FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: MK Construction & Builders, Inc.
DOCKET NO.: 21-34901.001-R-1
PARCEL NO.: 09-25-102-004-0000

The parties of record before the Property Tax Appeal Board are MK Construction & Builders, Inc., the appellant(s), by attorney Jennifer Kanik, of the Law Offices of Terrence Kennedy Jr. 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:	$8,640
IMPR.:	$4,469
TOTAL:	$13,109

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 2021 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 a 9,600 square foot parcel of land improved with a 74-year-old, one-story, masonry construction dwelling containing 1,867 square feet of living area. The property is located in Park Ridge, Maine Township, Cook County and is classified as a class 2-04 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation and inequity for the property as the bases of the appeal. In support of the market value argument, the appellant disclosed that the subject was 100% vacant and uninhabitable since its purchase on December 4, 2020 and under construction since the purchase date. The appellant argued that the improvement portion of the subject was 86.8% or 317 days vacant due to the building permit issued by the City of Park Ridge not being approved for occupancy until January 18, 2022 confirming that the subject was not suitable for occupancy. The appellant included a copy of a Com Ed utility bill for the 30 days between June and July of

2021 disclosing little usage throughout the 2021 tax year. Additionally, the appellant submitted copies of a Cook County Assessor's Office Vacancy/Occupancy Affidavit and the City of Park Ridge Inspection worksheet for the subject property. Based on the evidence, the appellant requested the assessment be reduced to reflect the 100% vacancy during 2021 by applying a 10% occupancy factor to the improvement value.

In support of the recent sales argument, the appellant submitted evidence disclosing the subject property was sold on December 4, 2020 for a price of $425,000. The appellant submitted into evidence copies of a Multiple Listing Service (MLS) document and a settlement statement disclosing the sale date and price; the transfer was not between family or related corporations and was sold by owner; the subject was advertised for sale on the Multiple Listing Service; and the subject was not sold due to a foreclosure action. The appellant did not complete Section IV Recent Sale Data of the appeal form. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect 10% of the purchase price.

In support of this argument, the appellant submitted information on five suggested equity comparable properties with varying degrees of similarities to the subject. The appellant labeled two of its suggested comparables as "Comp 4". The Board finds that PIN# 09-25-114-023-0000 is the appellant's "Comp #2" as it was in the second place on the grid. These comparables are described as masonry or frame and masonry construction dwellings. They range in age from 69 to 84 years; in size from 1,805 to 4,507 square feet of living area; and an improvement assessment from $17.07 to $19.27 per square foot of living area. These properties have partial or full basements, and two or 2.5-car garages. The suggested comparable properties are located within a .5-mile radius of the subject property. The appellant requested the subject's total assessment be reduced.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of $59,881. The subject property has an improvement assessment of $51,241 or $27.45 per square foot of living area. In support of its contention of the correct assessment, the board of review submitted information on four suggested equity comparable properties with varying degrees of similarities to the subject. These comparables are described as frame, frame and masonry construction, or stucco exterior, one- or 1.5-story dwellings. They range in age from 64 to 102 years; in size from 1,920 to 2,104 square feet of living area; and an improvement assessment ranging from $27.10 to $28.13 per square foot of living area. These properties have full basements. Three of the properties are located within the same subarea as the subject property. The board of review requested that the assessment be confirmed.

At hearing, the appellant's attorney asserted that the sale of the subject on December 4, 2020 for $425,000 was an arm's-length transaction and reflects the fair cash market value of the property. The appellant's attorney disclosed that beginning on February 18, 2021, the subject underwent extensive renovations, and the appellant obtained a building permit issued by the city of Park Ridge. The appellant's attorney asserts that the subject property was uninhabitable and remained so from February 18, 2021 through December 31, 2021. The appellant's attorney further disclosed that the City of Park Ridge granted occupancy on January 18, 2022 and argued that the property was uninhabitable for 86.8% or 317 days of the 2021 tax year. The appellant cited to 35 ILCS 200/9-180, which states in part, "a property should be assessed on a proportional basis if

the property improvements were uninhabitable or unfit for occupancy." The appellant reaffirmed all evidence submitted in its petition and requested a reduction in assessed value.

