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# Solbergs challenge Readington airport suit

**Owners file to stay eminent domain**

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READINGTON -- The Solberg family met a deadline Friday to respond to the township's eminent domain suit against Solberg-Hunterdon Airport by filing a request to stay all further action in the case, Solberg attorney Laurence Orloff said.

Orloff said he is asking a state Superior Court judge to resolve whether the township has the right to acquire the 625 acres of open space surrounding the airport, as well as its development rights, before making a final judgement to appoint commissioners to decide the value of the property.

"In our papers that we filed today, we cite the portion of law that says if the authority of the condemner is being disputed or contested, further proceedings to accomplish the taking are stayed until the court resolves the issue if the condemner has the right to take (the property)," Orloff said from his Roseland law offices.

Both sides are expected to appear in court Nov. 3 to argue their cases before Superior Court Judge Yolanda Ciccone, sitting in Somerville. During the hearing, the Solbergs will argue the township does not have the legal right to condemn the airport.

If the township's condemnation is judged lawful, court-appointed commissioners will value the land after reviewing appraisals. Though the township has valued the land at \$21.7 million -- and has deposited that amount in a court trust fund as a declaration of taking -- Solberg appraisals have reportedly put the property's worth at more than \$40 million.

If the commissioners are appointed and their decision is appealed by either side, the case would go to a jury trial.

According to township documents, the \$21.7 million deposit "represents the fair market value of the property as estimated by Readington" if the land is unaffected by adverse environmental conditions. By state law, the township's declaration of taking contends "Readington shall be vested with the right to the immediate exclusive possession of and the title to the interests in the property."

In an open letter to residents Oct. 12, Mayor Gerard Shamey said the township is pursuing low-interest loans to help pay for the acquisition. Shamey estimated in the letter that funding a \$21.7 million purchase would equate to a tax increase of \$65 to \$165 for the average Readington homeowner, depending on loan sources.

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