



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

APPELLANT: Streeterville Condominium Assoc.
DOCKET NO.: 09-33077.001-R-1
PARCEL NO.: 17-10-203-027-1060

The parties of record before the Property Tax Appeal Board are Streeterville Condominium Assoc., the appellant(s), by attorney Michael J. Sheridan, of Sheridan Law Office in Chicago; 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: \$ 765
IMPR.: \$ 16,869
TOTAL: \$ 17,634

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2009 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a single residential condominium unit located within the Streeterville Center Condominium Association. The property is located in North

Chicago Township, Cook County. The subject is classified as a class 2-99 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's counsel argued that the subject condominium unit was entitled to a \$1.00 assessment as required by Section 10-35(a) of the Illinois Property Tax Code (35 ILCS 200/10 35(a)). The provision provides in part that:

Residential property which is part of a development, but which is individually owned and ownership of which includes the right, by easement, covenant, deed or other interest in property, to the use of any common area for recreational or similar residential purposes shall be assessed at a value which includes the proportional share of the value of that common area or areas. Property is used as a "common area or areas" under this Section if it is a lot, parcel, or area, the beneficial use and enjoyment of which is reserved in whole as an appurtenance to the separately owned lots, parcels, or areas within the planned development. The common area or areas which are used for recreational or similar residential purposes and which are assessed to a separate owner and are located on separately identified parcels, shall be listed for assessment purposes at \$1.00 per year.

In support of this claim, the appellant's attorney submitted exterior photos of the subject, a copy of an illegible trustee's deed, and an affidavit from the treasurer of the condominium association testifying that the subject unit is owned by the association and that the unit is the living quarters of the on-site engineer employed by the association. The Board notes that paragraph two of the affidavit refers to the affiant as the property manager while the affiant's title is listed as treasurer. Based on this evidence, the appellant requested a \$1.00 assessment for the subject unit.

The board of review submitted a condominium sales analysis and did not specifically address the appellant's contention that the subject unit should be assessed as common area.

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86

Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Property Tax Appeal Board finds that, based on Section 10-35(a), the common areas of any type of residential real property development can be assessed at \$1.00, if they conform to the definition and requirements of a common area as defined in the statutes. The Condominium Property Act 765 ILCS 605/2, contains the following definitions:

(c) "Property" means all the land, property and space comprising the parcel, all the improvements and structures erected, constructed or contained therein...

(d) "Unit" means a part of the property designated and intended for any type of independent use.

(e) "Common Elements" means all portions of the property *except the units*, including limited common elements unless otherwise specified. (*Emphasis added*)

The legislature specifically stated in the Property Tax Code that common areas "used for recreational or similar residential purposes" shall be assessed at \$1.00 per year. 35 ILCS 200/10-35(a). The General Assembly broadly defined common areas in section 10-35(a) as property "the beneficial use and enjoyment of which is reserved in whole as an appurtenance to the separately defined lots..." 35 ILCS 200/10-35(a). Likewise, the legislature specifically stated in the Condominium Property Act that "real property owned and used for residential purposes by a condominium association...used exclusively by the unit owners for recreational or other residential purposes" shall be assess at \$1.00 per year. 765 ILCS 605/10(a).

The Property Tax Appeal Board finds that the subject unit is located within a residential development; and that it is owned and maintained by the association as a separate parcel. However, the subject unit is not reserved in whole as an appurtenance to the separately owned lots, parcels, or areas within the planned development. The subject unit, as part of the total units, is, in fact, a recorded residential unit that is designated, intended and used for independent use. The subject unit is a

legal lot of record insofar as it was recorded and identified with a specific legal description and covenants that designate the lot for independent use. A legal lot of record as a unit is excepted from the above definition of a common area. In order to create a common area it would be necessary for the association to convey and record a lot of record into common area status.

The Board further finds that the subject unit does not meet all the above requirements and the definition of "common area" and thus does not qualify for a \$1.00 common area assessment. Based on the evidence in the record, the Board finds a reduction in the subject's assessment is not justified.

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

Klaus Albino

Member

[Signature]

Member

Member

Jerry White

Acting 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: August 21, 2015

[Signature]

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.