

52:9Q-12. Capital City Redevelopment Corporation

a. There is established in the Executive Branch of the State Government a public body corporate and politic, with corporate succession, to be known as the Capital City Redevelopment Corporation. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the corporation is allocated within the Department of the Treasury, but, notwithstanding that allocation the corporation shall be independent of any supervision or control by the department or by the State Treasurer or any officer or employee thereof. The corporation is constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the corporation of the powers conferred by this or any other act shall be deemed to be an essential governmental function of the State.

b. The board of directors of the corporation shall consist of the following: a member of the Executive Branch to be appointed by the Governor, and the State Treasurer who shall both serve ex officio and may each designate, by written notification to the board, an alternate who shall act in their place with the authority to attend, vote and perform any duty or function assigned to them in their absence; one other high-ranking State officer designated by the Governor; the mayor of the city of Trenton, ex officio; and five public members appointed by the Governor with the advice and consent of the Senate, one of whom shall be a public employee of the State or city, one of whom shall have the city of Trenton as his principal place of business, and at least one of whom shall have the county of Mercer as his principal place of business. The five directors appointed by the Governor shall be residents of the State and shall have knowledge and expertise in the areas of economic development, urban planning, community affairs or finance;

c. Each public member shall serve for a term of four years and until the appointment and qualification of a successor, except that of the directors who are first appointed, three shall be designated to serve for terms of two years, and two shall be designated to serve for terms of four years, from the date of appointment. All vacancies shall be filled in the same manner as the original appointment but for the unexpired term only. The directors shall receive no compensation for their services, but may be reimbursed for their expenses in performing their official duties;

d. Each director, before entering upon the duties of office, shall take and subscribe an oath to perform the duties of the office faithfully, impartially and justly to the best of their ability. A record of these oaths shall be filed in the Office of the Secretary of State. Each director appointed by the Governor may be removed from office by the Governor, for cause, after a public hearing, and may be suspended by the Governor pending the completion of the hearing;

e. The Governor shall appoint a chairman from among the members of the board. The vice chairman shall be one of the five public members and shall be elected by majority vote of all the directors. The directors shall elect a secretary and a treasurer from among their number, and the same person may be elected to serve both as secretary and treasurer. Five directors shall constitute a quorum at any meeting of the board. Action may be taken and motions and resolutions adopted by the board at any meeting thereof by the affirmative vote of at least five directors. No vacancy in a directorship shall impair the right of a quorum to exercise all the powers and perform all the duties of the board;

f. Each director shall execute a bond to be conditioned upon the faithful performance of their respective duties in such form and amount as may be prescribed by the Director of the Division of Budget and Accounting in the Department of the Treasury. The bonds shall be filed in the office of the Secretary of State. At all times thereafter the directors shall maintain these bonds in full force. All costs of the bonds shall be borne by the corporation; and

g. The corporation may be dissolved by act of the Legislature if it has no debts or obligations outstanding or if adequate provision has been made for the payment or retirement of any outstanding debts or obligations. Upon dissolution of the corporation all property, funds and

assets thereof shall be vested in the State, the city or the county, subject to the terms of the act of dissolution.

L. 1987, c. 58, s. 4.

52:9Q-13. General powers

The corporation shall have the following general powers:

- a. To sue and be sued;
- b. To adopt an official seal and alter it;
- c. To make and alter bylaws for its organization and internal management and to make rules and regulations with respect to its projects, operations, properties and facilities;
- d. To make and enter into all contracts, leases, as lessee or lessor, and agreements necessary or incidental to the performance of its duties and the exercise of its powers under this act, and consent to any modification, amendment or revision of any contract, lease or agreement to which it is a party;
- e. To enter into agreements or other transactions with, and to accept grants, appropriations or the cooperation of the United States or any agency thereof or the State or any agency thereof in furtherance of the purposes of this act;
- f. To receive and accept aid or contributions from any public or private source of money, property, labor or other thing of value, to be held, used and applied to carry out the purposes of this act subject to the conditions upon which that aid or contribution may be made, including, but not limited to, gifts or grants from the United States or any agency thereof or the State or any agency thereof for any purpose consistent with this act;
- g. To invest moneys not required for immediate use in any obligations, securities or other investments in the same manner as trust funds in the custody of the State Treasurer;
- h. To acquire or contract to acquire from any individual, partnership, trust, association or corporation, or any public agency, by grant, purchase or otherwise, real or personal property or any interest therein; to own, hold, clear, improve and rehabilitate, and to sell, assign, exchange, transfer, convey, lease, mortgage or otherwise dispose of or encumber the same;
- i. To sell, lease, assign, transfer, convey, exchange, mortgage, or otherwise dispose of or encumber any project, and in the case of the sale of any project, to accept a purchase money mortgage in connection therewith, and to lease, repurchase or otherwise acquire and hold any project which the corporation has theretofore sold, leased or otherwise conveyed, transferred or disposed of;
- j. To grant options to purchase any project or to renew any leases entered into by it in connection with any of its projects, on such terms and conditions as it may deem advisable;
- k. To manage any project, whether then owned or leased by the corporation, and to enter into agreements with any individual, partnership, trust, association or corporation, or with any public agency, for the purpose of causing any project to be managed;

