



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

APPELLANT: Ali Aldeiban
DOCKET NO.: 14-25843.001-C-1
PARCEL NO.: 20-25-228-030-0000

The parties of record before the Property Tax Appeal Board are Ali Aldeiban, the appellant(s), by attorney Christopher B. Kaczynski, of Smith Hemmesch Burke & Kaczynski 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 **No Change** 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: \$ 33,114
IMPR.: \$ 55,189
TOTAL: \$ 88,303

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 2014 tax year. The Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject consists of a gas station with a one-story building of masonry construction and 720 square feet of building area. The building is 29 years old. The property has a 17,661 square foot site, and is located in Chicago, Hyde Park Township, Cook County. The subject is classified as a class 5-23 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 \$280,000 as of January 1, 2012.

Under the sales comparison approach, the appraisal lists cursory information for five sale comparables, which included the address/PIN, date of sale, land to building ratio, building size,

age, and sale price per square foot. Adjustments were purportedly made for age, size, land to building ratio, and condition; however, no information was submitted as to what comparables were adjusted, or for what characteristic(s). Based on this analysis, the appraiser value the subject at \$300.00 per square foot, plus \$76,200 for excess land, for a total market value of \$280,000, rounded.

Under the cost approach to value, the appraiser looked to four land sale comparables, and found that the subject's site was valued at \$175,000, rounded, including 9,525 square feet of excess land that was valued at \$76,200. These land sale comparables ranged in site size from 3,123 to 33,450 square feet of land area. In determining that the subject has excess land, the appraiser states that "[t]ypical industrial buildings require a land to building ratio of 12.00:1." The subject's replacement cost new was estimated to be \$290,000, rounded. The subject's depreciation was estimated to be 70.0%, resulting in a depreciated value of the improvements of \$87,000. The depreciated value of the improvements and the site value were added together to arrive at a total market value for the subject under the cost approach to value of \$265,000, rounded.

Under the income approach to value, the appraisal states that rental comparables were leased for \$30.00 to \$40.00 per square foot, triple net. After purportedly adjusting for condition, size, and location, the appraiser stabilized the subject's market rent at \$35.00 per square foot of building area, triple net, which results in a total net income of \$23,730. No information was submitted as to the rental comparables, or how they were adjusted, if at all. The appraiser further found that vacancy and collection losses for properties similar to the subject ranged from 5.00% to 10.00%, and this figure was stabilized at 10.00%. Furthermore, capitalization rates were estimated to range from 9.00% to 11.00%, and this figure was stabilized at 10.50%. No information was submitted as to how the appraiser extracted the vacancy and collection losses, or the capitalization rate, from the market. Moreover, no information was submitted as to how the appraiser stabilized these figures at the 10.00% and 10.50%, respectively. After deducting the vacancy and collection losses from the subject's net income, the appraiser capitalized the subject by the capitalization rate and added in the excess land to arrive at a total market value for the subject under the income approach to value of \$280,000, rounded.

In reconciling the three approaches to value, the appraiser gave maximum emphasis to the sales comparison approach to value, and found that the subject's market value as of January 1, 2012 was \$280,000. Based on this evidence, the appellant requested a reduction in the subject's assessment to 25.00% of the appraisal's estimate of market value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$88,303. The subject's assessment reflects a market value of \$353,212, or \$490.57 per square foot of building area, including land, when applying the 2014 statutory level of assessment for commercial property under the Cook County Real Property Assessment Classification Ordinance of 25.00%.

In support of its contention of the correct assessment, the board of review submitted information on five comparable sales from the CoStar Comps Service.

In rebuttal, the appellant argued that the board of review's evidence should be given no weight because it was raw sales data, and, in any case, the comparables are not similar to the subject for various reasons.

Conclusion of Law

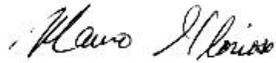
The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist 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 Board does not find the appraisal submitted by the appellant persuasive, as it fails to comply with the Uniform Standard of Appraisal Practices ("USPAP") in several respects. USPAP Standards Rule 2-1(a) and (b) state that "Each written or oral real property appraisal report must: (a) clearly and accurately set forth the appraisal in a manner that will not be misleading; [and] (b) contain sufficient information to enable the intended users of the appraisal to understand the report properly[.]" The Board finds that the appraiser failed to comply with these provisions, rendering the reliability of the appraisal questionable.

First, very little information was submitted regarding the comparables used by the appraiser. The sale comparables had very little information, and the rental comparables were not identified at all. Second, the adjustments made to these comparables, which were purportedly made by the appraiser, were not clearly identified. The appraiser states that adjustments were made, but no information was submitted as to which comparables were adjusted, what factors they were adjusted for, and whether they were adjusted upwards or downwards. Third, while the appraiser purports to have extracted the subject's vacancy and collection losses and capitalization rate from the market, no information was submitted as to how this was accomplished. With regard to the capitalization rate, no reference was made to any specific market transactions or market surveys to support the appraiser's conclusion. Fourth, the appraiser's conclusion that the subject has excess land is unsupported. The appraiser utilized four land sale comparables, and three of these comparables had site sizes larger than the subject. Moreover, the appraiser states that "industrial" buildings typically require a land to building ratio of 12.00:1. While that may or may not be true (because, as with other portions of the appraiser's analysis, the appraiser does not offer any information to show that the market supports this assertion), it is irrelevant because the subject is not an industrial building. It is a commercial property currently being used as a gas station.

Based on all these omissions, the Board finds that the appraisal does not comport with USPAP Standards Rule 2-1(a) and (b), that it is ostensibly misleading, and it is wholly unreliable. The Board further finds that it cannot consider the raw sales data of the sale comparables found in the sales comparison approach to value of the appraisal because there was not enough information submitted regarding these comparables for the Board to determine the market for the subject as of January 1, 2014. Therefore, the Board finds that the appellant has not proven, by a preponderance of the evidence, that the subject is overvalued, and a reduction in the subject's assessment is not justified.

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: July 17, 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Ali Aldeiban, by attorney:
Christopher B. Kaczynski
Smith Hemmesch Burke & Kaczynski
10 South LaSalle Street
Suite 2660
Chicago, IL 60603

COUNTY

Cook County Board of Review
County Building, Room 601
118 North Clark Street
Chicago, IL 60602