



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

APPELLANT: Coca Cola Enterprises
DOCKET NO.: 13-30009.001-I-3 through 13-30009.005-I-3
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Coca Cola Enterprises, the appellant(s), by attorney Patrick C. Doody, of the Law Offices of Patrick C. Doody in Chicago; the Cook County Board of Review by Cook County Assistant State's Attorney Cristin Duffy; and Niles S.D. #71, and Niles Twp. H.S.D. #219, the intervenors, by attorney Joel DeTella of Hauser, Izzo, Petrarca, Gleason & Stillman, LLC in Flossmoor.

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
13-30009.001-I-3	10-30-400-012-0000	591,542	1,857,716	\$2,449,258
13-30009.002-I-3	10-30-400-017-0000	48,938	57,160	\$106,098
13-30009.003-I-3	10-30-400-024-0000	137,447	342,963	\$480,410
13-30009.004-I-3	10-30-400-025-0000	113,453	257,222	\$370,675
13-30009.005-I-3	10-30-406-013-0000	138,096	342,963	\$481,059

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 finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of five parcels of land totaling 968,921 square feet and improved with one, one and part-two, and three-story, four building, industrial facility constructed in stages from 1972 to 1991 and containing a total of 517,877 square feet of building area. The property is located in Niles Township, Cook County and is a class 5 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant, through counsel, appeared before the Property Tax Appeal Board (the Board) arguing that the fair market value of the subject is not accurately reflected in its assessed value. In support of this argument, the appellant submitted an appraisal report with a valuation date of January 1, 2013. The appellant presented the testimony of the appraisal's author, Terrence McCormick with McCormick & Wagner, LLC. Mr. McCormick testified he is the co-owner of McCormick & Wagner, is an Illinois certified general real estate appraiser, and holds the MAI designation from the Appraisal Institute. The parties then stipulated to McCormick as an expert witness in the valuation of real estate and was accepted as such by the Board.

McCormick testified he inspected the property on January 7, 2011 and January 8, 2014. He testified that he valued the property as of January 1, 2013 which is the first year of the triennial assessment cycle. He briefly described the improvements and the land. He testified that the subject is two parcels on either side of Oak Park Avenue with a total land-to-building ratio of 1.87 to 1. McCormick further described the improvements as four, freestanding buildings with the first building built in 1976 and containing 331,365 square feet. He testified the second largest building was constructed in 1972 and contains 112,000 square feet, the third building was built in 1973 and contains 65,000 square feet, and the fourth building contains 10,000 square feet and is utilized as a truck maintenance and repair building. He testified the total square footage of the improvements is 517,877 and the weighted average age is 38 years old situated on a pad site of approximately 132,313 square feet or 3.038 acres. McCormick testified the ceiling heights range from 19 to 24 feet.

McCormick opined the highest and best use for the subject as vacant is industrial use and the highest and best use as improved is continuation of its existing use as a manufacturing/warehouse facility. He opined an estimated economic life of 60 years with an effective age of 40 years and a remaining economic life of 20 years.

McCormick developed the three traditional approaches to value in estimating the subject's market value. The cost approach indicated a value of \$11,550,000, rounded, while the income approach indicated a value of \$11,190,000, rounded. The sales comparison approach indicated a value of \$11,390,000, rounded. The appraiser concluded a market value of \$11,350,000 for the subject property as of January 1, 2013.

In determining the subject's land value, McCormick testified he analyzed five comparable land sales and after adjustments for various differences selected a unit value of \$5.00 per square foot for the subject to arrive at an estimated land value of \$4,840,000.

Using the Automated Marshall & Swift Commercial Estimator, the appraiser estimated the reproduction cost new to be \$44,756,531. In establishing a rate of depreciation, McCormick testified he analyzed the eight sales comparables included in the sales comparison approach. The appraisal indicates an annual rate of depreciation between 1.8% and 2.7%. McCormick applied an annual rate of depreciation to the subject of 2.2% or 85%. McCormick testified this depreciation rate was then applied to the reproduction cost new for a depreciated cost of \$6,713,480. The land was then added back in which resulted in a final value estimate of \$11,550,000, rounded, under the cost approach.

Under the income approach, McCormick testified he considered seven rental comparables. These properties ranged in rental size from 73,198 to 169,000 square feet of building area and had asking rentals from \$2.60 to \$3.75 per square foot on a triple net basis. McCormick testified he estimated a rental rate of the subject at \$2.75 for a gross rent of \$1,424,162.

