

ORDINANCE NO. 38-09

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE RELEASE OF A DEED
RESTRICTION FOR THREATENED AND ENDANGERED
SPECIES ON BLOCK 23101, LOT 2, FORMERLY KNOWN
AS BLOCK 28, LOT 2.02 IN THE TOWNSHIP OF
JACKSON**

WHEREAS, a deed restriction for threatened and endangered species was recorded against Block 28, Lot 2.02, now known as Block 23101, Lot 2; and

WHEREAS, said property is owned by Joseph and Tracy LaPlaca; and

WHEREAS, Joseph and Tracy LaPlaca requested the release of the deed restriction for threatened and endangered species that was recorded against their property; and

WHEREAS, the deed restriction was in favor of the State of New Jersey, Department of Environmental Protection and the Township of Jackson; and

WHEREAS, the State of New Jersey, Department of Environmental Protection has allowed for a public hearing on the request to release the deed restriction on the subject property; and

WHEREAS, the owner of the property provided public notice of the hearing concerning the request to release the deed restriction; and

WHEREAS, the public hearing was scheduled for a Jackson Township Council Meeting held on November 10, 2009 at the Municipal Building during the regular Township Council Meeting; and

WHEREAS, Kevin E. Koslosky of the New Jersey Department of Environmental Protection acted as Hearing Officer at the public hearing, and

WHEREAS, at the public hearing no one objected to the release of the deed restriction for threatened and endangered species; and

WHEREAS, the proper procedures were held in accordance with N.J.S.A. 13:8b-1 et seq. for the release of the deed restriction and specifically, Section 13:8b-5; and

WHEREAS, the State of New Jersey Department of Environmental Protection has advised that it has no objection to the release of the deed restriction for threatened and endangered species against Block 23101, Lot 2, formerly known as Block 28, Lot 2.02.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Jackson, County of Ocean, State of New Jersey, as follows:

SECTION 1. That the Township Council does hereby authorize the release of the deed restriction for threatened and endangered species on Block 23101, Lot 2, formerly known as Block 28, Lot 2.02 in accordance with the request of the property owner and in alliance on the determination by the New Jersey Department of Environmental Protection that said deed restriction can be released.

SECTION 2. That the Mayor and Township Clerk are authorized to execute any and all documents necessary for the release of the deed restriction on said property.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

Date: _____

MAYOR MICHAEL REINA

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey, held on **November 24, 2009**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **8th day of December, 2009**, at 7:30 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 95 W. Veterans Highway, Jackson, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

ANN MARIE EDEN, RMC
Township Clerk, Township of Jackson