



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

APPELLANT: Daniel Lombardo
DOCKET NO.: 08-28127.001-C-1
PARCEL NO.: 22-20-405-005-0000

The parties of record before the Property Tax Appeal Board are Daniel Lombardo, the appellant(s), by attorney Adam E. Bossov, of Law Offices of Adam E. Bossov, 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:

**LAND: \$ 5,837
IMPR.: \$ 106,013
TOTAL: \$ 111,850**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,234 square foot parcel of land improved with a 125-year old, two-story, commercial building. The appellant argued that the market value of the subject property was not accurately reflected in its assessed value as the basis of this appeal.

In support of the market value argument, the appellant submitted a summary appraisal report of the subject property with an effective date of January 1, 2005. The appraiser estimated a market value for the subject of \$205,000 based upon the sales comparison approach to value. The appraisal indicated the subject was inspected and listed the subject's size at +/-3,600

square feet of building area. Based upon this evidence, the appellant requests a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$111,850 was disclosed. This assessment reflects a fair market value of \$294,342 when the Cook County Real Property Assessment Classification Ordinance level of assessments of 38% for Class 5a property is applied. The board of review lists the subject's size at 4,096 square feet of building area and included the property record card which has a diagram of the improvement.

In support of the subject's assessment, the board of review presented descriptions and sales information on a total of four properties. The properties are one-story, commercial buildings that range in size from 3,571 to 4,500 square feet of building area. They sold from November 1998 to July 2004 for prices ranging from \$353,000 to \$1,636,363 or from \$98.85 to \$413.22 per square foot of building area, land included. Sale comparable #1 is a sale leaseback while sale comparable #2 is part of a bulk/portfolio sale.

After the appellant was informed that his evidence was received and was being sent to the county for their review and submission of evidence, the appellant submitted a letter indicating that the appellant's attorney erred in submitting the original appraisal and submitted a new appraisal into evidence. The board of review's evidence was received by the Property Tax Appeal Board the day after the appellant submitted this new evidence.

In rebuttal, the appellant's attorney submitted a letter asserting that the board of review's evidence was not an appraisal and should be disregarded in its entirety.

After considering the arguments 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 (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 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 appellant has met this burden and that a reduction is not warranted.

In regards to the second appraisal submitted by the appellant. The Board finds this appraisal was submitted after the deadline for the submission of evidence by the appellant. Further, the Board finds the appellant's original evidence was already presented to the board of review. Finally, the board of review's evidence was received by the Board the day after the appellant submitted his new appraisal which indicates the board of review relied on the appellant's original evidence when it submitted its evidence. Therefore, the Board finds the appellant's second appraisal was untimely submitted and would unduly prejudice the board of review if given any weight. Therefore, the Board will give this appraisal no consideration.

As to the subject's size, the Board finds the appellant did not present sufficient evidence to establish that the board of review has incorrectly listed the subject's size. While the appraisal lists the subject as containing +/-3,600 square feet of building area, the appraisers failed to include the dimensions or a diagram to support their conclusion. Moreover, the Board finds the board of review submitted a diagram of the improvement from a field visit in September 1974. Therefore, the Board finds the subject contains 4,096 square feet of building area.

In determining the fair market value of the subject property, the Board thoroughly considered the parties' evidence. The Board gives diminished weight to the appraisal because the adjustments made were for a valuation date three years prior to the lien date at issue. For this reason, the Board gives the adjustments and the conclusion of value within the appraisal no weight.

The courts have stated that where there is credible evidence of comparable sales, these sales are to be given significant weight as evidence of market value. Chrysler Corp. v. Illinois Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989). Therefore, the Board will consider the raw sales data from both parties along with the subject's sale information.

The parties submitted nine sales comparables. The Board finds the appellant's comparables #3, and #4 and board of review's sale comparable #3 similar to the subject and most probative in

determining the subject's market value as of the lien date. These sales occurred from May 2003 to July 2004 for prices ranging from \$105,000 to \$700,000 or from \$51.27 to \$155.56 per square foot of building area. In comparison, the appellant's assessment reflects a market value of \$71.86 per square foot of building area which is within the range established by the sales comparables. After considering adjustments and the differences in the comparables when compared to the subject, the Board finds the subject's per square foot assessment is supported and a reduction 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:

August 22, 2014



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.