McCormick testified that he applied a 10% vacancy and collection rate which reflects an effective net income of \$1,281,746. He testified he deducted 2% each for management and reserves for replacement for total net income of \$1,230,476.

In determining the appropriate capitalization (CAP) rate, McCormick testified he utilized the band of investment technique as well as the market extraction method which analyzes the eight sales used in the sales comparison approach. In the appraisal, McCormick he reviewed the eight sales comparables and analyzed them relative to sale price and the net operating income that could be anticipated. The appraisal indicates overall CAP rates ranging from 10.7% to 12.3%. The band of investment method yielded a rate of 10.6%. McCormick testified he applied an overall CAP rate of 11% to estimate the market value for the subject under this approach at \$11,190,000, rounded.

The final method developed was the sales comparison approach. McCormick testified he analyzed eight sales of improved properties. The properties range in building size from 51,400 to 305,000 square feet and sold from December 2010 to October 2013 for prices ranging from \$1,600,000 to \$5,373,000, or from \$14.75 to \$31.13 per square foot of building area, including land. The properties ranged in age from 33 to 43 years and in land to building ratio from 1.43:1 to 2.62:1.

McCormick testified that the comparables are primarily manufacturing buildings and that smaller buildings were included to take into consideration the multi-building composition of the subject. McCormick then described each comparable. He did acknowledge that the sales were all one building sales versus the subject's four building complex and that sale #6 was a leased fee sale with one and one-half years left on the lease. McCormick testified he made adjustments to the comparables for pertinent factors to estimate a value for the subject of \$22.00 per square foot of building area, including land, which yields a value for the subject property under the sales comparison approach of \$11,390,000, rounded.

In reconciling the various approaches, McCormick testified he gave least weight to the cost approach because of the age of the subject and that this approach is typically least considered by market participants. He testified he gave secondary consideration to the income approach and the most weight was placed on the sales comparison approach. After reconciliation, the appraisal estimated the value for the subject property as of January 1, 2013 to be \$11,350,000.

Under cross-examination by the board of review, McCormick testified he has appraised the subject at least three times. He testified he inspected the subject along with John Wagner and that Mr. Wagner took the photographs of the subject. McCormick testified that he did not take any photos of the interior of the subject as they did not let him bring a camera inside. He testified that he did not get any rent roll information from the owner as the subject is owner-occupied. McCormick testified he measured the building and then created the drawings within the report based off those measurements. He opined that the condition of the three-story building was

average. McCormick testified that building #1 has over 300,000 square feet of building area and had an adequate number of overhead doors at 28. He testified that the ceiling height on this building ranged from 22 to 24 feet and it was 22 feet at the overhead doors. McCormick testified building #2 had 22 overhead doors while building #3 had eight.

McCormick testified that the subject is located within the north suburban market and that the O'Hare market is another market. He acknowledged the subject was located within a five-mile radius of three expressways.

Regarding the land sales, McCormick testified he looked for industrial land sales within Cook County that sold within close proximity to the date of value. He did not recall the initial number of land sales yielded by the search. He acknowledged this initial search yielded more than 10 land sales and he decided which of these sales to include in the report. McCormick testified land sale #3 occurred in 2010, but opined that the market in 2010 for industrial properties was no worse than it was in 2013. He acknowledged that three of the land sales were located over 25 miles away from the subject. He testified that his main search perimeter was size.

As to the depreciation, McCormick testified that he used the market extraction method because it's the best indicator of estimating depreciation. He testified the property was still being used in 2016 and that no substantial work had been done on it since the previous inspection.

McCormick testified that he picked the rental comparables to use and that he did not utilize any rental comparables that he recently appraised. He acknowledged he did not perform any interior inspections on the rental comparables, but testified that he used the physical characteristics that were listed on the broker's sheets. He testified that six of the seven comparables are from the O'Hare market. McCormick agreed that all the comparables were asking rents and that some of the rental space was within a multi-tenant occupancy building. He testified he made adjustments for these factors.

