



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

APPELLANT: Lawrence & Sheridan
DOCKET NO.: 10-22497.001-C-2 through 10-22497.002-C-2
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Lawrence & Sheridan, the appellant(s), by attorney Steven B. Pearlman, of Steven B. Pearlman & Associates 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
10-22497.001-C-2	14-08-416-027-0000	233,268	120,361	\$353,629
10-22497.002-C-2	14-08-416-028-0000	171,063	59,282	\$230,345

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 finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of two parcels of land totaling 37,180 square feet and improved with a 23-year old, one-story, masonry, commercial building. The property is located in Lake View Township, Cook County and is a class 5 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 a portion of an appraisal estimating the subject property had a market value of \$2,120,000 as of January 1, 2012. The appraisal stops at page

72 and does not include the sales comparison approach or the final conclusion of value. The appraisal lists the subject as containing 20,231 square feet of building area.

The appellant also submitted sale information on three comparables, color photographs of the subject, an affidavit from the authorized agent, a 2010 occupancy affidavit, a 2010 rent roll, and income and expense statements for 2009 and 2010. The appellant argues that the subject property has been partially vacant for 2010 and should receive an occupancy factor based on this vacancy.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment of \$583,974. The assessment reflects a market value of \$2,335,896 using the Cook County Ordinance level of assessment for class 5 property of 25%.

In support of its contention of the correct assessment the board of review submitted four sale comparables. The board of review lists the subject as containing 40,300 square feet of building area and included the property record cards for both parcels which show buildings on each parcel.

In rebuttal, the appellant submitted a letter asserting that the subject's square footage was incorrectly listed by the board of review and included a copy of the property record card for one parcel showing a percentage for each of the two parcels. The appellant also argues that the best evidence of market value is the appraisal and that the board of review's comparables should not be given any weight.

Prior to hearing, the appellant's attorney and the board of review's representative sent a joint request to waive the hearing and have the matter written based on the evidence previously submitted. This request was granted.

Conclusion of Law

As to the subject's size, the Board finds that the appellant has submitted sufficient evidence to show that the county has incorrectly listed the improvement size. The appellant submitted color photographs and a rent roll which lists square footage that shows an improvement consistent with the size listed on the property record card for parcel 14-08-416-027-0000. This property record card lists a proration for the two parcels. Therefore, the Board finds the subject contains 20,280 square feet of building area which equates to a market value of \$115.18 per square foot of building area.

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 has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The Board thoroughly considered the parties' evidence. The Board gives no weight to the appraisal because it is incomplete.

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

[I]t is 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.

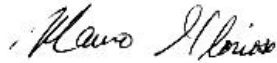
Actual expenses and income can be useful when shown that they are reflective of the market. Although the appellant's attorney made this argument, the appellant did not demonstrate through an expert in real estate valuation that the subject's actual income and expenses are reflective of the market. To demonstrate or estimate the subject's market value using income, 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 failed to submit a complete appraisal that could be given weight in determining the subject's value base on the market.

In addition, the Board gives no weight to the appellant's argument that the subject received a 59% occupancy factor as no evidence was provided to support this assertion.

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.

The Board finds the best evidence of market value to be appellant's comparable sales and the board of review comparables sales #3 and #4. These comparables sold from August 2007 to May 2008 for prices ranging from \$88.53 to \$485.22 per square foot of building area, including land. The subject's assessment reflects a market value of \$115.18 per square foot of building area, including land, which is within the range established by the best comparable sales in this record. If, in arguendo, the Board calculates the subject's market value per square foot using the appellant's argument of a full assessment with no occupancy factor applied, that value of \$189.02 is still within the range of the best comparables in the record. Based on the 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.



Chairman



Member



Member



Acting 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: April 22, 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.