- I. To consent to the modification, with respect to rate of interest, time of payment or any installment of principal or interest, security, or any other terms, of any loan, mortgage, commitment, contract or agreement of any kind to which the corporation is a party;
- m. In connection with any property on which it has made a mortgage loan, to foreclose on the property or commence any action to protect or enforce any right conferred upon it by any law, mortgage, contract or other agreement, and to bid for or purchase the property at any foreclosure or at any other sale, or acquire or take possession of the property; and in such event the corporation may complete, administer, pay the principal of and interest on any obligations incurred in connection with the property, dispose of and otherwise deal with the property, in such manner as may be necessary or desirable to protect the interests of the corporation therein;
- n. To procure insurance against any loss in connection with its property and other assets and operations in any amounts and from any insurers it deems desirable;
- o. To arrange or contract with any county or municipal government, or instrumentality thereof, with jurisdiction within the Capital City District, for the planning, opening, grading or closing of streets, roads or other places or for the construction or reconstruction of improvements, or public works necessary or convenient to carry out its purposes;
- p. To appoint an executive director and any other officers, employees and agents as it may require for the performance of its duties. The executive director, and any employees appointed as personal staff to the executive director, shall be appointed by the corporation, which shall determine their qualifications, terms of office, duties, fix their compensation, and promote and discharge them, all without regard to the provisions of Title 11A of the New Jersey Statutes. All other officers, employees and agents appointed by the corporation shall be subject to the provisions of Title 11A of the New Jersey Statutes;
- q. To engage the services of attorneys, accountants, architects, building contractors, engineers, urban planners, and any other advisors, consultants and agents as may be necessary in its judgment for the performance of its duties and fix their compensation;
- r. To provide advisory, consultative, training and educational services, technical assistance and advice to any person, firm, association, partnership or corporation, either public or private, in order to carry out the purposes of this act; and
- s. To do any and all things necessary or convenient to the exercise of the foregoing powers or reasonably implied therefrom.

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| L. | 1987, | C. | 58, | S. | 5. |
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| 52:9Q-14. | Capital | City | District |
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a. The corporation is authorized to carry out the purposes of this act on behalf of and exercise its powers within the Capital City District, which shall consist of that portion of the city of Trenton, beginning at the Delaware river at the point at which the center line of the Amtrak railroad corridor line crosses the center line of the river boundary of the city of Trenton; thence running northeasterly along the center line of the railroad to the point at which it intersects with the center line of South Clinton avenue; thence on a line running northeasterly from the intersection of the center line of South Clinton avenue and the railroad to the center line of the Walnut avenue extension at the point at which it bends northeasterly; thence running northeasterly along the center line of the Walnut avenue extension to its intersection with the center line of Hollywood avenue; thence on a line running northeasterly from the intersection of the center lines of the Walnut avenue extension and Hollywood avenue to the center line of Chestnut avenue at the point at which it would be intersected by the center line of the Amtrak railroad; thence on a line

