



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

APPELLANT: Irias Rodriguez
DOCKET NO.: 05-25709.001-C-1 through 05-25709.005-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Irias Rodriguez, the appellant(s), by attorney George N. Reveliotis, of Reveliotis Law, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
05-25709.001-C-1	24-08-125-032-0000	10,093	22,215	\$32,308
05-25709.002-C-1	24-08-125-033-0000	10,093	22,215	\$32,308
05-25709.003-C-1	24-08-125-034-0000	10,093	611	\$10,704
05-25709.004-C-1	24-08-125-035-0000	15,142	733	\$15,875
05-25709.005-C-1	24-08-125-036-0000	12,693	611	\$13,304

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 17,109 square foot site improved with a 51-year-old, one-story, frame and masonry constructed restaurant building containing 3,636 square feet of building area. The subject site is zoned C-2, General Service Business District and located in Worth Township, Cook County.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming the subject's market value is not accurately reflected in its assessment. In support of this claim, the appellant submitted a limited summary appraisal report prepared by a State of Illinois certified real estate appraiser. The appraiser determined the subject's highest and best use to be its current use. The appraiser utilized the sales comparison approach to estimate a market value of \$275,000 for the subject

as of January 1, 2005. Based on the evidence submitted, the appellant requested an assessment reflective of a fair market value for the subject of \$275,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$140,355, which reflects a market value of \$369,355 or \$101.58 per square foot of building area, utilizing the Cook County Real Property Assessment Classification Ordinance level of assessment of 38% for Class 5a property, such as the subject. As evidence, the board of review submitted five sales with an unadjusted range of from \$118.32 to \$168.83 per square foot of building area, including land. No analysis or adjustment of the sales data was provided by the board.

The board of review's evidence argued that the appellant's appraisal indicated that the subject sold for \$550,000 on December 16, 2002. The board's evidence also stated that the subject sold for \$500,000 (\$550,000 full consideration less \$50,000 for personal property) or \$137.51 per square foot. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

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 market value is the basis of the appeal the value of the property must be proved 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 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code §1910.65(c)) Having reviewed the record and considering the evidence, the Board finds the appellant has satisfied this burden and a reduction is warranted.

The Board finds the appraisal report submitted by the appellant in which a market value of \$275,000 was estimated for the subject on January 1, 2005 to be the best evidence of the subject's market value as of the January 1, 2005 assessment date at issue. The subject's assessment reflects a market value of \$369,355 and is in excess of the market value estimate contained in the appellant's recent appraisal report. The Board finds that the board of review submitted no evidence to refute the findings contained in the appraisal report. Moreover, the Board gives little weight to the board of review's comparables as the information provided was raw sales data with no adjustments made.

Therefore, the Property Tax Appeal Board finds that the subject had a fair market value of \$275,000 as of January 1, 2005. Since fair market value has been established, the Cook County Real

Property Assessment Classification Ordinance level of assessment for Class 5a property of 38% shall apply. In applying this level of assessment to the subject, the assessed value is \$104,499, while the subject's current assessed value is above this amount at \$140,355. Therefore, the Board finds that 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Shawn R. Lerbis

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 20, 2010

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.