



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

APPELLANT: Michael Fitzpatrick
DOCKET NO.: 09-25501.001-R-1
PARCEL NO.: 16-23-220-019-0000

The parties of record before the Property Tax Appeal Board are Michael Fitzpatrick, the appellant(s); 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: \$1,500
IMPR: \$ 0
TOTAL: \$1,500

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,125 square foot parcel of vacant land located in West Chicago Township, Cook County.

The appellant argued that the market value of the subject property is not accurately reflected in its assessed value. In support of this overvaluation argument, the appellant submitted sales information for three properties located within one and one-half miles of the subject. All three of the properties are vacant land, and are either 3,125 or 4,521 square feet in land size. These properties sold in either June 2009 or December 2009 for \$10,000 or \$15,000, or \$2.21 to \$4.80 per square foot of land area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$4,687 was disclosed. This assessment yields a market value of \$46,870 for the subject, using the Illinois Department of Revenue's 2009 three-year median level of assessment for class 1 property of 10.0%. This market value equates to \$15.00 per square foot of land area for the subject.

In support of the subject's assessment, the board of review submitted sales information for ten properties located within the

subject's neighborhood. These properties all sold in 2006 for between \$35,000 and \$93,000, or \$10.85 to \$22.40 per square foot of land. The board of review also submitted ten equity comparables. These comparables are all vacant land, and have assessments ranging from \$2,225 to \$4,688, or \$15.00 per square foot of land area. Based on this evidence, the board requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a legal brief stating that the board of review's sales comparables should not be used because they are too distant in time to accurately reflect the market value of the subject for tax year 2009. Additionally, the appellant argued that the board of review's equity comparables do not address the appellant's market value argument. The appellant also reaffirmed the evidence previously submitted.

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. 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 (3d Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2d 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.

The Board agrees with the appellant's rebuttal argument, and finds that the board of review's sales comparables are too distant in time to accurately reflect the subject's market value for tax year 2009. Thus, the Board finds the comparables submitted by the appellant to be most similar to the subject. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These properties sold in either June 2009 or December 2009 for \$10,000 or \$15,000, or \$2.21 to \$4.80 per square foot of land area. In contrast, the subject's market value as established by the board of review is \$15.00 per square foot of land area. This value is above the range established by the most similar comparable properties.

Based on this record, the Board finds that the subject property had a market value of \$15,000 for the 2009 assessment year. Since market value has been determined, the 2009 three-year median level of assessment for class 1 property as established by the Illinois Department of Revenue of 10.0% shall apply, resulting in a total assessment of \$1,500. In applying this level of assessment to the subject, the total assessed value is above this amount, and 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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 20, 2012

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.