



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

APPELLANT: Rick Rodriguez
DOCKET NO.: 15-27287.001-R-1 through 15-27287.003-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Rick Rodriguez, the appellant, by attorney Michael D. Gertner of Michael D. Gertner, Ltd. 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
15-27287.001-R-1	19-15-203-009-0000	2,812	0	\$2,812
15-27287.002-R-1	19-15-203-010-0000	2,624	1,995	\$4,619
15-27287.003-R-1	19-15-203-011-0000	2,624	5,945	\$8,569

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 2015 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 part one-story and part two-story mixed use building utilized as a tavern on the first floor with a second floor apartment. The building was constructed in 1956 and has a gross building area of 2,449 square feet. The building has a brick exterior construction, a partial unfinished basement, one HVAC unit with central heating and air conditioning for the tavern, a steam boiler for the second floor apartment, two washrooms in the tavern, one full bathroom in the apartment and a two-car attached garage. The property has an 8,935 square foot site and is located in Chicago, Lake Township, Cook County. The property is classified as a class 1-00 and a class 2-12 property under the Cook County Real Property Assessment Classification Ordinance, each of which has a 10% level of assessment.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted a narrative appraisal estimating the subject property had a market value of \$160,000 as of January 1, 2015. The appraisal was prepared by Rufino Arroyo, certified general real estate appraiser, and George K. Stamas, certified general real estate appraiser. Stamas reviewed and approved the appraisal.

The property rights appraised are fee simple. The appraisers determined the highest and best use of the site as vacant was for the development of a residential improvement with adequate on-site parking. The highest and best use of the property as improved was determined to be its current use as a mixed-use building for its remaining economic life.

In estimating the market value of the subject property the appraisers developed the sales comparison approach to value using five comparable sales of mixed use properties improved with two-story masonry constructed buildings that ranged in size from 2,958 to 5,103 square feet of building area. The buildings were constructed from 1893 to 1956. These properties sold from June 2014 to May 2015 for prices ranging from \$172,500 to \$265,000 or from \$33.80 to \$70.99 per square foot of building area, including land. The appraisers made qualitative adjustments to the comparables for differences from the subject and estimated the subject property would have a value greater than \$33.80 per square foot of building area and less than \$70.99 per square foot of building area. Based on these sales the appraisers arrived at an estimated value of \$65.00 per square foot of building area or \$160,000, rounded, as of January 1, 2015. Based on this evidence the appellant requested the subject's total assessment be reduced to \$16,000 to reflect the appraised value.

The appellant submitted a copy of the final decision issued by the board of review disclosing a total assessment of \$28,014 which reflects a market value of \$280,140 when applying the Cook County Real Property Assessment Classification Ordinance level of assessments for class 1-00 property and class 2-12 property of 10%.

The board of review did not submit its "Board of Review Notes on Appeal" nor any evidence in support of its assessed valuation of 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 only evidence of market value to be the appraisal submitted by the appellant estimating the property had a market value of \$160,000 as of January 1, 2015. The subject's assessment reflects a market value above the only evidence of market value in the record. The board of review did not submit any evidence in support of its assessment of the subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board and was found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86

Ill.Admin.Code §1910.40(a) & §1910.69(a). Based on this record the Board finds the subject property had a market value of \$160,000 as of the assessment date at issue. In conclusion the Board finds a reduction in the subject's assessment commensurate with the appellant's request 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(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) 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



Acting 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: September 22, 2017



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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