At hearing, the board of review stipulated to the fact that the sale of the subject was an arm's length transaction. However, the board of review argued that there is no evidence submitted that it was by accidental means to cause the state of the capacity of the subject. The board of review there was not a natural disaster that caused the appellant to have to render the subject uninhabitable and that it was by choice to renovate the subject, therefore, the vacancy reduction should not be granted.

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 meet this burden of proof and a reduction in the subject's assessment is warranted.

The Board's task in this case is to determine the correct assessment of the subject property. *See* 35 ILCS 200/16-180. Under Illinois law, real property must be valued at its fair cash value, meaning the price that would be paid for it at a fair, voluntary sale where the buyer and seller are both ready, willing, and able to buy and sell, but neither is compelled to do so. Bd of Educ of Meridian Community School Dist. No. 223 v. Ill. Property Tax Appeal Bd., 2011 IL App (2d) 100068, ¶ 36. A contemporaneous sale of the subject property between parties dealing at arms-length is practically conclusive on the issue of whether an assessment reflected the fair cash market value of the property. Gateway-Walden LLC v. Pappas, 2018 IL App (1st) 162714, ¶ 33.

The Board finds that the best evidence of the subject's market value is the sale of the subject on December 4, 2020 for $425,000. The board of review also stipulated that this was an arm's-length transaction. The evidence presented by the appellant as to the sale of the subject property was unrebutted by the board of review in submitted evidence or in testimony at hearing. The appellant presented evidence that the subject property was sold on December 4, 2020, for a price of $425,000. The appellant submitted into evidence copies of a Multiple Listing Service (MLS) document and a settlement statement disclosing the sale date and price; the transfer was not between family or related corporations; the subject was advertised for sale on the Multiple Listing Service; and the subject was not sold due to a foreclosure action. This evidence indicates that this sale was an arm's-length transaction and confirmed the sale price of the subject property in December of 2020. Since market value has been determined for a class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10%, in applying this level of assessment to the subject, the total assessed value is $425,000.

The appellant has disputed the assessment of the subject property based upon a contention of law. Section 10-15 of the Illinois Administrative Procedure Act (5- ILCS 100/10-15) provides:

> Standard of proof. 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.

The rules of the Property Tax Appeal Board are silent with respect to the burden of proof associated with an argument founded on a contention of law. See 86 Ill.Admin.Code §1910.63. The Board finds the appellant met this burden of proof and a further reduction in the subject's assessment is warranted.

The appellant's argument is based on Section 9-180 of the Property Tax Code (35 ILCS 200/9-180):

> Pro-rata valuations; improvements or removal of improvements. The owner of property on January 1 also shall be liable, on a proportionate basis, for the increased taxes occasioned by the construction of new or added buildings, structures or other improvements on the property from the date when the occupancy permit was issued or from the date the new or added improvement was inhabitable and fit for occupancy or for intended customary use to December 31 of that year.
>
> Computations under this Section shall be on the basis of a year of 365 days. (Source: P.A. 91-486, eff. 1-1-00.) [emphasis added].

35 ILCS 200/9-180. The statute measures the value of an improvement to the property either from the date "when the occupancy permit was issued" or from the date the improvement "was inhabitable and fit for occupancy" prior to December 31 of the same year. The Board finds that the appellant submitted sufficient evidence to show the subject property was under construction and not habitable or fit for occupancy due to excessive renovations from February 18, 2021 to December 31, 2021 per the permit issued by the City of Park Ridge, the sworn affidavit filed with the Cook County Assessor's Office, the City of Park Ridge Inspection worksheet, and the appellant's statement. The Board finds the City of Park Ridge inspection sheet disclosed a significant amount of checklist items for repair which required four separate inspection dates of April 4, 2021, August 11, 2021, December 6, 2021, and the final inspection on January 18, 2021, when the City of Park Ridge determined that corrections had been made and the final inspection passed. The Board finds that the appellant has submitted sufficient evidence to show the subject was inhabitable 317 days or 86.8% of the 2021 lien year. Thus, the improvement was standing for 49 days, or 13.2% of the year. Therefore, the PTAB finds that the subject's improvement assessment based on subject's market value of $450,000 shall be diminished by 86.8% and a reduction is warranted. Since market value has been determined, the Board finds that the subject is now fairly and equitably assessed. See Central Nursing Realty, LLC v. Illinois Property Tax Appeal Board, 2020 IL App (1st) 180994, ¶¶ 34-36.

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:

C E R T I F I C A T I O N

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 17, 2026

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 9-215 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

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