running in a southwesterly direction from the intersection of the Amtrak railroad and Chestnut avenue to the intersection of the center lines of Yard avenue and Fairview avenue; thence running southwesterly along the center line of Fairview avenue following it along to its intersection with the center line of South Clinton avenue; thence running northerly along the center line of South Clinton avenue to its intersection with the center line of East State street; thence running westerly along the center line of East State street to its intersection with the center line of West Canal street; thence running northerly along the center line of West Canal street to its intersection with the center line of Merchant street; thence running westerly along the center line of Merchant street to its intersection with the center line of North Stockton street; thence running northerly along the center line of North Stockton street to its intersection with the center line of Hanover street; thence running westerly along the center line of Hanover street to its intersection with the center line of North Broad street; thence running northerly along the center line of North Broad street to its intersection with the center line of Brunswick avenue where it meets the center line of Pennington avenue; thence running along the center line of Pennington avenue around to its intersection with the center line of Warren street; thence running southwesterly along the center line of Warren street to its intersection with the center line of the feeder canal; thence following along the center line of the feeder canal in a westerly direction to the point at which it intersects with the center line of the waste weir which connects the feeder canal with the Delaware river; thence running southwesterly along the center line of the waste weir to the point reached by prolongating the center line of the waste weir to the center line of the Delaware river boundary of the city of Trenton; thence running along the center line of the Delaware river boundary of the city of Trenton downstream to the point at which the river boundary intersects with the center line of the Amtrak railroad.

b. The boundaries of the district may be expanded by mutual consent of the corporation and the city of Trenton. In order to expand the boundaries of the district, the city of Trenton shall, by ordinance duly adopted, or in the case of the corporation, by a parallel resolution, designate that area to be added to the district as (1) a blighted area pursuant to section 1 of P.L. 1949, c. 187 (C. 40:55-21.1) or an area in need of rehabilitation pursuant to section 3 of P.L. 1979, c. 233 (C. 54:4-3.123) and (2) an area in which the corporation may undertake a project or series of projects. No such ordinance or resolution may be adopted within the three years immediately following the effective date of this act. In addition to whatever information shall be required in the ordinance establishing a blighted area or area in need of rehabilitation pursuant to Titles 40 and 54 of the Revised Statutes, respectively, the ordinance and resolution provided herein shall include a description of the metes and bounds of the area and a statement setting forth the basis for the designation.

L. 1987, c. 58, s. 6.

52:9Q-18. Capital District Impact Statement
Any department, board, agency, division or commission of the State and any county or municipal government entity, or instrumentality thereof, which undertakes any construction, reconstruction or extension of any building, structure or facility or other improvement within the district shall, prior to undertaking such action, file with the corporation a Capital District Impact Statement which describes the ways in which the proposed construction, reconstruction or extension is consistent with the plan in its various elements. Whenever a governmental entity is granted final authority to review and approve plans for private development proposed for the district, the appropriate governmental entity with authority to grant final approval of an action shall file an impact statement for each development which is granted final approval explaining the ways in which the proposed development is consistent with the plan. The approving authority is empowered to require the preparation and submission of that impact statement by the developer as part of the application for development.

52:9Q-19. Capital City Redevelopment Loan Grant Fund

a. There is established in the State Treasury a nonlapsing, revolving fund to be known as the Capital City Redevelopment Loan and Grant Fund, and which shall be at the disposal of the executive director for carrying out the provisions of this act, and for no other purpose.

b. The State Treasurer may from time to time invest and reinvest those portions of the fund in investments in which other State funds may be invested.

c. There shall be included in the fund (1) all moneys appropriated and made available by the Legislature for inclusion therein, (2) any other moneys made available to the corporation from any source or sources, for its purposes, (3) any moneys repaid by persons pursuant to loan agreements under the terms of this act, which payments shall be transmitted to the State Treasurer for inclusion in the fund, and (4) any income, increment or interest derived from investment or reinvestment.

L. 1987, c. 58, s. 11.

52:9Q-20. Financing of projects

The fund created by this act shall be used by the corporation to undertake projects in accordance with the goals, objectives and priorities outlined in the plan and to make loans or grants for the purpose of financing projects which are consistent with the plan. Financing of projects pursuant to this act shall be in such form, amount and on such terms as the corporation shall believe necessary in order to assure the economic feasibility of a project and to assure, to the greatest degree compatible with that purpose, the full recovery of costs incurred by the authority in the undertaking of the project. The interest rate shall be sufficiently below the prevailing rate of interest to attract private participation in the loan program. The corporation shall assure by the terms of the financing of projects that at least 65% of the moneys appropriated to the fund shall be recovered and shall continue to be available for financing under this act.

