



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

APPELLANT: Lazaro Nodarse
DOCKET NO.: 15-38840.001-C-1
PARCEL NO.: 13-28-301-022-0000

The parties of record before the Property Tax Appeal Board are Lazaro Nodarse, the appellant, by attorney Arnold G. Siegel of Siegel & Callahan, P.C. 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:

LAND: \$37,630
IMPR.: \$13,620
TOTAL: \$51,250

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 one-story commercial building of masonry construction with 4,524 square feet of building area. The building was constructed in 1930. Features of the building include a concrete slab foundation, two units, central heating and air conditioning in each unit and individually metered electrical systems. The interior has acoustic tile ceilings, painted drywall walls and combination vinyl/ceramic tile and carpeted flooring. One unit is used for retail purposes and the other unit is used as a place of worship. The property has a 9,575 square foot site and is located in Chicago, Jefferson Township, Cook County. The property is classified a class 5-17 one story commercial building under the Cook County Real Property Assessment Classification Ordinance with a level of assessment of 25%.

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 \$205,000

as of January 1, 2015. The appraisal was prepared by David Conaghan, certified general real estate appraiser, and Gregory Nold, certified general real estate appraiser. The purpose of the appraisal was to estimate the market value of the fee simple interest in the real estate. The highest and best use as vacant was determined to be hold the site for future development of a 2-story, mixed-use development. The highest and best use as improved was determined to be the continued use in its present configuration as a commercial building.

In estimating the market value of the subject property, the appraisers developed the income approach to value arriving at an estimate market value of \$195,000. The appraisers also developed the sales comparison approach to value and arrived at an estimated market value of \$210,000. In reconciling the two approaches to value, the appraisers stated they gave primary emphasis to the income approach to value and secondary emphasis to the sales comparison approach to value and arrived at a value estimate of \$205,000.

The appellant disclosed the subject property had a total assessment of \$100,209, reflecting a market value of \$400,836 when using the Cook County Real Property Assessment Classification Ordinance level of assessment for class 5-17 property of 25%. The appellant requested the subject's assessment be reduced to reflect the appraised value.

The board of review did not timely 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 timely submitted to be the appraisal submitted by the appellant estimating the subject property had a market value of \$205,000 as of January 1, 2015. The subject's assessment reflects a market value of \$400,836, which is above the appraised value presented by the appellant. The board of review did not timely 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 is 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 evidence, the Board finds a reduction in the subject's assessment is 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: December 18, 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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