



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

APPELLANT: Jim Miceli
DOCKET NO.: 08-25887.001-C-1 through 08-25887.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Jim Miceli, the appellant, by attorney Brian P. Liston, of Law Offices of Liston & Tsantilis, 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 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:

| DOCKET NO | PARCEL NUMBER | LAND | IMPRVMT | TOTAL |
|------------------|--------------------|---------|---------|-----------|
| 08-25887.001-C-1 | 03-35-302-006-0000 | 698,949 | 37,770 | \$736,719 |
| 08-25887.002-C-1 | 03-35-302-007-0000 | 45,754 | 18,604 | \$64,358 |

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 2008 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 one-story, commercial building with 28,224 square feet of building area built in 1970. The property has a 230,868 square foot site and is used as a car dealership. The subject is classified as a class 5A, commercial property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information on three suggested comparable sales. These properties sold from

September, 2005, to March, 2008, for prices that ranged from \$51.11 to \$68.27 per square foot of building area. The improvements ranged in building size from 20,142 to 49,005 square feet. The support documentation reflects that these comparables were taken from an appraisal report. At hearing, the appellant's attorney withdrew the vacancy argument without objection from the board's representative.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$801,077. The subject's assessment reflects a market value of \$2,110,728 or \$74.78 per square foot of living area, including land, when applying the level of assessment for class 5A, commercial property under the Cook County Real Property Assessment Classification Ordinance of 38%.

In support of its contention of the correct assessment, the board of review submitted information on six suggested comparable sales. The properties were identified as either auto repair or auto dealership facilities. They sold from October, 1995, to August, 2009, for prices that ranged from 87.60 to \$184.99 per square foot of building area. The properties ranged in building size from 25,113 to 34,000 square feet.

At hearing, the board's representative argued that the appellant's sales printouts lack comparability because they appear to be portions of an appraisal without the full appraisal submitted into evidence. In addition, he argued that the subject's parcels have been accorded a 20% occupancy factor. In support of this argument, he submitted board of review's Hearing Exhibit #1 without objection from the appellant. This Exhibit contained copies of the assessor's ASIQ printouts for the subject's parcels.

In rebuttal, the appellant's attorney argued that the board's properties only reflect raw, unadjusted sales data, while property #1 has a differing highest and best use because it is an auto repair facility.

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 *did not meet* this burden of proof and a reduction in the subject's assessment *is not warranted*.

The Board finds the best evidence of market value to be *appellant's comparable sales #1 through #3 as well as the board of review's comparable sales #2, #4, and #5*. These comparables sold for prices ranging from \$51.11 to \$184.99 per square foot of

building area, including land. The subject's assessment reflects a market value of \$74.78 per square foot of building area, including land, which is at the low end of the range established by the best comparable sales in this record. Based on this evidence, 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.

Donald R. Cuit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Marko M. Louie

Member

J. R.

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: February 20, 2015

A. P. ...

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.