L. 1987, c. 58, s. 12.

52:9Q-21.

Considerations

With respect to projects for which costs are to be financed by the corporation pursuant to this act, the corporation shall in approving the financing for those projects, and in the planning and undertaking of its own projects, consider the following:

- a. The economic feasibility of the project;
- b. The degree to which the project will advance the goals and objectives set forth in the plan; and
- c. The likelihood that the project shall, after its completion, be able to repay to the fund all or part of any financing costs incurred.

L. 1987, c. 58, s. 13.

52:9Q-22. Removal, relocation of public utility facilities

The corporation shall have the power to provide for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances herein called "public utility facilities" of any public utility, as defined in R.S. 48:2-13, in, on, along, over or under any project.

Whenever the corporation shall determine that it is necessary that any public utility facilities which now are, or hereafter may be located in, on, along, over or under any project, should be

relocated, or should be removed from that project, the public utility owning or operating those facilities shall relocate or remove them in accordance with the order of the corporation; provided, however, that the cost and expenses of that relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights of the public utility paid to the public utility in connection with the relocation or removal of that property, shall be ascertained and paid by the corporation as part of the cost of that project. In case of any relocation or removal of facilities, the public utility owning or operating the same, its successors or assigns, may maintain and operate those facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate those facilities in their former location or locations.

L. 1987, c. 58, s. 14.

52:9Q-23. Capital District Oversight Committee

a. For the purpose of assuring regular and effective liaison between the corporation, other public agencies and officers having responsibilities in areas related to the operations of the corporation, and the public, the Governor shall establish a Capital District Oversight Committee to consist of the following: the Commissioner of the Department of Community Affairs, the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Transportation, the Attorney General, and the Superintendent of the Division of State Police in the Department of Law and Public Safety, or their designees, who shall all serve ex officio; the President of the City Council of the city of Trenton or his designee, ex officio; and nine public members, of whom five shall be citizen representatives and residents of the city of Trenton and four shall be representatives of the business sector of the city of Trenton who may live within or outside the city of Trenton, but shall be residents of the State, to be appointed as follows: two shall be appointed by the Governor, of whom one shall be a citizen representative and one shall represent the business sector; two shall be appointed by the Mayor of the city of Trenton, of whom one shall be a citizen representative and one shall represent the business sector; and five shall be appointed by the board, of whom three shall be citizen representatives and two shall represent the business sector.

b. Each public member shall serve for a term of three years and until the appointment and qualification of a successor, except that of the five members first appointed by the corporation, one citizen representative and one business representative shall each serve for a term of one year, one citizen representative and one business representative shall each serve for a term of two years, and one citizen representative shall serve for a term of three years; of the two members first appointed each by the Governor and the Mayor of the city of Trenton, one shall serve for a term of two years and one shall serve for a term of three years. In the event of a vacancy occurring during the unexpired term of office, a public member shall be appointed to serve for the unexpired term by the government entity which made the original appointment.

c. The Mayor shall designate the chairman of the committee, who shall serve in that position for the duration of his term. A chairman may be redesignated. Seven members of the committee shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the committee at any meeting thereof by the affirmative vote of at least seven members. No vacancy in the membership of the committee shall impair the right of a quorum to exercise all the powers and perform all the duties of the committee.

d. The committee shall study, and issue periodic reports assessing, first, the impact of the district on the provision of police and fire service within the city of Trenton and, thereafter, on any other areas of municipal activity which, in the committee's estimation, may be affected by the establishment of the district. The committee shall also study and report on the ways in which such municipal activity may be improved to enhance the attractiveness of the district. Based on

these reports, the committee shall make recommendations to improve the efficiency or effectiveness of public agencies in enhancing the district.

e. Upon appointment, the committee shall prepare a budget which shall contain an itemization of those expenses in order that the committee may fulfill its officially prescribed duties. The chairman shall submit a budget to the executive director on an annual basis, and the board shall provide funds within the limits of any funds appropriated or otherwise made available for the committee's purposes. The members of the committee shall receive no compensation for their services, but may be reimbursed for their expenses in performing their official duties. The committee is authorized to engage such employees, advisors or consultants as are necessary in order to fulfill its prescribed duties. These employees, advisors or consultants, as the case may be, shall be appointed without regard to the provisions of Title 11A of the New Jersey Statutes and shall receive such compensation as shall from time to time be fixed by the corporation within the limits of available appropriations therefor.

f. All officers, departments, boards, agencies, divisions and commissions of the State are hereby authorized and empowered to render any services to the corporation as may be within the area of their respective governmental functions as fixed or established by law, and as may be requested by the corporation.

g. The corporation shall refer each application for financial assistance made to the Capital City Redevelopment Loan and Grant Fund to the committee prior to taking formal action to approve or reject the application. The committee shall have 30 days from the date of referral to provide written comments on the application, and any comments provided within that time shall be a part of the record of the corporation's official action on the application.