McCormick testified that he determined the vacancy and collection loss percentage. He testified that 3.3% of the subject had not be utilized since 2006 but that there were other portions of the buildings that had been vacant before the prior inspection. He testified he did not calculate the exact percentage of vacancy in the buildings because it's irrelevant. McCormick named the sources he used to determine his vacancy and collection rate. He testified these sources estimated rates from 6.4% to 9.65%

As to the CAP rate, McCormick testified he utilized the band of investment technique and the market extraction method. He testified that the sales used in the market extraction method had CAP rates near his chosen 11% or, for some, above it. He acknowledged that he determined the CAP rates. He testified that brokers would not have any rate information as these properties were not leased at the time of sale with the exception of sale #6. He testified that he used the income provided for sale #6 to determine that CAP rate. McCormick then reviewed his band of investment technique. He testified that a longer amortization rate would lower a CAP rate. He testified that he used the 15-year amortization rate based on the remaining economic life of the subject.

McCormick reiterated he gave the most weight to the sales comparison approach. He testified that sale #1 is 10% the size of the subject. He further explained that the ceiling height for the warehouse portion of this property is 24 feet. He acknowledged that sale #2 was located within an inferior market and that it is set up for food processing. McCormick testified that sale #3 was located in the O'Hare market and about 25% of the building is used for cooler and freezer space whereas the subject has 5% cooler space. He testified that the deferred maintenance for sale #3 was average for its age. McCormick testified that sale #4, located in the O'Hare market, was 52% office space. He testified that sale #4 is in an inferior location and has inferior ceiling heights. He testified that sale #6 has less office space than the subject and that sale #7 occurred in February 2011. He agreed that sale #7 was located in the O'Hare market. McCormick testified that sale #8 had the lowest unit sale price. He acknowledged that this building was subsequently demolished in 2014 or later and turned into a land sale. He further testified that the date of his report was January 2014, a year after the date of value and prior to any demolition of this building.

On re-direct, McCormick testified that he determined a 10% vacancy and collection rate based on a review of the average market rates and comparing those to the subject as an older, larger manufacturing warehouse facility. He testified that the rental comparables were asking rents but stated that typically actual rental rates fall below asking rates.

McCormick testified that, based on his experience and expertise, industrial property owners who use their property for manufacturing do not permit interior photographs of their property. He testified that if you are allowed to take pictures, they would often review the pictures and give back what could be used.

McCormick testified that he confirmed each of his sales with a party to the transactions. He testified that at the time sale #8 occurred, the property was advertised based on its physical characteristics and not based on redevelopment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$4,272,476 was disclosed. This assessment reflects a fair market value of \$17,089,904 or \$33.00 per square foot of building area, land included, when the Cook County Real Property Assessment Classification Ordinance level of assessments of 25% for Class 5 commercial property is applied.

In support of this market value, the board of review submitted information on seven sales comparables. These properties ranged in size from 362,080 to 637,566 square feet of building area and sold April 2008 to June 2012 for prices ranging from \$22,300,000 to \$32,000,000 or from \$45.06 to \$61.92 per square foot of building area. At the hearing, the board of review did not call any witnesses and rested its case upon its written evidence submissions.

In support of the interveners' position, the intervenors submitted a summary appraisal of the subject prepared by Neil Renzi with Renzi & Associates (Renzi Appraisal). The parties stipulated to Renzi's qualifications as an expert in the valuation of real estate and he was accepted as such by the Board.

The appraisal utilized the three traditional approaches to value to estimate the value of the subject property at \$17,200,000 as of January 1, 2013. This appraisal was marked as *Intervenor's Exhibit #1*.

Renzi testified he performed an inspection of the exterior and surrounding area of the subject on April 15, 2015 and September 21, 2018. He described the metropolitan area around the subject. He testified that the Chicago metropolitan area has one of the largest industrial markets in the nation and that Niles benefits from an excellent transportation system. He then described the subject. He testified the condition of the subject's exterior was good and that he relied upon the McCormick & Wagner appraisal to determine the interior was in average condition. Renzi testified that the subject's highest and best use as improved would be continuing as an industrial facility for a single user. The appraisal indicates an estimated economic life of 50 years with an effective age of 38 years and a remaining economic life of 12 years.

Renzi developed the three traditional approaches to value in estimating the subject's market value. The cost approach indicated a value of \$17,560,000, rounded, while the income approach indicated a value of \$16,950,000, rounded. The sales comparison approach indicated a value of \$17,300,000, rounded. The appraiser concluded a market value of \$17,200,000 for the subject property as of January 1, 2013.

