

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Burger Boys, Inc.
DOCKET NO.: 05-22363.001-C-1
PARCEL NO.: 02-02-403-001-0000

The parties of record before the Property Tax Appeal Board (PTAB) are Burger Boys, Inc., the appellant, by attorney Dennis M. Nolan of Bartlett and the Cook County Board of Review (board).

The above Docket was heard in conjunction with Docket No. 04-22484.001-C-1.

The subject property consists of a one-year-old one-story restaurant building containing approximately 4,550 square feet of building area and sited on a 113,000 square foot parcel and located in Palatine Township, Cook County.

The appellant, through counsel, appeared before the PTAB and submitted evidence claiming that the subject's market value is not accurately reflected in its assessment. This evidence was timely filed by the appellant pursuant to the Official Rules of the Property Tax Appeal Board.

In support of this argument the appellant submitted an appraisal dated January 1, 2004 containing the three approaches to value and arriving at a market value of \$780,000. The appraiser was not present to testify or be subject to cross examination.

In the cost approach the appraiser estimated the land value to be \$340,000 based on an analysis of five sales ranging from \$2.38 to \$4.00 per square foot. The appraiser disclosed the land is encumbered by 30,000 square feet of storm water compensatory storage which he valued at \$0.25 per square foot. The appraiser estimated the unencumbered land at \$4.00 per square foot. The land value of \$340,000 and the appraiser's depreciated value of the building improvements of \$460,000 result in a rounded total value of \$800,000 for the cost approach.

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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: \$185,810
IMPR. \$110,590
TOTAL: \$296,400

Subject only to the State multiplier as applicable.

PTAB/TMcG.

In the sales approach the appraiser used seven sales of restaurant buildings of similar age he judged to be good to very good and ranging in size from 3,000 to 7,000 square feet that occurred between August 2001 and August 2003 for prices ranging from \$110.00 to \$168.75 per square foot and after appropriate adjustments arrived at a value of \$170.00 per square foot or a rounded value of \$780,000 via the sales comparison approach.

In the income approach the appraiser employed several comparable rentals, research and interviews and considered \$15.00 per square foot to be an appropriate rental rate for the subject. After considering vacancy loss & comparable expenses the appraiser arrived at a net operating income of \$68,250. Research yielded a capitalization rate of 9.2%. Capitalizing the net operating income of \$68,250 resulted in a rounded income approach of \$741,848. The appraiser then added the land value of \$7,500, the compensatory storage area, resulting in a rounded value of \$750,000 for the income approach to value.

The appraiser gave the sales comparison approach the most weight resulting in a final value of \$780,000.

Based upon this evidence, the appellant requested a reduction in the subject's total assessment to reflect the reduced market value.

The board of review submitted "Board of Review-Notes on Appeal" that disclosed the subject's total assessment of \$328,509 which reflects a market value of \$864,497 as factored by the Cook County Ordinance level of 38% for a class 5-17 improvement. The board submitted evidence in support of its assessed valuation of the subject property. As evidence, the board offered five sales of retail/restaurant buildings that occurred between December 2002 and June 2005 for buildings ranging in size from 4,363 to 6,963 square feet and sited on lots ranging from 24,999 to 79,580 square feet for prices ranging from \$900,000 to \$2,795,000 or from \$191.49 to \$451.98 per square foot of land and building. The board also disclosed the subject site was purchased in December 2001 for \$650,000. The board provided a photo of the residential improvement located on the land at the time of the purchase and prior to wrecking. The board also provided a 2005 copy of the parcel record card disclosing a split code on the land of 11,400 square feet of land factored at 22% vacant land and 101,594 square feet factored at 38% improved. Both priced at \$4.50 per square foot. No analysis and adjustment of the sales data was provided by the board. No representative from the Assessor's Office was present to testify to the submitted evidence or be subject to cross examination. The board's representative offered no critique of the appellant's submitted sales data except to note the \$650,000 purchase of the existing residence.

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. *Property Tax Appeal Board Rule 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. *Property Tax Appeal Board Rule 1910.65(c)*.

The PTAB finds that the appellant has met this burden and has submitted the best evidence of market value. The appellant's appraisal indicates that the subject property was valued at \$780,000. Since the market value of the subject has been established, the Cook County Class 5a property assessment of 38% will apply. The subject's total assessment should not be in excess of \$296,400, while the subject's current total assessment is at \$296,400.

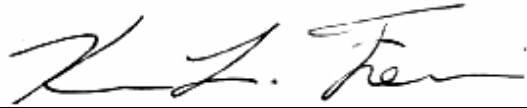
The PTAB gives little weight to the board's sales evidence because it lacks analysis and a supported conclusion of value and thus is insufficient evidence to effect an assessment change or confirm a current assessment.

As a result of this analysis, the PTAB finds that the appellant has adequately demonstrated that the subject property was overvalued and that 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: April 25, 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.