L. 1987, c. 58, s. 15.

52:9Q-24. Acquisition of real property

a. If, in order to implement any of the goals and objectives set forth in the plan, the corporation shall find it necessary or convenient to acquire any real property within its jurisdiction, or if for any of its authorized purposes the corporation shall find it necessary to acquire any real property beyond its jurisdiction, whether for immediate or future use, the corporation may find and determine that such property, whether a fee simple absolute or a lesser interest, is required for public use, and, upon such determination, the property shall be deemed to be required for a public use until otherwise determined by the corporation; and the determination shall not be affected by the fact that the property has heretofore been taken for, or is then devoted to, a public use of the State or any municipality, county, school district, or other local or regional district, authority or agency, but the public use in the hands or under the control of the corporation shall be deemed superior.

b. If the corporation is unable to agree with the owner or owners thereof upon terms for the acquisition of any real property, for any reason whatsoever, then the corporation may acquire that property, whether a fee simple absolute or a lesser interest, in the manner provided in the "Eminent Domain Act of 1971," P.L. 1971, c. 361 (C. 20:3-1 et seq.).

c. Notwithstanding the provisions of subsections a. and b. of this section, the corporation shall not acquire or exercise control over any property in the custody of the State House Commission pursuant to R.S. 52:20-1 et seq. without the written consent of that commission.

L. 1987, c. 58, s. 16.

52:9Q-25. Annual budget; plan for expenditures

a. On or before February 1 of each year, the board shall submit a budget for the corporation

to the State Treasurer for the State Treasurer's approval. The budget shall include those sums made available to the committee pursuant to section 15 of this act. The board shall file a copy of the budget with the governing body of the city of Trenton within 30 days of its approval. The board shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants, and the cost thereof shall be considered an expense of the corporation and a copy thereof shall be filed with the State Treasurer.

b. The executive director shall submit with the corporation's annual budget request a plan for expenditures from the Capital City Redevelopment Loan and Grant Fund for the upcoming fiscal year. This plan shall include, but not be limited to: performance evaluation of the expenditures made from the fund to date; a description of the various projects to be funded for the upcoming fiscal year; relocation assistance for the upcoming fiscal year; a copy of procedures developed by the corporation governing the operation of the loan and grant fund; a complete financial statement on the status of the State fund to date; and an estimate of expenditures from the State fund for the upcoming fiscal year. This information shall be used to assist the Legislature in determining the amount to appropriate to the State fund.

L. 1987, c. 58, s. 17.

52:9Q-26. Annual report

On or before February 1 of each year, the board shall make an annual report of its activities for the preceding calendar year to the Governor, the Legislature, and the governing body of the city of Trenton. The report shall include, but not be limited to, a description of all projects either planned, underway or completed by the corporation or financed by the corporation and the financial arrangements developed therefor. The report shall set forth relocations of households and businesses occurring in the past year as a result of implementation of the plan, and a description of the relocation assistance provided those households and businesses. The report shall contain an evaluation of the impact of the implementation of the plan on the availability of adequate and affordable housing units in the city. The report shall also set forth the goals, strategies and priorities governing the selection of projects it anticipates financing, supporting or undertaking; and the board shall annually review and evaluate the projects actually undertaken in light of the goals, strategies and priorities established therefor by the Capital City Renaissance Plan. The report shall set forth a complete operating and financial statement covering the operations of the corporation during the year.

L. 1987, c. 58, s. 18.

52:9Q-27. Assistance

All officers, departments, boards, agencies, divisions and commissions of the State are hereby authorized and empowered to render any services to the corporation as may be within the area of their respective governmental functions as fixed or established by law, and as may be requested by the corporation.

L. 1987, c. 58, s. 19.