



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

APPELLANT: Convention Center Drive, LLC
DOCKET NO.: 10-21198.001-C-1
PARCEL NO.: 14-19-203-001-0000

The parties of record before the Property Tax Appeal Board are Convention Center Drive, LLC, the appellant(s), by attorney Brian P. Liston, of the 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 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: \$ 18,220
IMPR.: \$ 39,305
TOTAL: \$ 57,525

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 2010 tax year. The Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject consists of a three-story building of masonry construction. The building is 113 years old. The property has a 3,222 square foot site, and is located in Chicago, Lake View Township, Cook County. The subject is classified as a class 3-18 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 four comparable sales. The appellant also submitted an income and expense report estimating the subject property had a market value of \$510,204. The appellant's evidence also states that the subject improvement size is 4,425 square feet of building area. In support of this assertion, the appellant submitted an

architectural drawing which states that the subject's first floor contains 1,153 square feet of building area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$100,698. The subject's assessment reflects a market value of \$774,600 when applying the 2010 statutory level of assessment for class 3 property under the Cook County Real Property Assessment Classification Ordinance of 13.00%.

In support of its contention of the correct assessment, the board of review submitted information on seven comparable sales from the CoStar Comps Service. The board of review's evidence states that the subject's improvement size is 16,734 square feet of building area. In support of this assertion, the board of review submitted two property record cards for the subject, both of which included measurements and drawings of the subject. The first property record card states that the subject has 1,475 square feet of building area on the first floor, and that the subject is three stories, for a total improvement size of 4,425 square feet of building area. The second property record card states that the subject has 2,789 square feet of building area on the first floor, and that the subject is three stories, for a total improvement size of 8,367 square feet of building area.

At hearing, both parties reaffirmed the evidence previously submitted.

Conclusion of Law

Initially, the Board finds that the subject's improvement size is 4,425 square feet of building area. "Standard of proof. Unless otherwise provided by law or stated in the agency's rules, the standard of proof in any contested case hearing conducted under this Act by an agency shall be the preponderance of the evidence." 5 ILCS 100/10-15. The Board gave the board of review's evidence diminished weight, as it contradicted itself in several ways. First, the board of review states that the subject's improvement size is 16,734 square feet of building area in its memorandum. Both parties state that the subject's land size is 3,222 square feet of land and that the subject's improvement was three stories. If the Board were to presume that the subject's three-story improvement was built on the entire parcel of land, the improvement's maximum size could be 9,666 square feet of building area. Thus, the board of review's assertion that the subject's improvement size is 16,734 square feet of building area appears to be a mathematical impossibility. Moreover, the board of review contradicted itself on this point by stating that the subject's improvement size was 4,425 square feet of building area in the first property record card, and then stating that the subject's improvement size was 8,367 square feet of building area in the second property record card. Based on the board of review's contradictory evidence and mathematical impossibilities, the Board gave its evidence regarding the subject's improvement size diminished weight.

The Board gave the architectural drawing submitted by the appellant considerable weight, as the Board finds this drawing fairly and accurately depicts the subject's improvement size. The Board further finds that the subject's improvement size is 4,425 square feet of building area, and that the subject's market value is \$175.05 per square foot of building area, including land, when applying the 2010 statutory level of assessment for class 3 property under the Cook County Real Property Assessment Classification Ordinance of 13.00%.

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 appellant submitted documentation showing the income of the subject property. The Board gives the appellant's argument little weight. In Springfield Marine Bank v. Prop. Tax Appeal Bd., 44 Ill.2d 428 (1970), the Illinois Supreme Court stated:

[I]t is clearly the value of the "tract or lot of real property" which is assessed, rather than the value of the interest presently held. . . [R]ental income may of course be a relevant factor. However, it cannot be the controlling factor, particularly where it is admittedly misleading as to the fair cash value of the property involved. . . [E]arning capacity is properly regarded as the most significant element in arriving at "fair cash value". Many factors may prevent a property owner from realizing an income from property that accurately reflects its true earning capacity; but it is the capacity for earning income, rather than the income actually derived, which reflects "fair cash value" for taxation purposes.

Id. at 431.

As the Court stated, actual income and expenses can be useful when shown that they are reflective of the market. Although the appellant made this argument, the appellant did not demonstrate, through an expert in real estate valuation, that the subject's actual income and expenses are reflective of the market. To demonstrate or estimate the subject's market value using income and expenses one must establish, through the use of market data, the market rent, vacancy and collection losses, and expenses to arrive at a net operating income reflective of the market and the property's capacity for earning income. The appellant did not provide such evidence and, therefore, the Board gives this argument no weight. Thus, the Board finds that a reduction is

not warranted based on the appellant's income and expense analysis.

The Board finds the best evidence of market value to be appellant's comparables #1, #2, and #4. These comparables sold for prices ranging from \$88.91 to \$147.89 per square foot of building area, including land. The subject's assessment reflects a market value of \$175.05 per square foot of building area, including land, which is above the range established by the best comparables in this record. Based on this record, the Board finds 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.

Chairman



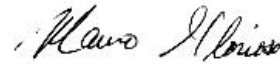
Member



Member



Member



Member



Acting 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 18, 2016



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.