

1989 Assembly Bill 403

Date of enactment: **December 5, 1989**  
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## 1989 WISCONSIN ACT 89

AN ACT *to amend* 32.05 (intro.), 66.431 (4) (a) and 66.431 (5m) (a); and *to repeal and recreate* 66.431 (5) (c) of the statutes, **relating to:** extending to all cities certain authority in the areas of condemnation of housing, redevelopment authorities, blighted properties and the issuance of bonds.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 32.05 (intro.) of the statutes is amended to read:

**32.05 Condemnation for sewers and transportation facilities.** (intro.) In this section, “mass transit facility” includes, without limitation because of enumeration, exclusive or preferential bus lanes if those lanes are limited to abandoned railroad rights-of-way or existing expressways constructed before May 17, 1978, highway control devices, bus passenger loading areas and terminal facilities, including shelters, and fringe and corridor parking facilities to serve bus and other public mass transportation passengers, together with the acquisition, construction, reconstruction and maintenance of lands and facilities for the development, improvement and use of public mass transportation systems for the transportation of passengers. This section does not apply to town highways created or altered under ch. 80 except as to jury trials on appeals under ss. 80.24 and 80.25, nor to proceedings in ~~cities of the~~ 1st class cities under subch. II. In ~~cities of the 1st class~~ any city, condemnation for housing under ss. 66.40 to 66.404, or for urban renewal under s. 66.431 may proceed under this section or under s. 32.06 at the option of the condemning authority. All other condemnation of property for public alleys, streets, highways, airports, mass transit facilities, or other transportation facilities, or storm sewers and sanitary sewers or watercourses shall proceed as follows:

**SECTION 2.** 66.431 (4) (a) of the statutes is amended to read:

66.431 (4) (a) “Abandoned highway corridor” means land in a ~~1st class~~ any city designated by the department of transportation for use as part of an expressway or a freeway, which is no longer designated by the department for that purpose.

**SECTION 3.** 66.431 (5) (c) of the statutes is repealed and recreated to read:

66.431 (5) (c) 1. Notwithstanding sub. (6), the authority of a 1st class city may acquire any property determined by the authority to be blighted property without designating a boundary or adopting a redevelopment plan. The authority may not acquire property under this subdivision without the approval of the local legislative body of the city in which the authority is located.

1g. Notwithstanding sub. (6), the authority of any 2nd, 3rd or 4th class city may acquire blighted property without designating a boundary or adopting a redevelopment plan, if all of the following occur:

a. The authority obtains advance approval for the acquisition by at least a two-thirds vote of the members of the local legislative body in which the authority is located.

b. The two-thirds approval in subd. 1g. a shall be by resolution and the resolution shall contain a finding of the local legislative body that a comprehensive redevelopment plan is not necessary to determine the need for the acquisition, the uses of the property after acquisition and

the relation of the acquisition to other property redevelopment by the authority.

1r. Condemnation proceedings for the acquisition of blighted property shall be conducted under ch. 32 or under any other law relating specifically to eminent domain procedures of authorities. The authority may hold, clear, construct, manage, improve or dispose of the blighted property, for the purpose of eliminating its status as blighted property. Notwithstanding sub. (9), the authority may dispose of the blighted property in any manner. The authority may assist private acquisition, improvement and development of blighted property for the purpose of eliminating its status as blighted property, and for that purpose the authority shall have all the duties, rights, powers and privileges given to the authority under this section, as if it had acquired the blighted property.

2. Prior to acquiring blighted property under subd. 1 or 1g, the authority shall hold a public hearing to determine if the property is blighted property. Notice of such hearing, describing the time, date, place and purpose of the hearing and generally identifying the property involved shall be given to each owner of the property, at least 20 days prior to the date set for the hearing, by certified mail with return receipt requested. If the notice cannot be delivered by certified mail with return receipt requested, or if the notice is returned undelivered, notice may be given by posting the notice at least 10 days prior to the date of hearing on any structure located on the property which is the subject of the notice. If the property which is the subject of the notice consists of vacant land, a notice may be posted in some suitable and conspicuous place on that property. For the purpose of ascertaining the name of the owner or owners of record of property

which is subject to a public hearing under this subdivision, the records of the register of deeds of the county in which such property is located, as of the date of the notice required under this subdivision, shall be deemed conclusive. An affidavit of mailing or posting the notice which is filed as a part of the records of the authority shall be deemed prima facie evidence of that notice. In the hearing under this subdivision, all interested parties may express their views respecting the authority's proposed determination, but the hearing is only for informational purposes. Any technical omission or error in the procedure specified under this subdivision does not invalidate the designation or subsequent acquisition. If any owner of property subject to the authority's determination that the property is blighted property objects to that determination or to the authority's acquisition of that property, that owner shall file a written statement of his or her objections and the reasons for those objections with the authority prior to, at the time of, or within 15 days after the public hearing under this subdivision. Such statement shall contain the mailing address of the person filing the statement and be signed by or on behalf of that person. The filing of that statement shall be a condition precedent to the commencement of an action to contest the authority's actions under this paragraph.

**SECTION 4.** 66.431 (5m) (a) of the statutes is amended to read:

66.431 (5m) (a) Subject to par. (b), an authority ~~in a 1st-class city~~ may issue bonds to finance mortgage loans on owner-occupied dwellings. Bonds issued under this paragraph may be sold at a private sale at a price determined by the authority.