



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

APPELLANT: Stavros Kottos
DOCKET NO.: 09-33216.001-R-1
PARCEL NO.: 22-13-302-009-0000

The parties of record before the Property Tax Appeal Board are Stavros Kottos, the appellant, by attorney Daniel R. Fusco, of Rock, Fusco & Associates, LLC 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:

LAND: \$19,374
IMPR.: \$11,073
TOTAL: \$30,447

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 is 28 years old, and consists of a one-story gasoline station containing 2,346 square feet of living area. The subject property has a 19,374 square foot site, is located in Lemont Township, Cook County and is classified as a Class 5-23 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. The appellant averred the subject property should be assessed as vacant land instead of improved Class 5 property because the building on the site was demolished on May 11, 2009. In support of this argument the appellant submitted a brief and exhibits. Exhibits included: 1) a copy of a demolition permit issued by Cook County; 2) a signed statement by a witness that the building on the site was wrecked and removed on May 11, 2009; 3) and four color photographs of vacant land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$45,948. The subject's assessment reflects a market value of \$183,792 or \$78.34 per square foot of living area, including land, when applying the 2009 three-year median level of assessment for Class 5 property under the Cook County Real Property Assessment Classification Ordinance of 25% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales. None of these comparables appeared to include information on demolitions of improvements.

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 appellant's evidence of the demolition of the building on the subject site. The board of review failed to refute the issue raised by the appellant of vacant land due to demolition of the improvement. The improvement was on the site for five months of the tax year 2009. The Board finds that a proration of 41.67% of the board of review's \$26,574 level of assessment for the improvement is warranted. Therefore, the Board holds a reduction in the subject's assessment is 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. Fern

Member

Tracy A. Huff

Member

Marko M. Louis

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.