

No. 612, S.]

[Published October 7, 1961.

CHAPTER 526

AN ACT to repeal 66.431 (7) (a), (b) and (8); to renumber 66.431 (11); to amend 66.431 (3) (f); to repeal and recreate 66.431 (5) (b); and to create 66.431 (11) (b) and (c) of the statutes, relating to city acquisition of real property for redevelopment property.

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

SECTION 1. 66.431 (3) (f) of the statutes is amended to read:

66.431 (3) (f) In carrying out this section, the authority is deemed an independent, separate and distinct public body and a body corporate and politic, exercising public powers determined to be necessary by the state to protect and promote the health, safety and morals of its residents, and is authorized to take title to real and personal property in its own name; and such authority shall proceed with the acquisition of property by eminent domain under ch. 32, * * * or any other law relating specifically to eminent domain procedures of redevelopment authorities.

SECTION 2. 66.431 (5) (b) of the statutes is repealed and recreated to read:

66.431 (5) (b) 1. Condemnation proceedings for the acquisition of real property necessary or incidental to a redevelopment project shall be conducted in accordance with ch. 32, or any other law relating specifically to eminent domain procedures of redevelopment authorities.

2. Any action pending in the circuit court to acquire property with respect to a project area which has been commenced prior to April 1, 1961, shall be dismissed by the court upon motion of the authority without prejudice, and the authority may proceed to acquire parcels of property within the project area without a jury verdict of necessity by following the procedure prescribed in ch. 32.

3. In the instance where a public hearing has been held with respect to a project area under this section the authority may proceed with such project and the redevelopment plan by following the procedure set forth in ch. 32. Any owner of property who has filed objections to the inclusion of his property within the redevelopment plan as provided for by sub. (7) may be entitled to the remedies provided in ch. 32.

4. The authority may acquire by purchase real property within any area designated for urban renewal or redevelopment purposes under this section prior to the approval of either the redevelopment or urban renewal plans or prior to any modification of the plan, providing approval of such acquisition is granted by the local governing body. In the event of the acquisition of such real property the authority may demolish or remove struc-

tures so acquired with the approval of the local governing body. In the event that real property so acquired is not made part of the urban renewal project the authority shall bear any loss that may arise as a result of the acquisition, demolition or removal of structures acquired under this section; however, the local legislative body if it has given its approval to the acquisition of such property shall reimburse the authority for any loss sustained as provided for in this subsection. Any real property acquired in a redevelopment or in an urban renewal area pursuant to this subsection may be disposed of in accordance with the provisions of this section providing the local governing body has approved the acquisition of the property for the project.

SECTION 3. 66.431 (7) (a) and (b) of the statutes are repealed.

SECTION 4. 66.431 (8) of the statutes is repealed.

SECTION 5. 66.431 (11) of the statutes is renumbered 66.431 (11) (a).

SECTION 6. 66.431 (11) (b) and (c) of the statutes are created to read:

66.431 (11) (b) Whenever the authority determines that a redevelopment plan with respect to a project area which had been approved and recorded in the register of deeds office is to be modified in order to permit land uses in the project area, other than those specified in the redevelopment plan, the authority shall notify all purchasers of property within the project area of the authority's intention to modify the redevelopment plan, and it shall hold a public hearing with respect to such modification. Notice shall be given to the purchasers of such property by personal service at least 20 days prior to the holding of such public hearing, or in the event such purchasers cannot be found notice shall be given by registered mail to such purchasers at their last known address. Notice of such public hearing shall also be given by publication once in a newspaper of general circulation in the county in which such project area is located. Such notice shall specify the project area and recite the proposed modification and its purposes. The public hearing shall be merely advisory to the authority. After the authority, following the public hearing, determines that the modification of the redevelopment plan will not affect the original objectives of such plan and that it will not produce conditions leading to a reoccurrence of slums or blight within the project area, the authority may by resolution act to modify such plan so as to permit additional land uses in such project area, subject to approval by the legislative body by a two-thirds vote of the members elect. If the local legislative body approves such modification to the redevelopment plan, an amendment to the plan containing such modification shall be filed with the register of deeds of the county in which such project area is located and shall be supplemental to the redevelopment plan theretofore recorded. Following such action with respect to modification of the redevelopment plan, the plan shall be deemed amended and no legal rights shall accrue to any person or to any owner of property in such project area by reason of the modification of such redevelopment plan.

(c) The provisions herein shall be construed liberally to effectuate the purposes hereof and substantial compliance shall be deemed adequate. Technical omissions shall not invalidate the procedure set forth herein with respect to acquisition of real property necessary or incidental to a redevelopment project.

Approved September 26, 1961.