



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

APPELLANT: RMW Streeterville LLC
DOCKET NO.: 18-47574.001-R-1 through 18-47574.026-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are RMW Streeterville LLC, the appellant(s), by attorney David R. Bass, of Field and Goldberg, LLC 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
18-47574.001-R-1	17-10-218-010-1515	528	5,235	\$5,763
18-47574.002-R-1	17-10-218-010-1516	528	5,235	\$5,763
18-47574.003-R-1	17-10-218-010-1517	528	5,235	\$5,763
18-47574.004-R-1	17-10-218-010-1518	528	5,235	\$5,763
18-47574.005-R-1	17-10-218-010-1519	528	5,235	\$5,763
18-47574.006-R-1	17-10-218-010-1520	528	5,235	\$5,763
18-47574.007-R-1	17-10-218-010-1521	528	5,235	\$5,763
18-47574.008-R-1	17-10-218-010-1522	528	5,235	\$5,763
18-47574.009-R-1	17-10-218-010-1523	528	5,235	\$5,763
18-47574.010-R-1	17-10-218-010-1525	528	5,235	\$5,763
18-47574.011-R-1	17-10-218-010-1526	528	5,235	\$5,763
18-47574.012-R-1	17-10-218-010-1527	528	5,235	\$5,763
18-47574.013-R-1	17-10-218-010-1528	528	5,235	\$5,763
18-47574.014-R-1	17-10-218-010-1529	528	5,235	\$5,763
18-47574.015-R-1	17-10-218-010-1530	528	5,235	\$5,763
18-47574.016-R-1	17-10-218-010-1531	528	5,235	\$5,763
18-47574.017-R-1	17-10-218-010-1532	528	5,235	\$5,763
18-47574.018-R-1	17-10-218-010-1533	528	5,235	\$5,763
18-47574.019-R-1	17-10-218-010-1534	528	5,235	\$5,763
18-47574.020-R-1	17-10-218-010-1535	528	5,235	\$5,763
18-47574.021-R-1	17-10-218-010-1536	528	5,235	\$5,763
18-47574.022-R-1	17-10-218-010-1537	528	5,235	\$5,763
18-47574.023-R-1	17-10-218-010-1538	528	5,235	\$5,763
18-47574.024-R-1	17-10-218-010-1541	528	5,235	\$5,763

18-47574.025-R-1	17-10-218-010-1542	528	5,235	\$5,763
18-47574.026-R-1	17-10-218-010-1543	528	5,235	\$5,763

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 2018 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 26 parking spaces contained in an 11-year-old, 568-residential condominium building situated in North Chicago Township, Cook County.

The appellant contends overvaluation as the basis of the appeal by raising a contention of law. In support of this argument, the appellant submitted a brief in which it argued the 26-parking-space subject should be assessed as a common element of the condominium property pursuant to Section 10 of the Condominium Property Act (765 ILCS 605/10). The appellant submitted an affidavit that title to the 26 parking spaces was conveyed to the appellant as part of a bulk sale with air rights in 2012; were vacant and did not produce income; and were set aside for renters in a new residential building being constructed next to the subject building, which was expected to be completed in 2018. In further support, the appellant submitted: a land title survey showing the 26 parking spaces; and three photographs. The appellant failed to provide a total assessment request on the first page of its Petition.

The appellant also contends overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant submitted information on four suggested comparable sales of parking spaces in other buildings.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$149,838. The subject's assessment reflects a market value of \$1,498,380 when applying the 2018 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance. In support of the assessment, the board of review submitted a condominium analysis with data of more than 100 recent sales of parking spaces in the building.

The board of review also submitted a Motion to Dismiss for Lack of Standing, asserting the appellant is not the proper party to bring this appeal before the Board. The board of review argued the appellant is neither the owner nor taxpayer of the 26-parking spot subject. The appellant argued in response that the appellant is not the Condominium Association, but is the owner of some, but not all, of the parking spaces.

Conclusion of Law

The Board denies the board of review's Motion to Dismiss. The evidence supports the conclusion that the appellant is not, and did not purport, to be the Condominium Association. Rather, the appellant is the owner of some, but not all, of the parking spaces in the building.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation by raising a contention of law. "Unless otherwise provided by law or stated in the agency's rules, the standard of proof in any contested case hearing conducted under this Act by an agency shall be the preponderance of the evidence." 5 ILCS 100/10-15.

When a contention of law 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). The appellant submitted a brief and an affidavit as its evidence to establish the subject as common elements of the condominium property, in accord with Section 10 of the Condominium Property Act. *Supra*. The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted. The appellant did not submit Condominium Board minutes of a resolution; did not submit the Condominium Association By-Laws or Declaration to establish authority to declare the 26 parking spaces common elements; and did not prove by a preponderance of the evidence that the parking spaces were and would be used exclusively by the owners. Indeed, the appellant evidence established the parking spaces were held with the intention of producing income to renters. Therefore, the Board finds the appellant failed to carry the burden of proof by a preponderance of the evidence that the subject was overvalued for these reasons.

The appellant also 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 finds the appellant did not provide evidence of the similarity, proximity and lack of distinguishing characteristics of the suggested comparable sale properties and the subject 26 parking spaces. Based on this evidence, the Board finds a reduction in the subject's assessment based on overvaluation 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:

November 22, 2022



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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