



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

APPELLANT: Madison Street Townhome Assoc.
DOCKET NO.: 11-30785.001-R-2 through 11-30785.013-R-2
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Madison Street Townhome Assoc., the appellant(s), by attorney Kevin P. Burke, of Smith Hemmesch Burke & Kaczynski in Chicago; 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 part and a No Change in part** 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
11-30785.001-R-2	17-18-101-066-0000	2,339	7,931	\$ 10,270
11-30785.002-R-2	17-18-101-067-0000	4,753	31,726	\$ 36,479
11-30785.003-R-2	17-18-101-074-0000	1,829	8,767	\$ 10,596
11-30785.004-R-2	17-18-101-075-0000	3,719	35,070	\$ 38,789
11-30785.005-R-2	17-18-101-078-0000	1,812	5,675	\$ 7,487
11-30785.006-R-2	17-18-101-079-0000	3,682	20,445	\$ 24,127
11-30785.007-R-2	17-18-101-082-0000	1,958	5,607	\$ 7,565
11-30785.008-R-2	17-18-101-083-0000	3,984	20,065	\$ 24,049
11-30785.009-R-2	17-18-101-084-0000	7,078	39,658	\$ 46,736
11-30785.010-R-2	17-18-101-085-0000	4,743	26,871	\$ 31,614
11-30785.011-R-2	17-18-101-086-0000	5,538	35,841	\$ 41,379
11-30785.012-R-2	17-18-101-091-0000	4,743	45,455	\$ 50,198
11-30785.013-R-2	17-18-101-092-0000	5,960	45,455	\$ 51,415

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 2013 tax year. The Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

Stipulations by the Parties

Prior to the hearing, the parties reached an agreement as to the correct assessment of five of the properties that are the subject of this appeal, including docket numbers: 11-30785.005-R-2 (PIN 17-18-101-078-0000); 11-30785.006-R-2 (PIN 17-18-101-079-0000); 11-30785.007-R-2 (PIN 17-18-101-082-0000); 11-30785.008-R-2 (PIN 17-18-101-083-0000); and 11-30785.010-R-2 (PIN 17-18-101-085-0000). This assessment agreement was presented to and considered by the Board. After reviewing the record and considering the evidence submitted, the Board finds that the agreement of the parties is proper. See 86 Ill.Admin.Code §1910.55. These stipulated assessments have been documented in the chart above. The remaining eight properties continued to be a “contested case” as that term is defined in the Illinois Administrative Procedure Act, and, therefore, proceeded to a hearing on the merits. 5 ILCS 100/1-30; 5 ILCS 100/10-25. The following findings of fact and conclusions of law address only these eight remaining properties.

Findings of Fact

The subject consists of eight townhomes that are described as three-story dwellings of masonry construction with either 1,916 or 2,172 square feet of living area. The dwellings are all four years old. Features of the homes include a slab, central air conditioning, and a two-car garage. The properties are located in Chicago, West Chicago Township, Cook County. The subjects are all classified as class 2-95 property under the Cook County Real Property Assessment Classification Ordinance. The Board notes that the properties with PINs 17-18-101-066-0000 and 17-18-101-067-0000 consist of the same townhome unit, but the improvement assessment is prorated 20% and 80%, respectively. The Board further notes that the properties with PINs 17-18-101-074-0000 and 17-18-101-075-0000 consist of the same townhome unit, but the improvement assessment is prorated 20% and 80%, respectively.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant argued that three units in the subject’s development, or 15.48% of ownership, sold from July 2010 to September 2011 for an aggregate price of \$632,000. An allocation of 5.00% per unit for personal property was subtracted from the sales prices, and then divided by the percentage of interest of the units sold to arrive at a total market value for the development of \$3,878,553. The subjects’ individual percentages of ownership were then utilized to arrive at a market value for each unit. In support of the three sales, the appellant submitted printouts from the Cook County Recorder of Deeds’ website for each sale.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessments for the subjects of \$285,862. The subjects’ assessments reflect a market value ranging from \$413,790 to \$514,150, or \$215.23 to \$261.99 per square foot of living area, including land, when applying the 2013 statutory level of assessment for class 2 property under the Cook County Real Property Assessment Classification ordinance of 10.00%.

In support of its contention of the correct assessment, the board of review submitted information on four equity comparables and four sale comparables. The ASIQ printouts submitted by the board of review state that the properties with PINs 17-18-101-066-0000, 17-18-101-067-0000, and 17-18-101-091-0000 all received homeowner’s exemptions for tax year 2011, and therefore, these properties are owner-occupied. See 35 ILCS 200/15-176.

In written rebuttal, the appellant argued that the board of review's comparables should be given no weight because they were located more than a mile away from the subject properties.

At hearing, both parties rested on the evidence previously submitted.

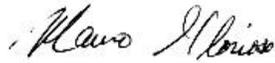
Conclusion of Law

Initially, the Board finds that the appellant's calculations using the subjects' percentage of ownership is misplaced. The Board posits that the townhome owners may have created a homeowner's association that attributed a certain percentage of ownership to each townhome owner for the purpose of collecting a *pro rata* assessment from each townhome owner for various purposes (i.e., landscaping and/or snow removal from certain areas under the control of the homeowner's association). The Common Interest Community Association Act (which is the Act that authorizes the creation of homeowner's associations) authorizes the collection of funds from members of the association for the purpose of, *inter alia*, paying real estate taxes for the property owned by the association, but does not state that each unit owner's percentage of ownership is to be used in assessing the units themselves. Compare 765 ILCS 160/1-5 ("Common interest community' means real estate other than a condominium or cooperative with respect to which any person by virtue of his or her ownership of a partial interest or a unit therein is obligated to pay for the...real estate taxes of common areas described in a declaration which is administered by an association.") with 765 ILCS 605/10 (property taxes for condominium units are "assessed against and levied upon each unit and the owner's corresponding percentage of ownership in the common elements as a tract, and not upon the property as a whole."). The ASIQ printouts submitted by the board of review state that all of the subjects are class 2-95 properties. The Cook County Assessor defines a class 2-95 property as an "[i]ndividually owned townhome or row house up to 62 years of age." Since the subjects' real estate taxes are not assessed according to their percentage of ownership under the Common Interest Community Association Act, the Board finds that each unit shall be assessed separately and apart from each other unit, regardless of any percentage of ownership.

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 did not meet this burden of proof and a reduction in the subjects' assessments is not warranted.

The Board finds the best evidence of market value to be board of review comparables #1, #2, #3, and #4. These comparables sold for prices ranging from \$257.13 to \$269.40 per square foot of living area, including land. The subjects' assessments reflect market values ranging from \$215.23 to \$261.99 per square foot of living area, including land, meaning that all of the subjects' market values are within or below the range established by the best comparables in this record. The appellant's comparables were given diminished weight because there was no evidence submitted stating those comparables' improvement sizes. Therefore, the Board is unable to calculate those comparables' market values on a per square foot basis. Based on this record, the Board finds a reduction in the subjects' assessments is not warranted.

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



Acting Member

DISSENTING: _____

CERTIFICATION

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: November 23, 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.