



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

APPELLANT: Patricia Angel
DOCKET NO.: 13-35752.001-C-1
PARCEL NO.: 29-03-400-031-0000

The parties of record before the Property Tax Appeal Board are Patricia Angel, the appellant, by attorney George N. Reveliotis of Reveliotis Law, P.C. in Park Ridge; 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:

LAND: \$6,780
IMPR.: \$5,720
TOTAL: \$12,500

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 is improved with a one-story commercial building of masonry construction with 2,446 square feet of gross building area. The building was constructed in 1952. The building has a concrete slab foundation, central air conditioning, two restrooms and a ceiling height of nine feet. The building is being used as a bar/lounge. The property has a 4,520-square foot site resulting in a land to building ratio of 1.85:1. The property is located in Dolton, Thornton Township, Cook County. The subject is classified as a class 5-17 one story commercial building 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 \$50,000 as of January 1, 2012. The appraisal was prepared by Gerry D. Bertacchi, a certified general real

estate appraiser. The purpose of the appraisal was to estimate the market value of the subject property. The property rights appraised was the fee simple estate. The intended use of the appraisal was to serve as an estimate of market value in order to arrive at an equitable assessed valuation for purposes of real estate taxation. The appraiser determined the highest and best use of the subject property as vacant would be for commercial type facility in conformance with applicable zoning, building codes and consistent with the surrounding land uses. The highest and best use of the property as improved is the continued use as a commercial building until such time that the improvements reach the end of the of their effective useful economic life.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using five comparable sales improved with one-story masonry or brick constructed commercial buildings that range in size from 2,200 to 4,100 square feet of building area. The buildings were constructed from 1951 to 1971. The comparables are located in Dolton, Chicago Heights, Flossmoor, Calumet City and Chicago with sites ranging in size from 6,098 to 12,001 square feet of land area resulting in land to building ratios ranging from 1.66:1 to 4.14:1. These properties sold from January 2010 to March 2012 for prices ranging from \$37,000 to \$80,000 or from \$14.80 to \$21.74 per square foot of building area, including land. The appraiser made qualitative adjustments to the comparables for differences from the subject property and determined each comparable required a positive adjustment. The appraiser estimated the subject property had a market value of \$20.00 per square foot of building area resulting in a total market value of \$50,000, rounded. Based on this evidence the appellant requested the subject's assessment be reduced to \$12,500 to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$13,243. The subject's assessment reflects a market value of \$52,972 or \$21.66 per square foot of building area, including land, when applying the Cook County Real Property Assessment Classification Ordinance level of assessment for class 5-17 property of 25%.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales improved with one-story commercial buildings that ranged in size from 704 to 2,640 square feet of building area. The data provided by the board of review disclosed comparables #2 and #4 were constructed in 1972 and 1959, respectively. The date of construction for the remaining comparables was not disclosed. These properties were located in Harvey, Dolton, Calumet City and Chicago with sites ranging in size from 12,001 to 23,048 square feet of land area resulting in land to building ratios ranging from 5.80:1 to 18.89:1. Each comparable was described as being used either for fast food or a bar. The sales occurred from June 1998 to September 2013 for prices ranging from \$108,000 to \$325,000 or from \$71.02 to \$153.41 per square foot of building area, including land.

In rebuttal the appellant's counsel argued that the comparable sales used by the board of review had no adjustments and fails to disclose whether the board of review analyst inspected the subject property. Counsel further asserted that the board of review memorandum states that it is not intended to be an appraisal and the information used is assumed to be accurate but has not been verified by the writer of the memorandum.

Appellant's counsel asserted that with respect to comparable #1 the information provided by the board of review is for the address of a vacant fast food restaurant in poor condition whereas the property index number (PIN) is for a Mobil gas station down the street. With respect to the remaining sales submitted by the board of review, the appellant's counsel asserted the transactions occurred from 5 to 15 years prior to the assessment date and noted that each comparable has a significantly larger site than the subject property.

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 estimating the subject property had a market value of \$50,000 as of January 1, 2012. The appellant's appraiser developed the sales comparison approach to value using five sales that were relatively similar to the subject in age, size and land to building ratio. These comparables also sold proximate in time to the assessment date at issue. The appellant's appraiser also adjusted the comparables for differences from the subject property, which appear reasonable. The subject's assessment reflects a market value of \$52,972, which is above the appraised value. Less weight was given the board of review sales as comparables #2 through #5 did not sell as proximate in time to the assessment date as did the sales in the appellant's appraisal. Furthermore, there was an issue with respect to the actual property referenced in board of review sale #1 as being a vacant restaurant in poor condition or a Mobil gas station, which undermines the weight to be given that transaction. Finally, each of the board of review comparable sales has a significantly larger site than the subject property, which further detracts from the weight that can be given these sales. Based on this evidence the Board finds a reduction to the subject's assessment is appropriate.

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: May 15, 2018



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

AGENCY

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