



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

APPELLANT: Philip Slack
DOCKET NO.: 09-30851.001-I-1
PARCEL NO.: 18-36-411-009-0000

The parties of record before the Property Tax Appeal Board are Philip Slack, 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: \$ 3,137
IMPR.: \$ 46,863
TOTAL: \$ 50,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is a 3,137 square foot parcel of land, which is improved with a one-story, masonry, industrial building containing 3,530 square feet of building area. The subject is located in Lyons Township, Cook County, and is currently leased by the appellant for use as a gymnastics academy. The appellant argued that the subject's market value is not accurately reflected in its assessed value as the basis of this appeal.

In support of the market value argument, the appellant submitted an appraisal undertaken by John P. Konrath of Xact Appraisals, LLC. The appraisal report states that Konrath is licensed as a State of Illinois certified general real estate appraiser. The appraiser stated that the subject had an estimated market value of \$200,000 as of January 1, 2009. The appraisal report utilized the income approach to value, and the sales comparison approach to value to estimate the market value for the subject property. The appraisal report states that Konrath personally inspected the subject property, and that the subject's highest and best use as improved is its present use.

Under the income approach to value, the appraiser analyzed the rents of three suggested comparable nearby properties to estimate a potential gross income of \$28,240 for the subject. Vacancy and collection losses were estimated to be \$2,824, and expenses were

estimated to be \$3,813, for a net operating income of \$21,603. A capitalization rate of 10.00% was utilized to estimate a value under the income approach to value of \$215,000, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of seven suggested comparables: five completed sales and two active listings. These seven suggested comparables are described as masonry buildings that are from 15 to 33 years old, and contain from 3,000 to 9,800 square feet of building area. The sales comparables sold from February 2007 to May 2009 for between \$141,500 and \$475,000, or from \$41.30 to \$60.00 per square foot of building area, including land. The active listings are listed for \$249,900 and \$469,000, or \$71.40 and \$83.39 per square foot of building area. The active listings are the same as sales comparables #1 and #3, and are listed for \$249,900 and \$469,00, or \$71.40 and \$83.39 per square foot of building area. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach to value of \$200,000.

The appraiser gave the most weight to the sales comparison approach to value, with secondary consideration given to the income approach. Thus, the appraiser concluded that the subject's appraised value was \$200,000 as of January 1, 2009. 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 \$66,795 was disclosed. This assessment yields a market value of \$267,180 when the 25% assessment level for class 5-93 properties under the Cook County Classification of Real Property Ordinance is applied. In support of the subject's assessment, the board of review submitted raw sales data for five industrial 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 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 stated 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 suggested comparables contained buildings that range in age from 19 to 35 years old, and in size from 3,000 to 12,000 square feet of building area. However, the ages for Comparable #3 and Comparable #4 were not disclosed. The properties sold from December 2007 to January 2011 in an unadjusted range from \$280,000 to \$1,010,000, or from \$67.14 to \$106.67 per square foot of building area, including land. Based on this evidence, the

board of review requested confirmation of the subject's assessment.

At hearing, the appellant reaffirmed the evidence previously submitted. The appellant also sought to admit a survey of the subject. The Cook County Board of Review Analyst, Jabari Jackson, did not object to the admission of the survey, and it was accepted into evidence. During the board of review's case-in-chief, Mr. Jackson argued that the appraisal should be given diminished weight because the appraiser was not available to testify, and that board of review Comparables #2 and #4 were similar to the subject in improvement size.

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 a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appraisal submitted by the appellant. The appraiser utilized the income approach to value and the sales comparison approach to value in determining the subject's market value. The Board finds this appraisal persuasive because the appraiser has experience in appraising, personally inspected the subject, and used similar properties in the sales comparison approach while providing adjustments that were necessary. The Board gives little weight to the board of review's comparables as the information provided was unadjusted raw sales data, and was admittedly not intended to be an estimate of value.

Therefore, the Board finds the subject had a market value of \$200,000 for tax year 2009. Since market value has been determined, the Cook County Real Property Classification Ordinance as in effect for tax year 2009 shall apply. The subject is classified as a class 5-93 property. Therefore, the applicable assessment level is 25% of the subject's fair market value, which equates to \$50,000. The subject's current total

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assessed value is higher than this value, and, therefore, the Board finds 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: January 31, 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.