



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

APPELLANT: Princeton West I & II Condominium Assoc  
DOCKET NO.: 10-26997.001-R-3 through 10-26997.002-R-3  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Princeton West I & II Condominium Assoc, the appellant(s), by attorney Kerry T. Bartell, of Kovitz Shifrin Nesbit in Buffalo Grove; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, 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
10-26997.001-R-3	06-06-200-064-0000	1	1	\$2
10-26997.002-R-3	06-06-200-070-0000	1	0	\$1

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 located within the Princeton West Condominium Association. The property is located in Hanover Township, Cook County.

The appellant contends overvaluation as the basis of the appeal. The appellant's counsel argued that the subject is entitled to a \$1.00 assessment as required by Section 10-35(a) of the Illinois Property Tax Code (35 ILCS 200/10 35(a)). The provision provides in part that:

Residential property which is part of a development, but which is individually owned and ownership of which includes the right, by easement, covenant, deed or other interest in property, to the use of any common area for recreational or similar residential purposes shall be assessed at a value which includes the proportional share of the value of that common area or areas. Property is used as a

"common area or areas" under this Section if it is a lot, parcel, or area, the beneficial use and enjoyment of which is reserved in whole as an appurtenance to the separately owned lots, parcels, or areas within the planned development. The common area or areas which are used for recreational or similar residential purposes and which are assessed to a separate owner and are located on separately identified parcels, shall be listed for assessment purposes at \$1.00 per year.

In support of this claim, the appellant's attorney submitted an affidavit that states the subject is owned by the association and are common area parking units. The appellant also submitted several plats of survey, and Princeton West's condominium declaration. Based on this evidence, the appellant requested a \$1.00 assessment for the subject unit.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$336,000. The subject's assessment reflects a market value of \$3,360,000, when applying the 2010 level of assessments for class 1 and class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10%. In support of its contention of the correct assessment, the board of review submitted the subjects' property record cards. The board did not specifically address the appellant's contention that the subject unit should be assessed as common area.

### **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 Property Tax Appeal Board finds that, based on Section 10-35(a), the common areas of any type of residential real property development can be assessed at \$1.00, if they conform to the definition and requirements of a common area as defined in the statutes. The Condominium Property Act 765 ILCS 605/2, contains the following definitions:

(c) "Property" means all the land, property and space comprising the parcel, all the improvements and structures erected, constructed or contained therein...

(d) "Unit" means a part of the property designated and intended for any type of independent use.

(e) "Common Elements" means all portions of the property *except the units*, including limited common elements unless otherwise specified. (*Emphasis added*)

The legislature specifically stated in the Property Tax Code that common areas "used for recreational or similar residential purposes" shall be assessed at \$1.00 per year. 35 ILCS 200/10-35(a). The General Assembly broadly defined common areas in section 10-35(a) as property "the beneficial use and enjoyment of which is reserved in whole as an appurtenance to the separately

defined lots..." 35 ILCS 200/10-35(a). Likewise, the legislature specifically stated in the Condominium Property Act that "real property owned and used for residential purposes by a condominium association...used exclusively by the unit owners for recreational or other residential purposes" shall be assess at \$1.00 per year. 765 ILCS 605/10(a).

The Board further finds that the subject parcels meet all the above requirements and the definition of "common area" and thus qualify for \$1.00 common area assessments. Based on the evidence in the record, the Board finds a reduction in the subject's assessment is justified.



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.