



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

APPELLANT: Perry Gounaris
DOCKET NO.: 07-29499.001-C-1 through 07-29499.003-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Perry Gounaris, the appellant(s), by attorney Ronald A. Shudnow, of Shudnow & Shudnow, Ltd. 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
07-29499.001-C-1	07-33-200-074-0000	38,621	82,911	\$121,532
07-29499.002-C-1	07-33-200-075-0000	48,801	137,467	\$186,268
07-29499.003-C-1	07-33-200-089-0000	1,320	0	\$1,320

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 46,012 square feet of land improved with a 26-year old, one-story, multi-tenant commercial building containing 13,300 square feet of gross building area. The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant's pleadings included a summary appraisal of the subject property with an effective date of January 1, 2007 undertaken by Joseph A. Haritos, a staff appraiser and Arthur J. Murphy who holds an MAI designation and is a certified general real estate appraiser. The appraisers estimated a market value for the subject of \$810,000.

The scope of the appraisal is limited to the commercial improvement and does not include the subject's vacant parcel. The appraisers indicated that the subject's highest and best use as vacant and improved is for its current use. The appraisers developed all of the three traditional approaches to value. The appraisers developed the sales comparison, income capitalization, and cost approaches to value.

Under this sales comparison approach to value, the appraisers utilized four sale comparables. These comparables sold from February 2003 through March 2007, for prices that ranged from \$850,000 to \$2,350,000 or from \$25.95 to \$75.81 per square foot. The properties were zoned for industrial/office/retail usage. The properties range in building size from 17,854 to 53,940 square feet of building area. After making adjustments to the suggested comparables, the appraisers estimated that the subject's market value was \$62.00 per square foot or \$810,000 rounded, as of the January 1, 2007.

Under the income approach, the appraisers reviewed five rental comparables from the market and the subject's current rentals. The properties range in rental rates from \$7.25 to \$21.55 per square foot on a gross lease basis, while the properties range in rental area from 1,100 to 4,106 square feet. The subject's tenants range in rental rates of \$17.05 to \$29.33 per square foot for the commercial space and \$10.69 to \$12.02 per square foot for the industrial space. Based upon this data, the appraisers estimated the subject's potential gross income at \$8.00 per square foot or \$69,600 annually for the industrial space, \$19.00 per square foot or \$84,360 annually for the retail space, and \$5.00 per square foot or \$65,700 annually for reimbursements regarding CAM and real estate taxes. Deducting a vacancy and collection loss of 11% resulted in an effective gross income of \$202,724. Total expenses and replacements for reserves were estimated at \$62,733 resulting in a net operating income of \$139,991.

The appraisers noted an overall capitalization rate for the subject of 9.7% and a tax load of 7.6%. Applying the overall capitalization rate to the operating income resulted in a final value under the income approach of \$810,000, rounded.

Lastly, under the cost approach, the appraisers analyzed three land sales to estimate the value of the land at \$6.00 per square foot or \$280,000. Adding indirect costs of 3% and entrepreneurial incentive of 10% to the replacement cost new of building improvement value of \$740,262 to determine a total replacement cost new value of \$838,717. The appraisers depreciated the improvement for physical and functional and external obsolescence for a value of \$491,991. Adding additional on-site improvements of \$37,221 and land value of \$280,000 resulted in a market value estimate under this approach of \$810,000, rounded.

The appellant's appraisers indicated the most weight was accorded to the sales comparison approach to value in reconciling a final value estimate of \$810,000. Based upon this data, the appellant requested a reduction in the subject's market value.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$325,914 for the tax year 2007. The subject's assessment reflects a market value of

\$860,194 or \$64.67 per square foot using the Cook County Ordinance Level of Assessment for Class 5, commercial property of 38% and class 1, vacant property of 22%.

In support of the subject's market value, raw sales data was submitted for five Class B and C flex and light manufacturing properties. The data from the CoStar Comps service sheets reflect that the research was licensed to the assessor's office, but failed to indicate that there was any verification of the information or sources of data. The properties sold from June 2004, to August 2008, in an unadjusted range from \$42.78 to \$110 per square foot of building area. The properties contained buildings that ranged in size from 10,000 to 18,090 square feet and in age from 16 to 33 years. As a result of its analysis, the board requested confirmation of the subject's assessment.

At hearing, Mr. Scott Shudnow, the appellant's attorney stated that the building is a one-story, multi-tenant, industrial-flex building. Mr. Shudnow summarized the facts of the appraisal and concluded that the subject's market value per the appraisal is \$810,000, as of January 1, 2007. Mr. Shudnow also distinguished the board of review's sales comparables from the subject based on location, sales conditions, and real estate brokers involved in transactions. He also stated that board of review's sale comparable #1 supports the appraisal value. Furthermore, he stated that no professional adjustments and inspections were made to these sale comparables. Mr. Shudnow rested on the evidence submitted.

The board of review analyst, Ms. Lena Henderson, reiterated the sale price range of the board of review's comparables and concluded that since the subject lies within that range, the subject is equitably assessed. Ms. Henderson rested on the evidence submitted.

After considering the arguments, testimony, and reviewing 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3d Dist. 2002; Winnbago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d (2d 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. 86 Ill. Admin. Code 1910.65(c). Having considered the evidence presented, the Board concludes that the evidence indicates a reduction in the subject's assessment is warranted.

In determining the fair market value of the subject property, the Board accorded diminished weight to the properties submitted by

the board of review as the evidence provided unconfirmed, raw data on sales.

Further, as to the subject's market value, the Board finds that the appellant's appraisers utilized all three traditional approaches to value in developing the subject's market value, The Board also finds this appraisal to be persuasive for the appraisers: have extensive experience in appraising and assessing property; personally inspected the subject property; estimated a highest and best use for the property; and utilized market data in undertaking the approaches to value; and lastly, used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary.

Therefore, the Board finds that the subject property had a market value of \$810,000 for the tax year 2007. Since the market value of the subject has been established, the Cook County Ordinance level of assessment for Class 5, commercial property of 38% will apply. In applying this level of assessment to the subject, the total assessed value is \$307,800, while the subject's current total assessed value is above this amount at \$325,914. 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.

Donald R. Cuit

Chairman

[Signature]

Member

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Member

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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: March 22, 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.