

Date : 12/19/2023 2:38:57 PM

From : "Paul Dulberg"

To : "Alphonse Talarico"

Cc : "T Kost" , "Paul Dulberg"

BCc : "Paul Dulberg"

Subject : Re: TIF bystanders report

Oh, I just remembered we also discussed the issue of property value and loss of a host of potential retail buyers other than investment contractors due to the tiff district as a harm.

Paul

Sent from my iPhone

On Dec 19, 2023, at 2:33 PM, Paul Dulberg <pdulberg@icloud.com> wrote:

Dear Mr Talarico,

First, I did not attend the Tiff case court date.

Second, I did speak with you immediately following the hearing and listened to your concerns.

From memory of our discussion, the main concerns and takeaway from the hearing we discussed were:

1. The Judges lack of understanding that a harm has already happened and continues to happen because;

a. Property owners right's during eminent domain (under normal circumstances) are way less burdensome.

(more likely than not or 51% burden of proof - a reasonable task)

Vs.

b. Property owners rights during eminent domain in a TIFF district drastically changes and became more burdensome.

(beyond reasonable doubt or 100% burden of proof - a nearly impossible and much more expensive task)

You could not believe that any judge could see the drastic change in the burden of proof of the property owner as no harm to the property owners.

2. That the Judge would actually make any final ruling on the issue at that early court event knowing neither party had a court reporter recording the oral arguments and judges reasoning behind the ORDER.

I remember remarking something like,

we should put that judges home in a tiff district and see if that judge felt the change in the judges own rights and the burden of proof as a property owner would be felt as a very real harm.

if it still wasn't perceived as a harm then start the eminent domain proceedings under the tiff district rules against the Judges property and see if the judge then realizes the change in the burden of proof from something reasonable to something close to impossible and unreasonable as a real harm in a property rights driven legal system.

I also told you to call Tom Kost and tell him what happened while it was fresh in your mind.

I hope this helps you remember our discussion and what took place at the hearing.

Sorry I didn't reply sooner, had to take my mom to 2 medical appointments today and am still not home yet.

Paul

Sent from my iPhone

On Dec 19, 2023, at 8:58 AM, Alphonse Talarico
<contact@lawofficeofalphonsetalarico.com> wrote:

Does Paul have any recollection of the hearing that could supplement what you already have?

From: T Kost <tkost999@gmail.com>

Sent: Tuesday, December 19, 2023 8:00 AM

To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

Subject: TIF bystanders report

I put the notes together in a text file that is attached.

I was not present at the zoom meeting. These notes are from what you told me and what you wrote.