



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

APPELLANT: Smart 622, Inc.
DOCKET NO.: 09-28301.001-R-1
PARCEL NO.: 17-07-215-021-0000

The parties of record before the Property Tax Appeal Board are Smart 622, Inc., the appellant, by attorney Paul J. Kulas, of Law Offices of Kulas & Kulas, 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: \$ 19,090
IMPR.: \$ 0
TOTAL: \$ 19,090

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,818 square foot parcel of vacant land located in West Chicago Township, Cook County. The appellant's attorney argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of the appeal.

In support of market value argument, the appellant's attorney submitted a notarized demolition affidavit, a building permit dated October 14, 2008 allowing the appellant to wreck and remove the subject property, a paid invoice for the demolition work from Codex, and photos of the site showing that the land is vacant. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$84,515 for the tax year 2009. The subject's assessment reflects a market value of

\$338,060 or \$103.51 per square foot of building area for the building that previously occupied the vacant land.

In support of the subject's market value, raw sales data was submitted for four retail/storefront properties located in Chicago. These properties sold for \$250,000 to \$1,150,000 or \$83.33 to \$328.57 per square foot of building area. As a result of its analysis, the board requested confirmation of the subject's assessment.

At hearing and in rebuttal, the appellant's attorney stated that the subject property is vacant land. The 3,266 square foot store front building was removed on October 2008 as is stated by their previously submitted evidence.

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); Winnbago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d (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 in the subject's assessment is warranted.

Pursuant to Section 9-180, assessors are to pro-rate valuations based on the year of 365 days. Section 9-180 of the Property Tax Code states in relevant part:

Pro-rata valuations; improvements or removal of improvements. The owner of property on January 1 also shall be liable, on a proportionate basis, for the increased taxes occasioned by the construction of new or added buildings, structures or other improvements on the property from the date when the occupancy permit was issued or from the date the new or added improvement was inhabitable and fit for occupancy or for intended customary use to December 31 of the year....

(35 ILCS 200/9-180)

The statute measures the value of an improvement to the property either from the date "when the occupancy permit was issued" or from the date the improvement "was inhabitable and fit for occupancy" prior to December 31 of the same year. The appellant established by a preponderance of the evidence that the subject was demolished and fit for occupancy prior to December 31, 2008. The appellant submitted evidence stating that the property was inhabitable as of October 2008. Therefore, based on this record, the Board finds that the subject's improvement assessment is not supported and a reduction in the subject's assessment 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: July 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.