

Twp. Moves To Condemn Airport Land

By Conor Greene

READINGTON TWP. — After months of negotiations, township officials have decided to use eminent domain to seize control over the Solberg Airport property. A condemnation complaint was served to the family on Friday, and the two sides are due to appear in Superior Court next month regarding the township's right to acquire the land.

The township last month offered the family \$21.7 million for 624 acres of open space and the development rights on the 102 acres used for airport operations. After determining that negotiations had reached "an impasse," the committee agreed on Sept. 12 to move forward with eminent domain, according to special counsel James Rhatican.

The decision ends nearly a year of on-again, off-again negotiations between the township and the Solberg family. Officials are concerned that siblings Thor and Lorraine Solberg and Suzy Solberg Nagle plan to expand the facility to attract corporate jets, which would impact residents' quality of life and property values.

"We filed because we had no choice," Mayor Gerard Shamey said Tuesday. "If at any time during our preparations to file we had observed any signs of bona fide negotiations from the Solbergs, we would have stopped the process, but at no time did that happen."

Mr. Rhatican said that Assignment Judge Yolanda Ciccone has

entered an order to show cause, "which essentially directs the Solbergs to appear in court (on Oct. 20) and make any objections they have" with the township's attempts to take the land. "They have to demonstrate and convince the judge why the township should not be allowed to condemn the property."

Mr. Rhatican says he "is confident the township is well within its rights" to condemn the land. The next step would be a valuation hearing before a panel of commissioners, including two local attorneys and a real estate broker, which Mr. Rhatican envisions taking place within a couple of months. If either side appeals that decision, the case would be tried before a jury.

Officials say the decision to proceed with eminent domain was due to the Solbergs' failure to put in writing a counter-proposal to the township's \$21.7 million offer. The most recent correspondence from the family came in the form of a Sept. 7 letter by attorney Lawrence Berger, which Mr. Rhatican says "signaled an impasse in the negotiations."

"We saw this as the same familiar ruse of delays, failure to respond and a complete lack of long-requested information," Mayor Shamey said. "This township is tired of dealing with this issue, and this Township Committee is determined to resolve it without any fur-

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ther purposeless delays.”

Mr. Solberg said he is “disappointed, but not surprised that the township has chosen to abruptly abandon negotiations and begin condemnation, which will turn into a protracted legal battle that will take years to resolve and cost the taxpayers substantial dollars.”

Officials were tightlipped last week as they waited for the family to be served with the condemnation papers. Mr. Rhatican filed it on Monday, but it wasn’t processed by the county Superior Court until Friday. When asked on Tuesday whether the committee had decided on a course of action, Mayor Shamey didn’t divulge that the suit had been filed the prior day.

The Township Committee has no plans to acquire the actual airport property, Mr. Rhatican said. The family would continue to run the business, and would be allowed to make certain upgrades, including a 35,000-square-foot building to house a restaurant, museum offices, lounge, conference room and a classroom. Hangar and maintenance space would be limited to 150,000 square feet, and the balloon festival would be permitted.

Mayor Shamey said that the state Green Acres program and N.J. Environmental Infrastructure Trust are each prepared to provide \$9 million for the purchase, which would be reimbursed after title is acquired. He said that officials will have to consider whether they should hold another referendum if the township is going to spend more than the \$22 million approved by voters in May.

While the township would have no control over how much the commissioners or a jury will ultimately rule the property is worth, Mayor Shamey says they are bound by “reasonableness” and the property’s appraisals. The township didn’t file a declaration of taking with the condemnation complaint, meaning it is not bound at this time to follow through with a purchase if the price proves to be too high.

Through the process, the Solbergs have argued that the property is worth more than the township is offering. Two appraisals completed several years ago determined the property is worth more than \$40 million. “It will truly be a bad deal for everyone,” Mr. Solberg said of the impending court battle.

The Oct. 20 court hearing is scheduled for 9 a.m. in Superior Court in Somerville.