

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Daniel Salbeck
DOCKET NO.: 04-22222.001-I-1
PARCEL NO.: 10-23-325-016-0000

The parties of record before the Property Tax Appeal Board are Daniel Salbeck, the appellant, by attorney Edward Larkin of Larkin and Larkin of Park Ridge and the Cook County Board of Review.

The subject property consists of a 44-year-old, one-story, masonry, 3,200 square foot class 5-93 industrial building situated on 4,954 square feet of land located in Niles Township Cook County.

The appellant's counsel appeared before the PTAB and submitted evidence claiming unequal treatment in the assessment process and that the fair market value of the subject is not accurately reflected in its assessed value as the basis of the appeal.

In support of the equity argument, the appellant offered three suggested comparable industrial properties. These properties consist of one-story class 5-93 industrial properties ranging in age from 44 to 52 years. The appellant submitted limited Assessor's printouts of the four properties. The comparables range in size from 5,907 to 13,168 square feet. The comparables have total assessments ranging from \$94,512 to \$180,027 or from \$13.67 to \$16.02 per square foot of building area. The appellant suggested the subject's assessment should be no more than \$15.23 per square foot.

As regards the market value argument, the appellant suggested four sales of industrial properties. The four sales of industrial buildings ranged in size from 10,430 to 20,500 square feet and occurred between March 2003 and September 2004 for prices ranging from \$225,000 to \$730,000 or from \$16.07 to \$43.96 per square foot of land and building. The suggested comparable sales were part of an appraisal written for a property other than the subject. Based on the sales data the appellant suggested that the subject should be valued at no more than \$32.40 per square foot or \$129,595. Based on this evidence, the appellant requested a reduction in the subject's assessment.

(Continued on Next Page)

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: \$11,146
IMPR. \$52,854
TOTAL: \$64,000

Subject only to the State multiplier as applicable.

PTAB/TMcG. 9/08

The board of review submitted "Board of Review-Notes on Appeal" that disclosed the subject's total assessment of \$64,000 which reflects a market value of \$177,778 as factored by the Cook County Ordinance level of 36%. The board submitted evidence in support of its assessed valuation of the subject property. As evidence the board offered four sales of industrial buildings ranging in size from 2,230 to 5,000 square feet that occurred between February 2003 and January 2004 for prices ranging from \$138,000 to \$350,000 or from \$57.86 to \$85.20 per square foot of land and building. Based on this evidence the board requested confirmation of the subject's current assessment.

After reviewing the record and considering the evidence, the PTAB finds that it has jurisdiction over the parties and the subject matter of this appeal. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the PTAB finds the appellant has not overcome this burden.

As to the equity argument, the PTAB finds the appellant's evidence lacks the comparables' descriptive data necessary to establish a basis for comparability. In addition, the subject is smaller than the comparables. The PTAB finds the equity evidence is insufficient to effect an assessment change for the subject.

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 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 728 N.E.2d 1256 (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. Section 1910.65 *The Official Rules of the Property Tax Appeal Board* (86 Ill.Adm.Code §1910.65(c)).

As to the market value argument, the PTAB finds descriptive data for the comparables sales taken from an appraiser's work product but with little descriptive data relative the subject. The PTAB gives less weight to the appellant's sales evidence because it lacks analysis and a supported conclusion of value. The PTAB finds the sales evidence submitted is insufficient to cause a change in the subject's assessment.

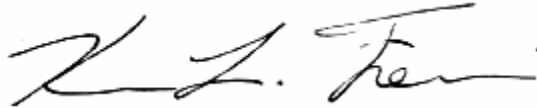
The PTAB gives little weight to the board's sales evidence because it lacks analysis and a supported conclusion of value. One sale is beyond the assessment date.

As a result of this analysis, the PTAB finds that the appellant has not adequately demonstrated that the subject property was overvalued or over assessed and that a reduction in the subject's assessment is not 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: October 10, 2008



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.