



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

APPELLANT: Exxon Mobil Corp
DOCKET NO.: 09-28577.001-C-2 through 09-28577.002-C-2
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Exxon Mobil Corp, the appellant, by attorneys Kevin P. Burke and Courtney Harvey Pastrnak, of Smith Hemmesch Burke & Kaczynski 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
09-28577.001-C-2	19-03-100-005-0000	51,254	17,981	\$69,235
09-28577.002-C-2	19-03-100-014-0000	16,663	7,852	\$24,515

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 2009 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 highly irregular shaped parcels of land located as an interior site consisting of 257,439 square feet or 5.91 acres. The east, west and north border lines are adjacent to other land sites, while the south lot line borders the Sanitary and Shipping Canal. The subject is located in Lake Township and is classified as a class 5-80, industrial property with a minor improvement 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 an appraisal

estimating the subject property had a market value of \$375,000 as of January 1, 2009.

At hearing, the appellant called as its witness, Joseph Ryan. Ryan testified that he holds the designations of State certified general real estate appraiser as well as MAI or member of the appraisal institute. He stated that from 1980 to 1985 he was employed with the Cook County Assessor's office and then other appraisal firms before starting his own appraisal firm in 1991. Ryan indicated that he conducted an interior and exterior inspection of the subject's building and site on March 29, 2010. His appraisal indicated that there were no apparent major alterations performed to the subject between these two dates.

As to the 2009 real estate market, Ryan testified that after the economic collapse, the stock market collapse of October, 2008, and the subsequent imploding of Lehman Brothers and several other wall street firms, that the real estate market for various properties dropped drastically.

As to the subject's configuration, Ryan testified that the subject has no frontage on any street with the only ingress and egress being an easement granted from Citgo to Exxon Mobil. He stated that the Citgo parcel actually has frontage on Cicero Avenue. Behind the Citgo parcel accessible only via easement is the Mobil oil 'lube plant'. He further stated that this parcel is actually leased by Mobil from People's Gas and sits on the canal on the south side of the Mobil parcel at issue. Ryan also indicated that the subject parcel is used as access to a barge dock, but only by two leased access roads.

As to highest and best use, Ryan stated that the subject is zoned for industrial use and that the highest and best use, as vacant, would be for trailer storage. His appraisal indicated that the subject's shape and the land locked location do not readily lend itself to development.

In the sales comparison approach to value, Ryan used five sale comparables with varying locations. They sold from June, 2006, to January, 2009, for prices that ranged from \$0.42 to \$1.55 per square foot of land. They ranged in land size from 103,107 to 1,613,300 square feet. After making adjustments for market conditions, location, size and utility, the Ryan appraisal estimated a value for the subject of \$1.00 per square foot or \$257,439.

As to the subject's minor improvement, Ryan stated that he used the Marshall and Swift Cost Manual to estimate a value under the cost approach. He classified the subject's 40-year old, low-cost metal shed as a Class S, low cost, storage warehouse resulting in a replacement cost new of \$27.08 per square foot or \$113,738. Less depreciation resulted in a depreciated cost new of \$100,089. Site improvements of paving and concrete at \$2.00 per square foot less depreciation resulted in a contributory value of \$102,975.

Adding the land value of \$257,439 resulted in a combined market value of \$375,000, rounded, for the subject.

On further examination, Ryan testified that he made no adjustments to his sale comparables for minor improvements because he believed it was unnecessary. He stated that he made an adjustment for the sale's condition. As to any adjustment for access only by easement, he stated that the appraisal disclosed that all of the sales were considered superior to the subject partly due to the street frontage; therefore, he used a locational adjustment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$310,927. The subject's assessment reflects a market value of \$1,243,748 or \$4.83 per square foot of land, when applying the level of assessment for class 5-80, industrial property under the Cook County Real Property Assessment Classification Ordinance of 25%.

In support of its contention of the correct assessment, the board of review submitted unadjusted sales data on four comparable sales. Three of the four properties were located in Chicago, while the fourth was located in Cicero. They ranged in land size from 3.75 to 5.24 acres of land. They sold from December, 2005, to June, 2008, for prices that ranged from \$262,025 to \$426,667 per acre of land or from \$6.02 to \$9.79 per square foot.

At hearing, the board of review's representative, Ms. Drake, testified that she believes that the properties being appealed belong to an 'economic unit'. She stated that the two land parcels under appeal are not the only parcels in this locale which are owned by Exxon Mobil. She indicated that Mobil also owns the parcel to the north that borders the subject's parcels. Therefore, she opined that since Mobil owns all three parcels that they are part of an 'economic unit' and that the property to the north is assessed at \$1.75 per square foot. Thereby, all three of these properties should be assessed at the same level of \$1.75 per square foot.

For clarity, she moved the admission of BOR Hearing Exhibit #1, which is a one-page aerial photograph of the subject properties admitted into evidence over the appellant's objection. Drake stated that she obtained this copy of an aerial photograph from the Cook County Assessor's website; however, she testified that she had no personal knowledge as to whether the photograph depicted the subject properties as of the January 1, 2009 assessment date at issue. Nevertheless, she did testify that she personally checked the assessor's website to confirm that Exxon Mobil did own three parcels in tax year 2009.

As to this Exhibit, she testified as to how she marked the subject parcels and the other Exxon Mobil parcel to the north. She asserted that the northern parcel contains the main plant for Mobil and that the two parcels under appeal are the two back lots

of this 'economic unit'. She also stated that she wrote the land unit price for the two back lots of \$3.50 per square foot as well as the northern lot of \$1.75 per square foot. Drake also asserted that the three lots should be assessed at the same rate and was offering this as a counter offer of \$1.75 per square foot.

Further, Drake stated that the cylinders depicted on the left side of the aerial photograph are owned by Citgo which had accorded an easement to Mobil; however, she testified that she had no personal knowledge of where that easement right was located within the photograph.

Moreover, the board of review's memorandum stated that the data was not intended to be an appraisal or an estimate of value and should not be construed as such. This memorandum indicated that the information provided therein had been collected from various sources that were assumed to be factual and reliable; however, it further indicated that the writer hereto had not verified the information or sources and did not warrant its accuracy. As a result of its analysis, the board requested confirmation of the subject's assessment.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the *appraisal with supporting expert testimony submitted by the appellant*. The Board accorded minimal weight to the unadjusted sales submitted by the board of review. Moreover, the Board finds the board of review's assertion that the subject's parcels were an 'economic unit' along with another northerly parcel interesting, but unsupported. Further, the Board noted that the board of review requested a reduction in the subject's assessment to reflect inclusion in a hypothetical 'economic unit' as well as an assessment of \$1.75 per square foot. The Board finds that this position supports the appellant's market value argument.

Therefore, the Board finds the subject property had a market value of \$375,000 as of the assessment date at issue. Since market value has been established the level of assessment for class 5, industrial property under the Cook County Real Property Assessment Classification Ordinance of 25% shall apply. (86 Ill.Admin.Code §1910.50(c)(2)).

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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.

Mario Alvares

Chairman

DR

Member

Member

Robert Hoffmann

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: May 20, 2016

A. Heston

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.