

# Judge reserves decision in eminent domain case

Posted by the Asbury Park Press on 03/24/06

BY CAROL GORGA WILLIAMS

AND KAREN SUDOL

STAFF WRITERS

FREEHOLD — Owners of property in an oceanfront section of Long Branch who are fighting the city's plan to acquire their homes by eminent domain will have to wait a little longer, after a Superior Court judge today reserved decision in the case.

Lawrence M. Lawson, who is the assignment judge, said he would issue a written decision as quickly as possible, but it could be as long as 30 days before he decides whether the city may proceed in its efforts to acquire 20 homes in the Marine Terrace, Ocean Terrace, Seaview Avenue area, commonly called MTOTSA.

"This is a hot matter," Lawson said in a crowded courtroom after more than two hours of argument from Peter Wegener and William J. Ward, who represent the property owners, and City Attorney James G. Aaron.

"It is a very contentious matter," Lawson said. "Someone is going to win and someone is going to lose."

Lawson said he has an appointment tomorrow in Long Branch and will try to tour the area in question.

Representatives from the Institute for Justice, a Washington, D.C.-based firm that has been leading the fight against eminent domain, were present this morning for a pre-hearing rally on the south lawn of the courthouse, and Scott Bullock, a lawyer with the institute, said his organization had helped prepare legal briefs and would likely seek to join the case to focus on constitutional issues.

Long Branch "is one of the most -- if not the most -- egregious abuses of eminent domain in the country," Bullock said.