In determining the subject's land value, Renzi testified he analyzed five comparable land sales that took place from September 2009 and December 2013 and had land sizes from 183,254 to 1,604,467 square feet. These properties sold for prices ranging from \$6.72 to \$12.98 per square foot. He testified that after removing the two sales at the low end of the range, the adjusted sales range was from \$8.73 to \$12.98 per square foot. He testified he removed the two low end properties because they were inferior to the subject. He testified he concluded a land value of \$8.00 per square foot for the subject to arrive at an estimated land value of \$7,750,000.

Using the Marshall Valuation Service Cost Manual, Renzi estimated the replacement cost new to be \$40,885,150. Using the age-life method, Renzi testified he depreciated this value by 76% a depreciated cost of \$9,812,436. The land was then added back in which resulted in a final value estimate of \$17,560,000, rounded, under the cost approach.

Under the income approach, Renzi testified he analyzed six actual rents and testified to their location. These properties range in rental size from 123,244 to 256,629 square feet of rentable area for rental rates from \$2.75 to \$6.51 per square foot of rentable area. Renzi testified to the adjusted rental rate range to conclude a rent for the subject at \$3.25 per square foot of building area for a potential gross rental income of \$1,683,100.

Renzi testified he estimated vacancy and collection loss (V&C) at 8% based on a review of the subject's market and reports for Northern Cook County. This resulted in an effective gross income (EGI) of \$1,548,452 for the subject. Renzi testified there was minimal management for this type of property and estimated management expenses at 2%, charged \$31,000 for expenses during vacancy, and \$0.10 per square foot for reserves for replacement which resulted in a net operating income (NOI) of \$1,434,452 for the subject.

To estimate the capitalization rate, Renzi testified he extracted rates for three of his sales comparables for a market extraction method, relied upon investor surveys, and applied the band of investment technique. He testified the market extraction rates ranged from 6.64% to 9.5% and opined that the 9.5% was higher than necessary for the subject because this was the sale of Caterpillar which was high risk at the time. Renzi testified the published surveys ranged in rates from 5% to 10%. He testified he used a 25-year amortization rate because that is typical in the market. Renzi concluded an overall rate of 8% and applied a partial tax load of .46% which resulted in an indicated value for the subject under the income approach of \$16,950,000, rounded.

To estimate a value for the subject through the sales comparison approach, Renzi testified that due to the subject's design and size it is difficult to find comparable properties that relate well to the subject. Renzi analyzed six sales. He described each property. The properties range in building size from 280,947 to 584,301 square feet and sold from May 2012 to September 2013 for prices ranging from \$10,400,000 to \$23,997,500, or from \$33.20 to \$62.62 per square foot of building area, including land. The properties ranged in age from 3 to 38 years and in land to building ratio from 1.48:1 to 3.95:1.

Renzi testified that sale #5 was remotely located from the subject but it relates well to the subject and that sale #2 was the sale of a complex of seven buildings. He testified he used sales outside of Cook County because there were not enough sales within Cook County that relate to the subject without going to a completely different type of market.

Renzi described the adjustments made to the comparables for pertinent factors. Renzi testified he concluded a unit value range for the subject of \$33.00 to \$34.00 per square foot of building area, including land which yields a value for the subject property of \$17,089,941 and \$17,607,818, respectively and concluded a value under the sales comparison approach of \$17,300,000.

In reconciling the approaches to value, Renzi testified they indicated a tight range. The appraisal indicates he placed limited consideration on the cost approach, used the value of the income approach in conjunction with the value from the sales comparison approach to estimate a value for the subject of \$17,200,000 as of January 1, 2013.

Under cross-examination by the appellant, Renzi testified that of the 5.2 acres of the subject's building #3, 5 acres is located within a flood plain. He testified he took this into consideration in his overall land value estimates. He acknowledged that this was not specifically stated in the report, but was taken into account.

At to the sales comparables, Renzi testified that sales #1 and #6 were fee simple sales and that the remaining sales #2 through #5 were leased fee sales. He testified two sales were located in northern Cook County. He testified that sale #6 contained 148,000 square feet of building area that was built in 1962 and 235,00 square feet of building area built in 2008. He stated this made the age of this comparable newer than the subject, but opined it was not substantially newer. Renzi acknowledged he only confirmed three of the six improved sales with parties to the transactions.

As to sale #2, Renzi testified that the indicated overall CAP rate of 6.75% which, he opined, was consistent with the market. He testified that because this rate was at market there was no need for an adjustment for the lease fee sale. He acknowledged he did not know what the rent was.

