



Township of Jackson

95 West Veterans Highway | Jackson, NJ 08527 | (732) 928-1200

Office of the Township Clerk

MARY MOSS, RMC
TOWNSHIP CLERK

September 27, 2022

Re: Revision to Public Agenda

The following updates has been included for the September 27, 2022 Township Council Agenda:

1. Ordinance 24-22 - Revision
2. Resolution 368R-22 - Addendum- Raymond LoVacco, Alternate II- Zoning Board

Respectfully,
Mary Moss, RMC
mmoss@jacksontwpnj.net

**JACKSON TOWNSHIP
ORDINANCE 24-22**

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN,
STATE OF NEW JERSEY AUTHORIZING ACQUISITION OF REAL PROPERTY BY
NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN, FOR
PROPERTY KNOWN AND DESIGNATED AS BLOCK 16601, LOT 9,
AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP OF JACKSON,
OCEAN COUNTY, NEW JERSEY**

WHEREAS, the Township Council of the Township of Jackson, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") has concluded that it is necessary, desirable and appropriate for the Township to undertake acquisition of property known and designated as Block 16601, Lot 9, as shown on the official tax maps of the Township of Jackson, County of Ocean, New Jersey; and

WHEREAS, said property, which the Township believes it must acquire, is currently in private ownership; and

WHEREAS, by adoption of this Ordinance, the Township authorizes the acquisition contract purchase or the taking of a fee, by condemnation/ eminent domain so that the Township and other entities or agents acting on behalf of the Township shall have access onto, over and through said privately owned real property for the purpose of open space and recreation; and

WHEREAS, the Township further finds that public use and purpose would be served for the benefit of the Township and surrounding communities by acquiring the aforesaid property, including, but not limited to, the promotion, protection, and preservation of the public health, safety and welfare of the Township and its inhabitants by the acquisition of said real property; and

WHEREAS, the Township is authorized by the New Jersey State Constitution, N.J.S.A. 40A:12-5(a), N.J.S.A. 20:3-1, *et seq.*, and/or any other provision of applicable law to proceed with acquiring certain property interests by negotiated purchase or by condemnation/ eminent domain as long as just compensation is paid for the same.

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

1. **RECITALS INCORPORATED**: The above recitals are incorporated into this section of the Ordinance as if specifically set forth at length herein.
2. **SPECIFIC FINDINGS**: The Township Council find that the acquisition will promote and protect the health, safety, and welfare of residents of the Township, and further find that any purchase or taking by eminent domain of any and all property interests necessary for the same are all in the furtherance of a public use and purpose.
3. **AUTHORIZE CONDEMNATION**: The Township Council specially authorize any and all necessary and appropriate actions by Township officials including the Mayor, Township Clerk, Township Attorney, and/or Special Condemnation Attorney, in conjunction with the New Jersey Department of Environmental Protection and/or any other appropriate State or Federal entity, for the taking and obtaining of certain property interests in the properties as set forth herein through negotiation, purchase, or condemnation/ eminent domain, including, but not limited to, the hiring of any experts, engaging the services of land surveyors, title insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the Township to the property owner(s) in the full amount of the appraised value of the property interest that the Township seeks to acquire in said property, and to negotiate in good faith with the record owner(s) of the property for its voluntary acquisition in accordance with N.J.S.A. 20:3-6, and in the event that the negotiations for the voluntary acquisition of the property interest are unsuccessful for any reason to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the

estimated just compensation with the Clerk of the Superior Court, filing a Lis Pendens, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.

4. **IDENTIFICATION OF PROPERTY**: The properties for which a taking of property interests is authorized by negotiation, purchase, or condemnation/eminent domain pursuant to this Ordinance are located in the Municipality and listed on the Municipal tax map as Lot 9 in Block 16601, containing approximately 43+/- acres. The property interests to be acquired are irrevocable, perpetual, permanent easements and acquisition of certain parcels in fee, in the properties identified herein.
5. **OFFICIALS AUTHORIZED**: All appropriate officials of the Municipality, including, but not limited, to the Mayor, Municipal Clerk, Municipal Attorney, Special Condemnation Attorney, and any and all experts or others acting on behalf of the Municipality are authorized by this Ordinance to sign any and all documentation and take any and all action necessary to effectuate the purposes and intention of this Ordinance.
6. **PURCHASE OF PROPERTY**: If a determination is made by a majority vote of the Township Council that the purchase of the property is more appropriate than the obtaining said property interest through condemnation/eminent domain, then all appropriate officials of the Township, including, but not limited to, the Mayor, Municipal Clerk, Municipal Attorney, and Special Condemnation Attorney are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property interests by the Township.
7. **REPEALER**: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.
8. **SEVERABILITY**: If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.
9. **EFFECTIVE DATE**: This Ordinance shall take effect immediately upon final adoption, publication, and 20-day waiting period after Mayor's Signature as required by law.

DATE: _____

MAYOR MICHAEL REINA

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Jackson held on the **27th day of September, 2022**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **11th day of October, 2022**, at 7:30 p.m., at the Township Municipal Building, located at 95 West Veterans Highway, Jackson, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Mary Moss, RMC, Jackson Township Clerk

TOWNSHIP OF JACKSON

RESOLUTION NUMBER: 368R-22

TITLE: APPOINT MEMBERS TO THE JACKSON TOWNSHIP ZONING BOARD OF ADJUSTMENT

WHEREAS, a vacancy exists on the Zoning Board of Adjustment; and

WHEREAS, the Township Council is authorized, pursuant to Chapter 3, Section 146 of the Administrative Code of the Township of Jackson, to appoint members to the Zoning Board of Adjustment for terms set forth in said code and pursuant to N.J.S.A. 40:55D-23.3 and 40:55D-23.4; and

WHEREAS, it is the desire of this Township Council to fill said vacancy.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jackson, County of Ocean and State of New Jersey as follows:

- 1. The following individuals are hereby appointed to the Jackson Township Zoning Board of Adjustment as follows:

Joseph Riccardi (Alternate 1) – to fill unexpired term of Samara O’Neill – term of June 30, 2023

Raymond Lovacco (Alternate 2)- term expires June 30, 2024

- 2. Appointees shall perform such duties and responsibilities as set forth by State Statute and the Municipal Code of the Township of Jackson.
3. Appointees shall serve without compensation.
4. A certified copy of this resolution shall be forwarded to the Jackson Township Zoning Board of Adjustment, Zoning Officer and any other interested parties.

Councilperson _____ presents the following resolution

Seconded by _____

and carried upon the following roll call vote:

Table with 5 columns: TOWNSHIP COUNCIL, AYES, NAYES, ABSENT, ABSTAIN. Rows include COUNCILMAN BORRELLI, COUNCILMAN CHISHOLM, COUNCILWOMAN O’NEILL, COUNCIL VICE PRESIDENT KERN, COUNCIL PRESIDENT FLEMMING.

I, Mary Moss, RMC, Municipal Clerk of Jackson Township, do hereby certify the foregoing to be a true, complete and correct copy of resolution adopted by the Township Council at a regular meeting held on _____.

In witness whereof, I have hereunto set my hand affix the official seal of Jackson Township, Ocean County, New Jersey this _____ day of _____, 2022.

Mary Moss, RMC- Municipal Clerk