



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

APPELLANT: 236 South Racine Condo Association
DOCKET NO.: 20-30130.001-R-2 through 20-30130.020-R-2
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are 236 South Racine Condo Association, the appellant, by attorney Timothy C. Jacobs, of Kovitz Shifrin Nesbit in Mundelein; 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
20-30130.001-R-2	17-17-113-122-1001	1,664	71,572	\$73,236
20-30130.002-R-2	17-17-113-122-1002	1,833	78,872	\$80,705
20-30130.003-R-2	17-17-113-122-1003	1,351	58,116	\$59,467
20-30130.004-R-2	17-17-113-122-1004	1,804	77,584	\$79,388
20-30130.005-R-2	17-17-113-122-1005	1,664	71,572	\$73,236
20-30130.006-R-2	17-17-113-122-1006	1,833	78,872	\$80,705
20-30130.007-R-2	17-17-113-122-1007	1,351	58,116	\$59,467
20-30130.008-R-2	17-17-113-122-1008	1,804	77,584	\$79,388
20-30130.009-R-2	17-17-113-122-1009	1,664	71,572	\$73,236
20-30130.010-R-2	17-17-113-122-1010	1,833	78,872	\$80,705
20-30130.011-R-2	17-17-113-122-1011	1,351	58,116	\$59,467
20-30130.012-R-2	17-17-113-122-1012	1,804	77,584	\$79,388
20-30130.013-R-2	17-17-113-122-1013	1,670	71,858	\$73,528
20-30130.014-R-2	17-17-113-122-1014	1,833	78,872	\$80,705
20-30130.015-R-2	17-17-113-122-1015	1,351	58,116	\$59,467
20-30130.016-R-2	17-17-113-122-1016	1,804	77,584	\$79,388
20-30130.017-R-2	17-17-113-122-1017	1,670	71,858	\$73,528
20-30130.018-R-2	17-17-113-122-1018	1,833	78,872	\$80,705
20-30130.019-R-2	17-17-113-122-1019	1,351	58,116	\$59,467
20-30130.020-R-2	17-17-113-122-1020	1,810	77,870	\$79,680

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 2020 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 consists of all units in a 20-unit, residential condominium building situated on an 11,724 square foot parcel of land. The building is 1-year old. The property is located in Chicago, West Chicago Township, Cook County. The subject is classified as a class 2-99 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity as a basis of the appeal. The appellant did not submit any equity comparables in support. The appellant also contends overvaluation in this appeal. In support of the overvaluation argument, the appellant submitted information for sales of all units within the subject building. The units sold between November 2018 and June 2019 and ranged in price between \$559,900 to \$915,000. Additionally, the appellant submitted a brief arguing that the 2019 Illinois Department of Revenue's Sales Ratio Study of 8.80% should apply rather than the "de jure assessment level" applied by Cook County Classification Ordinance. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$1,341,158.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$1,464,856. The subject's assessment reflects a market value of \$14,648,560 when applying the level of assessment for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment the board of review submitted a condominium analysis showing all 20 units in the subject property sold between November 2018 and June 2019 for \$15,241,952. The sale price was then divided by the percentage of ownership interest in the common elements of the units sold (100.00%) to arrive at a suggested total market value for the building of \$15,241,951. This indicated that the total assessed value of the subject property should be \$1,524,195. Based on this analysis, the board of review requested confirmation of the subject's current assessment.

Conclusion of Law

The taxpayer asserts assessment inequity as the basis of the appeal. The Illinois Constitution requires that real estate taxes, "be levied uniformly by valuation ascertained as the General Assembly shall provide by law." Ill. Const. art. IX, §4 (1970); Walsh v. Property Tax Appeal Board, 181 Ill. 2d 228, 234 (1998). This uniformity provision of the Illinois Constitution does not require absolute equality in taxation, however, and it is sufficient if the taxing authority achieves a reasonable degree of uniformity. Peacock v. Property Tax Appeal Board, 339 Ill. App. 3d 1060, 1070 (4th Dist. 2003).

When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e); Walsh, 181 Ill. 2d at 234 (1998). Clear and convincing evidence means more than a preponderance of the evidence, but it does not need to approach the degree of proof needed for a conviction of a crime. Bazyldo v. Volant, 164 Ill. 2d 207, 213 (1995). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b).

Initially, the Board finds the appellant's assertion that an 8.80% assessment level should apply based on the Department of Revenue's sales-ratio study for 2019 and 86 Ill.Admin.Code §1910.50(c)(2)(A) to be misguided. This rule allows annual sales ratio studies from the previous three years to be considered at the Board's discretion. Appellant did not submit any sales ratio studies or evidence in support of this argument. Accordingly, the Board will apply the assessment level as established by the Cook County Real Property Assessment Classification Ordinance of 10% to any market value established by the Board. Because the appellant's equity argument rests on an assertion that a lower level of assessment should apply, the Board rejects that argument.

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 proven 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.

In the instant case, the Board was provided with identical sales of all 20 units from the subject building from both parties. The Board finds the condominium analysis utilized by the board of review using the sales data from within the subject building and based on the percentage of ownership interest in the common elements is the best evidence of the subject's market value. The market value for the subject indicated by these sales is greater than its assessed valuation which supports a conclusion that the board of review did not overvalue the subject. Accordingly, a reduction on this basis is not warranted.

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: _____

October 15, 2024



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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