



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

APPELLANT: Amer T. Samawi
DOCKET NO.: 08-27687.001-C-1
PARCEL NO.: 29-14-304-067-0000

The parties of record before the Property Tax Appeal Board are Amer T. Samawi, the appellant, by attorney John P. Fitzgerald, of Fitzgerald Law Group, 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:

LAND: \$ 32,832
IMPR.: \$ 27,968
TOTAL: \$ 60,800

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 14,400 square foot parcel of land improved with a 24-year old, one-story, metal paneled, commercial building containing 270 square feet of building area which is used as a gas station.

The appellant 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 report of the subject property with an effective date of January 1, 2008. The appraiser estimated a market value for the subject of \$160,000, based upon development of the cost and sales comparison approaches to value. The appraiser inspected the subject on January 7, 2009. Exterior photographs

of the subject and the sale comparables were also included in this appraisal. He developed a highest and best use as vacant, for industrial development, while the highest and best use as improved was its current use. Under the cost approach, the appraiser 5 land comparables as well as developing a replacement cost new resulting in a value of \$160,000. The appraiser also developed a sales comparison approach using eight sale comparables. After making adjustments to the comparables for pertinent factors, the appraiser opined a market value for the subject of \$160,000, rounded. In reconciliation, most weight was accorded to the sale comparison approach resulting in a market value of \$160,000 for the subject. Based upon this evidence, the appellant requested a reduction in market value.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$115,648. The subject's assessment reflects a market value of \$304,337 using the Cook County Ordinance level of assessment for commercial class 5A property of 38%.

In support of the subject's market value, raw sales data was submitted for 14 properties via Costar Comps printouts with varying usages from a full-service gas stations to a gas station/mini mart location. The data from the CoStar Comps service sheets reflect that the research was licensed to the assessor's office, but failed to indicate that there was any verification of the information or sources of data. They sold from July, 2003, to March, 2005, in an unadjusted range from \$28.93 to \$81.70 per square foot of building area.

Moreover, the board of review's evidence included a seven-page grid analysis of gas stations in various townships by an unidentified party with hand-written comments periodically reflected thereon. As a result of its analysis, the board requested confirmation of the subject's assessment.

After considering the arguments and reviewing the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. After submission of the parties' evidence, they waived their right to a hearing.

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, 331Ill.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 appellant has met this burden and that a reduction is warranted.

The Board finds the best evidence of the subject's market value to be the appellant's appraisal, which utilized two of the three traditional approaches to value in developing the subject's market value. The Board also finds the appraisal to be persuasive for the appraiser: has experience in appraising and assessing property; personally inspected the subject property; estimated a highest and best use for the property; and utilized market data in undertaking the cost and sales comparison approaches to value, while making adjustments to the comparables where necessary.

In contrast, the Board finds that the board of review submitted raw, unadjusted sales data and/or current valuations of properties.

Therefore, the Board finds that the subject property contained a market value of \$160,000. Since the market value of the subject has been established, the Cook County Ordinance level of assessment for Class 5A, commercial property of 38% will apply. 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.

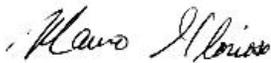


Chairman



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: 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.