Renzi testified that the rent for sale #3 was \$3.11 per square foot of building area and the lease began in 2013 and the rent for sale #4 was \$4.50 per square foot of building area on a net basis with a 15-year lease that was executed at the time of sale. He testified that there was a partial leaseback to the seller for a small portion of this building while the other portion of the building was already leased out. He testified that he was unable to get any rental information for sale #5. Renzi reiterated that he estimated a rent for the subject of \$3.25 per square foot of building area.

Renzi testified that the rental comparables used were less than 50% the size of the subject. He agreed that, all other things being equal, as size increases unit value decreases. He testified that rental comparable #5 had a rental rate of \$2.75 per square foot of rentable area.

Renzi acknowledged that the market extraction method for developing the CAP rate was the most reliable along with the band of investment technique. He explained that if the information was available, solid, and accurate, the market extraction method was the best test of the market; but he also put a lot of credence on the band of investment. He testified his CAP rate was partially based on the sales comparables' leases that were in place at the time the property sold. He acknowledged that sale #2 was a multi-property transaction with seven buildings included in the sale. He testified that, of these seven buildings, some were multi-tenant buildings, and some were single-tenant.

Renzi testified that the sales comparables located in DuPage County are located within 10 miles of the subject with the Kendall County sale located within 40 miles of the subject. He acknowledged he placed most weight on the sales comparison approach and that he developed his CAP rate partially based on the sales within his sales comparison approach. He testified that he did not make any adjustments to the leased fee sales to account for the subject's fee simple valuation because the market data available showed the sales were at market. He acknowledged that he did not know all the rents on the leased fee sales comparables. He reiterated that the realm of the data appeared to show they were at market. He testified that the subject property's buildings are divided by a street and that one of the sales comparables is divided by a street.

In rebuttal, the appellant called Mr. Anthony J. Uzemack. The parties stipulated to Uzemack's qualifications as an expert in the valuation of real estate and he was accepted as such by the Board.

Uzemack testified he reviewed the Renzi Appraisal to support, rebut, and comment on the appropriateness, completeness, authenticity, and credit-worthiness of the appraisal report. He testified he inspected the exterior of the subject property after reading the appraisal. Uzemack described the steps he took in reviewing the appraisal. He opined that the information presented in the appraisal, and the conclusions reached did not perform and did not adequately represent the property that was under appraisal. He also opined that the approaches to value were in error because the exclusions and lack of presentations of some of the problems inherent to the subject were not brought to the surface, which had a direct impact on the value estimates.

Uzemack testified that building #3 is located within a floodway and would never be replaced today under existing floodway rules and building codes, but he stated that this discussion of the floodplain was omitted from the Renzi report. He testified that this building and the problems it faces would affect the value conclusions.

As to the sales comparison approach, Uzemack opined that the sales lacked comparability to the subject. He testified that the appraisal utilizes large, industrial, building sales, but none of these buildings shared the same characteristics of the subject such as same building size, same locations, and same hindrances found in the subject. He testified that sale #1 was completely renovated, air conditioned, and located in DuPage County. He testified this property was located in an industrial park with room to expand, not in a floodway, not multi-building, and not single-tenant.

Uzemack testified that sale #2 is a multi-building sale, but that the seven buildings included in this sale have allocated sale prices based on each buildings size which are substantially smaller than the subject and each building is leased. He testified that the unit value for this sale is a mathematical calculation not a negotiated unit sale price.

As to sale #3, Uzemack testified this property was located in a different county than the subject and is a high-cube building under a long-term lease. He testified that the appraisal report does not describe the lease or how an adjustment was made. Uzemack testified that the unit value not only includes the real estate, but also the value of whatever is remaining on the lease.

Uzemack testified that sale #4 is a more modern building and singular in nature. He testified it was a leased fee sale with no discussion in the report of the lease. He opined the only characteristic comparable to the subject is the percentage of office space.

As to sale #5, Uzemack testified this property was located far from the subject and is a single-building sale. He testified that it has an excess vacant parcel of land at 19 acres and the building is not similar to the subject in utility, size, shape, form, or use.

Uzemack testified sale #6 is a modern structure that is what the market is looking for today. He opined that there is no comparability with this property other than its location.

As to the cost approach, Uzemack opines that the use of the replacement cost new removes from the appraiser the ability to deduct for functional obsolescence which if found in the subject due to the floodplain. It also does not recognize the multi-building characteristic of the subject.

