

# Readington Taking Over Solberg Land

**By Conor Greene**

READINGTON TWP. — Barring a last-minute judicial turnaround, it's likely that all that remains to be settled is the price.

The township may by now own the 624 acres of open space surrounding Solberg Airport. A declaration of taking, giving the township title to the land, was to be filed yesterday, according to township special counsel James Rhatican.

The action lets the Solberg family continue to own and operate 102 acres used for airport operations. It also gives Readington the development rights on that portion of the property, effectively reaching their goal of preventing an airport expansion.

Thor Solberg, property co-owner, said yesterday that his family is disappointed by the township's decision. "We're outraged obviously, but not surprised," he said. "I'm thinking about how shocked my father would have been to think that in his American that he loved so much, something like this could

happen, where everything he worked for and gave to his children could be taken away by a whim of the government."

Aviator Thor Solberg, who flew an historic transatlantic flight to Norway, started the rural airport in 1939.

"I think everybody in town should think long and hard about how they would feel if government came into their home and took personal treasures from them and walked out saying 'you shouldn't complain. We're paying you appraised value.'"

The two sides are due in court Nov. 3, when the Solberg family will have the burden of proving that the township is not acting within its rights by seizing the land using eminent domain. That date was pushed back two weeks after the family was granted an extension, officials said.

Mr. Rhatican said he is confident the judge will find that the town-

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ship is acting in good standing. "They have the right by the way of the New Jersey Constitution to condemn properties under certain circumstances," he said. That would mean the only outstanding question would be how much Readington will pay. If the court rules against the township, the Solbergs would resume ownership of the land.

Meanwhile, township officials continue to pursue funding options, according to Mayor Gerard Shamey. On Oct. 2, the committee authorized Administrator Vita Mekovetz to file an application with the county for \$1.3 million for 77 acres for Open Space Trust Fund through the municipal grant program. The request is pending Freeholder consideration.

The township already has funding commitments of \$1 million from the state Green Acres program and \$10.8 million from the N.J. Environmental Infrastructure Trust, according to Mayor Shamey. While Green Acres doesn't participate in eminent domain proceedings, it will reimburse the township once it owns the land, he said.

By filing the declaration of taking, the township is bound to fol-

low through with the purchase, Mr. Rhatican said Tuesday. If a judge on Nov. 3 rules that the township is acting within its rights, a panel of commissioners will decide how much the land is worth. Either side could then appeal that decision to a jury.

Had the township not taken ownership, it would have had the ability to back away from the purchase if the price proved to be too high. While this action removes that possibility, Mayor Shamey noted that two recent township-commissioned appraisals valued the land at \$20,545,000 and \$21,738,000 for 624 acres of open space surrounding the airport and the development rights on 102 acres used for airport operations.

"We just wanted to move forward and move this thing along," Mayor Shamey said Tuesday of the township's decision to file to take ownership. "Just as with the filing of the (condemnation) complaint, this is not something we take lightly. We talked at length about the pros and cons amongst ourselves and with counsel and the consensus of the committee was to go ahead and file it."

He said that courts and juries are bound by reasonableness and will be guided by the appraisals. "We are very confident with these appraisers, which are certified and well-known statewide (and) bound by standards," he said. The Solberg family has argued the land is worth as much as \$40 million, based on an appraisal completed several years ago.

If the price proves higher, Mayor Shamey says both funding sources have expressed a willingness to provide additional assistance. He also says that he thinks many residents would support paying more for the land if necessary, after voters in May approved up to \$22 million for the purchase. "I have spoken with many, many residents that... (are) willing to pay a higher price," he said.

Mayor Shamey said that despite the commitment to buying the land that comes with filing the declaration of taking, it puts the township in a better position in a dispute that has stretched for decades. "We're in a much better legal position if we hold title to that property," he said. "You never know what Thor Solberg is up to because he certainly has never told residents what he is up to. Lots of different scenarios could happen," including attempts to expand the airport's facilities, he said.

The filing of the condemnation complaint on Sept. 18 came after the township extended an offer of \$21.7 million to the family for the 624 acres of open space and the development rights on the actual airport. Mr. Rhatican said that the condemnation complaint and subsequent declaration of taking puts that scenario into effect. At the same time the declaration of taking was to be filed, the township deposited \$21,738,000 in the state Superior Court's Trust Fund Unit.