.: 07-30-301-018-0000

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:	$73,416
IMPR.:	$134,747
TOTAL:	$208,163

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 32,200 square foot parcel of land improved with a three-year-old, one-story, masonry, commercial building containing 5,478 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 $520,000 as of January 1, 2007.

The appraisers describe the subject and indicate a sale of the subject, including the building, in December 2005 for $2,117,000. No further information was provided concerning the sale. The appraisal contradicts itself by stating the subject’s underlying land was purchased by the current owners in September 2004 for $575,000. The appraisal indicates the owner’s primary objective was a store located in the area. 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.

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 six suggested comparables. The properties are described as one or one and part two-story, commercial buildings. They range: in age from 11 to 56 years; in improvement size from 5,096 to 10,219 square feet of building area; and in land-to-building ratio from 1.45:1 to 4.72:1. These suggested comparables sold from January 2004 to October 2007 for prices that ranged from $73.13 to $100.79 per square foot of building area, including land.

An upward adjustment was made to sale #6 for terms and conditions of the sale without an explanation. There were downward adjustments made to only three comparables for location and all were adjusted upward for their ages. Other adjustments were made to the comparables and the overall net adjustments for comparables #1, #2, and #4 were downward adjustments and upward adjustments for comparables #3, #5, and #6. 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 $95.00 per square foot or $520,000, rounded, as of January 1, 2007. 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 $208,163 was disclosed. The subject's final assessment yields a fair market value of $547,797 or $100.00 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 November 2005 for a price of $2,116,774 or $386.41 per square foot of building area. In support of this sale, the board of review submitted copies of the special warranty deed and a recorder of deeds' printout showing the sale of the subject for $2,117,000. The deed was recorded in December 2005.

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 with two comparables located within the subject's area. These properties are described as one-story, masonry, commercial buildings. They range in age from 4 to 47 years and in improvement size from 4,973 to 6,160 square feet of building area. The properties sold from August 2003 to November 2009 for unadjusted prices ranging from $113.64 to $278.78 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.

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 an increase is 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 November 2005, but does not provide any information as to why this sale was not considered when developing an estimate of value. For these reasons, the PTAB finds the methodologies and adjustments in the appraisal not reliable and gives the adjustments and the conclusion of value within the appraisal no weight.

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 Board finds the sale of the subject slightly aged and will not rely solely on that sale, but will give it proper weight in determining the subject’s market value. The parties submitted 12 sales comparables along with the subject’s 2005 sale inforamtion. The Board finds the appellant's sale comparables #5 and #6 and the board of review's sale comparables #3 and #3 similar to the subject in location and most probative in determining the subject's market value as of the lien date. These sales occurred from August 2003 to November 2009 for prices ranging from $675,000 to $1,695,000 or from $73.13 to $278.78 per square foot of building area. The subject sold in 2005 for $386.45 per square foot of building area. In comparison, the appellant's assessment reflects a market value of $100.00 per square foot of building area which is within the range established by the sales comparables and lower than the sale price. 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.

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: April 18, 2014

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.