



## FINAL ADMINISTRATIVE DECISION ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Birchwood Investments LLC  
DOCKET NO.: 12-32356.001-I-1 through 12-32356.008-I-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Birchwood Investments LLC, 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
12-32356.001-I-1	17-31-217-018-0000	9,498	40	\$ 9,538
12-32356.002-I-1	17-31-217-019-0000	6,150	22	\$ 6,172
12-32356.003-I-1	17-31-217-020-0000	14,280	8,680	\$22,960
12-32356.004-I-1	17-31-220-018-0000	40,407	137	\$40,544
12-32356.005-I-1	17-31-220-019-0000	9,375	2,377	\$11,752
12-32356.006-I-1	17-31-220-020-0000	75,000	1,772	\$76,772
12-32356.007-I-1	17-31-220-021-0000	9,375	1,986	\$11,361
12-32356.008-I-1	17-31-220-022-0000	9,375	1,986	\$11,361

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 two-building industrial complex. The first building is a one and part two-story auto repair building containing approximately 36,520 square feet of building area. It was built in 1976 and is situated on a 47,844 square foot site. The second building is a two-story apartment building with 2,100 square feet with an attached 1,200 square foot garage. It is situated on a 17,116 square foot site, per the appraisal. This parcel, identified by PIN -217-020, is Class 2-12 property and assessed at 10% of market value. The two sites are not

contiguous. It is located in Chicago, South Chicago Township, Cook County, and is classified as Class 5-22 property under the Cook County Real Property Classification Ordinance and assessed at 25% of fair market value.

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 \$670,000 as of January 1, 2012. PIN -217-020 was included in the property description of the appraisal, however, no rental or sale comparables were provided for this parcel.

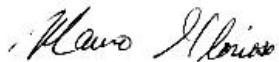
The board of review submitted its "Board of Review-Notes on Appeal" disclosing the total assessment for the subject of \$197,147. The subject's assessment reflects a market value of \$788,588, or \$19.80 per square foot, including land, when applying the assessment level of 25% as established by the Cook County Real Property Classification Ordinance. This calculation excludes PIN -217-020. In support of the subject's assessment, the board of review submitted raw sales data for six auto repair properties. The sales data was collected from the CoStar Comps service, and the CoStar Comps sheets state that the research was licensed to the Cook County Assessor's Office. However, the board of review included a memorandum which states that the submission of these comparables is not intended to be an appraisal or an estimate of value, and should not be construed as such. The memorandum further states that the information provided was collected from various sources, and was assumed to be factual, accurate, and reliable; but that the information had not been verified, and that the board of review did not warrant its accuracy. Based on this evidence, the board of review requested confirmation of the subject's assessment.

### **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 Board finds the best evidence of market value to be the appraisal submitted by the appellant. However, as the appraiser failed to provide any rental or sale comparables for PIN -217-020, it has been excluded from this analysis. The subject's assessment reflects a market value above the best evidence of market value in the record. The Board finds the subject property had a market value of \$670,000 as of the assessment date at issue. Since the market value of this parcel has been established, the assessment level of 25% as established by the Cook County Real Property Assessment Classification Ordinance in effect for tax year 2012 shall apply. 86 Ill. Admin. Code § 1910.50(c)(3).

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: \_\_\_\_\_

**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:

June 24, 2016



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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.