In the income approach, Uzemack testified that this approach does not accurately reflect the earning potential of the subject because the rental comps differ in size, have better ages and utilities, and are more usable and acceptable to the market. He testified that a CAP rate development from leased fee sales is not indicative of a fee simple value.

Uzemack opined that the Renzi Appraisal did not accomplish what it was originally set or designed because of inaccuracies of the information presented that would adversely impact and change whatever estimated value was arrived at.

Under cross examination by the board of review, Uzemack testified he did not inspect the interior of the subject. He testified that one of the main issues he had with the Renzi Appraisal was how Renzi handled the floodplain issue. He opined that the zoning would not allow building #3 to be replaced today due its location in the floodplain. He acknowledged he did not speak to any government entity about this issue. He testified that he included the CoStar Comps reports and advertisement data on the sales comparables in his review report, but did not write up a detailed account of his analysis in the report because it was not part of the scope of his report. He opined that doing so would be approaching appraising the property. He testified he was not asked to appraise the property. Uzemack acknowledged that the Renzi Appraisal mentions that the property is located within a floodplain.

Conclusion of Law

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the Board concludes that the appellant has met this burden and that a reduction is warranted.

In determining the fair market value of the subject property, the Board examined the appellant's and intervenors' appraisal reports and testimony, the board of review's submission, and the appellant's rebuttal documentation and testimony.

The Board finds the board of review's witness was not present or called as a witness to testify about their qualifications, identify their work, testify about the contents of the evidence, the conclusions or be cross-examined by the appellant, intervenor and the Property Tax Appeal Board. Without the ability to observe the demeanor of this individual during the course of testimony, the Property Tax Appeal Board gives the evidence from the board of review no weight.

The Board then reviewed the two appraisals and the testimony regarding these appraisals to determine the best evidence of the subject's market value as well as the review appraiser's work and testimony.

In the cost approach, the Board finds the subject property is significantly aged and the cost approach is not the most reliable indicator of value. Moreover, both appraisals indicate that this is not an approach that buyers and sellers in this market would utilize in determining a value for the subject and each gave this approach the least weight in reconciling the subject's value. Therefore, the Board gives this approach little weight.

In the income approach, the Board finds McCormick utilized properties that were listed for rent and not actual leased rental data and some of the rental space was within multi-tenant buildings. In addition, McCormick utilized a vacancy and collection rate that was above market surveys for properties within the subject's market. The Board finds that Renzi utilized leased fee transaction

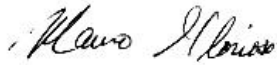
in developing the CAP rate for the subject's fee simple value. In addition, the amortization period utilized by the appellant was longer than the remaining economic life of the subject. The Board finds both income approaches were flawed in some respect and not a reliable indicator of value.

The courts have stated that where there is credible evidence of comparable sales, these sales are to be given significant weight as evidence of market value. Chrysler Corp. v. Illinois Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989). Therefore, the Board will give this approach the most weight.

As to the sales comparison approach, the Board finds that four of Renzi's sales were leased fee sales while one of McCormick's sales is leased fee. No adjustments were made for these leased fee sales for property rights. In addition, Renzi used four sales that were located outside of Cook County. The Board finds that, although Renzi testified he used similar markets, Cook County's tax structure differs from other counties which creates a different real estate market based solely on that factor. In the instant appeal, the Board finds it is easier to adjust for physical characteristics than for the differences in markets based on this factor. McCormick testified his sale #8 turned into a land sale after the building was demolished. Although, this occurred after the appraisal report was completed, the Board finds this sale reflects a land sale.

The Board finds the seven remaining sales, McCormick's sales #1 through #6 and sale #7 and Renzi's sale #6, are most reflective of the subject's market value. These comparables sold from December 2010 to September 2013 for prices ranging from \$19.10 to \$62.62 per square foot of building area, including land. The subject property's assessed value equates to a market value of \$33.00 per square foot of building area, including land which is above the unadjusted range of comparables. However, the Board finds the need for significant adjustments to Renzi's comparable #6 due to partial new construction. Therefore, after considering all the evidence including the experts' testimony and submitted documentation as well as the adjustments necessary to the unadjusted sales values, the Board finds that the subject property had a market value of \$15,550,000. Since market value has been determined, the Cook County Real Property Assessment Classification Ordinance level of assessments of 25% for Class 5 property shall apply and a reduction 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



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: February 13, 2019



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

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