



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

APPELLANT: Mark Rusiecki / Mirek LLC
DOCKET NO.: 13-04485.001-I-1
PARCEL NO.: 03-03-401-024

The parties of record before the Property Tax Appeal Board are Mark Rusiecki / Mirek LLC, the appellant, by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines, and the DuPage County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** in the assessment of the property as established by the **DuPage** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$48,600
IMPR.:	\$126,530
TOTAL:	\$175,130

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a 2012 tax year decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge the assessment for the 2013 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 one-story industrial building of masonry exterior construction with 7,728 square feet of building area which was constructed in 1987. The building has a 16 foot clear ceiling height with 18.84% office space. The property has a 21,691 square foot site resulting in a land-to-building ratio of 2.81:1 and is located in Wood Dale, Addison Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant reported the November 21, 2011 purchase of the subject property for \$490,000 and also

submitted information on three comparable sales located in Wood Dale.¹ As to the purchase, the appellant reported the property was purchased from Scherston Real Estate Investment as an REO sale with the property having been advertised prior to the sale as set forth in the transfer declaration, although the appellant did not report the method of advertising or the length of time the property was advertised in Section IV – Recent Sale Data. The comparables set forth in Section V of the appeal petition were brick buildings built between 1960 and 1988 and range in size from 4,800 to 10,000 square feet of building area. The parcels range in size from 10,955 to 22,002 square feet of land area resulting in land-to-building ratios ranging from 2.18:1 to 2.84:1. The comparables sold between August 2012 and March 2014 for prices ranging from \$280,000 to \$660,000 or from \$58.33 to \$66.00 per square foot of building area, including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$175,130. The subject's assessment reflects a market value of \$525,600 or \$68.01 per square foot of building area, land included, when using the 2013 three year average median level of assessment for DuPage County of 33.32% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted evidence prepared by the Addison Township Assessor's Office indicating a market value for the subject of \$645,300. Despite this evidence, the board of review stated that it is requesting confirmation of the subject's assessment.

In support of its contention of the correct assessment the board of review through the Addison Township Assessor's Office submitted a "report" which includes a Summary of Salient Facts concerning the subject parcel, a copy of the property record card for the subject, a Parcel History Report from the township assessor, a schematic drawing, ground level and aerial photographs, a copy of the transfer declaration regarding the subject's recent purchase and a page entitled "Market Approach to Value" followed by documentation of nine industrial sales with a spreadsheet of those sales. The "report" was prepared by Frank A. Marack, Jr., of the assessor's office with an "indicated value via market approach" for the subject of \$83.50 per square foot of building area or a rounded market value of \$645,300.

Board of review comparable #3 is the same property as appellant's comparable #2. The comparable sales are improved with one-story industrial masonry buildings that range in size from 5,336 to 11,444 square feet of building area. The buildings were constructed from 1966 to 1989 with ceiling heights ranging from 14 to 20 feet. The comparables have from 8.83% to 22.84% office area. The comparables have land-to-building ratios ranging from 2.42:1 to 4.55:1. The comparables sold from August 2011 to September 2013 for prices ranging from \$430,000 to \$895,000 or from \$61.87 to \$84.33 per square foot of building area, including land.

In written rebuttal, counsel for the appellant reiterated the contention that the subject's sale price was reflective of its market value as of the assessment date. Counsel for the appellant also

¹ A brief included with the appeal contained four comparables, but the Section V grid analysis only included three comparables.

objected to the adjustments to the comparable sales presented by the board of review in its report as there was no support for some of the adjustments.

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

The parties submitted a total of twelve sales, including the sale of the subject property, to support their respective positions before the Property Tax Appeal Board with one common property between the parties. The Board has given reduced weight to the sale of the subject property and board of review comparable #1 as these sales occurred in 2011, a date more remote in time to the valuation date at issue of January 1, 2013 and thus less likely to be indicative of the subject's estimated market value as of the assessment date. The Board has also given reduced weight to board of review comparables #8 and #9 due to their larger building sizes when compared to the subject building.

The Board finds the best evidence of market value to be appellant's comparable sales #1 through #3 along with board of review comparable sales #3 through #7 where there is one common property among the parties. These eight most similar comparables sold between January 2012 and March 2014 for prices ranging from \$280,000 to \$830,000 or from \$58.33 to \$87.27 per square foot of building area, including land. The subject's assessment reflects a market value of \$525,600 or \$68.01 per square foot of building area, including land, which is within the range established by the best comparable sales in this record. After considering adjustments and the differences in both parties' suggested comparables when compared to the subject property, the Board finds the subject's assessment is supported by the most comparable properties contained in the record and no reduction in the subject's assessment is 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:

August 19, 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.