



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

APPELLANT: U.S. Equities Realty
DOCKET NO.: 12-29918.001-C-1 through 12-29918.004-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are U.S. Equities Realty, the appellant(s), by attorney Edward M. Burke, of Klafter & Burke 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 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
12-29918.001-C-1	17-09-333-010-8011	0	399,355	\$399,355
12-29918.002-C-1	17-09-333-011-8002	0	154,849	\$154,849
12-29918.003-C-1	17-09-333-012-8002	0	154,849	\$154,849
12-29918.004-C-1	17-09-333-013-8002	0	105,947	\$105,947

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 2012 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 a leasehold comprised of retail space. A tax exempt entity owns the underlying land and improvements. The subject building was constructed in 1912 and renovated in 1988. The property is known as the Metra Market located in the Ogilvie Transportation Center in Chicago, West Chicago Township, Cook County. The subject is classified as a class 5-97 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 an appraisal, estimating the subject property had a market value of \$3,260,000 as of January 1, 2012.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$847,212. The subject's assessment reflects a market value of \$3,388,848 when applying the 2012 level of assessment for class 5 property under the Cook County Real Property Assessment Classification Ordinance of 25%. In support of its contention of the correct assessment the board of review submitted information on six comparable sales.

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.

Section 9-195 of the Property Tax Code provides in part that:

- (a) Except as provided in Section 15-35, 15-55, 15-100, and 15-103, when property is exempt from taxation is leased to another whose property is not exempt, and the leasing of which does not make the property taxable, the leasehold estate and appurtenances shall be listed as the property of the lessee, thereof, or his or her assignee. Taxes on that property shall be collected in the same manner as on property that is not exempt, and the lessee shall be liable for those taxes. However, no tax lien shall attach to the exempt real estate. . . .

35 ILCS 200/9-195. The fair cash value of a leasehold is its rental value in the market, the amount a willing lessee will pay a willing lessor, in a voluntary transaction, for the right to use and occupy the premises. Korzen v. American Airlines, Inc., 39 Ill.2d.11, 18, 233 N.E.2d 568, 572 (1968). The Supreme Court of Illinois in American Airlines set forth the mathematical formula to be used in calculating the value of a leasehold for real estate assessment purposes by stating that:

The present value of the current market rental payable in the future, which is the fair cash value of the leasehold, can be determined by multiplying the current market rental of a leasehold by the present value of an annual payment of one dollar for the unexpired term of the lease.

American Airlines, 39 Ill.2d at 19, 233 N.E.2d at 573. Furthermore, the court in Rosewell v. Bulk Terminals Co., 73 Ill.App.3d 225, 237, 390 N.E.2d 1294, 28 Ill.Dec.704 (1st Dist. 1979) stated it is the market rental for the land as improved, rather than the contractual rental or the market rental for unimproved land, that is the appropriate basis for computing the fair case value of the leasehold.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant as the appraiser opined a value for the subject property based on the American Airlines formula. (See appraisal page 134.) The Board finds the subject property had a market value of \$3,260,000

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as of the assessment date at issue. Since market value has been established the 2012 level of assessment for class 5 property under the Cook County Real Property Assessment Classification Ordinance of 25% shall apply.

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

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: May 20, 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.