

the title history of such motor vehicle as shall be required by such motor vehicle department, which shall be sworn to before a notary public or any person authorized to administer oaths. Such application shall contain a certification by a sheriff, deputy sheriff, police officer or other law enforcement officer, stating that the physical description of said motor vehicle has been checked and conforms to the description given in said application.

(2) No person, firm or corporation shall knowingly offer for sale or exchange in this state to any resident thereof any motor vehicle which was previously licensed and used * * * as a taxicab or for public transportation until the certificate of title for such motor vehicle shall have been surrendered to the motor vehicle department and until the motor vehicle department has stamped in a conspicuous place on such certificate of title the words "This motor vehicle has previously been used as a taxicab or for public transportation." * * *

SECTION 16. 85.04 (5) of the statutes is renumbered 85.04 (3).

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No. 375, S.]

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CHAPTER 519.

AN ACT to create 66.406 of the statutes, relating to the replanning of blighted and other areas of cities of this state, and the assembly, by grant, gift, purchase or condemnation, of real property in such areas, and the sale or lease thereof for the redevelopment of such areas in accordance with said plans.

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

66.406 of the statutes is created to read:

66.406 BLIGHTED AREA LAW. (1) SHORT TITLE. This section shall be known and may be cited and referred to as the "blighted area law."

(2) FINDING AND DECLARATION OF NECESSITY. It is hereby found and declared that, owing to the age and obsolescent condition or obsolescent or substandard character of existing buildings or the obsolete lot layout of the obsolete character of the existing land uses, or combinations of these factors or causes, portions of certain cities of the state have become blighted, with

the consequent decline or stagnation of development, damage and loss to the prosperity of the cities and to taxable values, the impairment of the economic soundness and stability of said cities and with harmful effects upon the health, morals, prosperity and welfare of the inhabitants of said portions of the cities of this state; that said conditions are beyond adequate remedy or control by the police power or regulatory processes; that in order to meet this problem it is, in the judgment of the legislature, necessary to permit cities to modernize the planning and redevelopment of said portions of said cities, and that this cannot be accomplished by the ordinary operations of private enterprise alone without public participation in the planning and in the financing of land assembly for such redevelopment; that, for the economic soundness of this redevelopment and the accomplishment of the necessary social and economic benefits, and by reason of the close interrelationships between the development and uses of any part of an urban area and the development and uses of all other parts, the sound replanning and redevelopment of an obsolete or obsolescing portion of a city cannot be accomplished unless it is done in the light of comprehensive and co-ordinated planning of the whole of the city and its environs; that this comprehensive planning and replanning should proceed vigorously without delay; and to these ends it is necessary to enact the provisions hereinafter set forth; that it is in the public interest to employ the powers of eminent domain and the public credit to acquire blighted, including slum areas, in order that, through such planning and the disposition of the area subject to the plans, said areas may become available for socially and economically sound and wholesome development and redevelopment; and that the acquisition and the assembly of real property and the leasing or sale thereof for redevelopment, pursuant to a project area redevelopment plan as provided in this section, is hereby declared to be a public use.

(3) DEFINITIONS. The following terms whenever used or referred to in this section shall, for the purposes of this section and unless a different intent clearly appears from the context, be construed as follows:

(a) "Local legislative body" means the board of aldermen, common council, council, commission or other board or body vested by the charter of the city or other law with jurisdiction to enact ordinances or local laws.

(b) "City" means any city in the state.

(c) "Housing" includes housing, dwelling, habitation, and residence.

(d) "Land" includes bare or vacant land, or the land under buildings, structures or other improvements, also water and land under water. When employed in connection with "use," as for instance, "use of land" or "land use," "land" also includes buildings, structures and improvements existing or to be placed thereon.

(e) "Lessee" includes the successors or assigns and successors in title of the lessee.

(f) "Planning commission" means the board, commission or agency of the city authorized to prepare, adopt or amend or modify a master plan of the city.

(g) "Project area" is an area of such extent and location as may be adopted by the planning commission and approved by the local legislative body as an appropriate unit of redevelopment planning for a redevelopment project, separate from the redevelopment projects in other parts of the city. In the provisions of this section relating to leasing or sale by the city, for abbreviation "project area" is used for the remainder of the project area after taking out those pieces of property which shall have been or are to be transferred for public uses.

(h) "Purchaser" includes the successors or assigns and successors in title of the purchaser.

(i) "Real property" includes land; also includes land together with the buildings, structures, fixtures and other improvements thereon; also includes liens, estates, easements and other interests therein; and also includes restrictions or limitations upon the use of land, buildings or structures, other than those imposed by exercise of the police power.

(j) In general, "redevelopment" means replanning, clearance, redesign, and rebuilding of blighted, including slum areas, but does not exclude the continuance of some of the existing buildings or uses, of which demolition and rebuilding or change of use are not deemed an essential feature of the redevelopment of the area, nor does it exclude the inclusion of parcels of bare land in the project area. For the purposes of this section, "redevelopment" also includes the replanning, redesign and the original development of undeveloped areas which, by reason of street layout, lot layout, or other causes, are backward and stagnant and therefore

blighted, and for which replanning and land assembly are deemed necessary as a condition of sound development. "Redevelopment" includes open space types of uses, such as streets, recreation and other public grounds, and spaces around buildings, as well as buildings, structures and improvements.

(k) "Redevelopment company" means a private or public corporation or body corporate (including a public housing authority) carrying out a plan under this section.

(l) "Rentals" means rents specified in a lease to be paid by the lessee to the city.

(4) **POWER TO ACQUIRE AND ASSEMBLE REAL PROPERTY.** (a) Subject to and in accordance with the procedures, conditions and other provisions of this section, the city is hereby granted the power to further the redevelopment of blighted areas within its borders, and the prevention, reduction or elimination of blighting factors or causes of blight, and for that purpose to acquire and assemble real property by purchase, exchange, gift, dedication or eminent domain, and including the power to rent, maintain, manage, operate, repair, clear, transfer, lease and sell such real property.

(b) Condemnation proceedings for the acquisition of real property for said purposes shall be conducted in accordance with chapter 32 or any other laws applicable to such city.

(5) **GENERAL AND PROJECT AREA REDEVELOPMENT PLANS.** (a) The planning commission is hereby directed to make and, from time to time, develop a comprehensive or general plan of the city, including the appropriate maps, charts, tables and descriptive, interpretive and analytical matter, which plan is intended to serve as a general framework or guide of development within which the various area and redevelopment projects under this section may be more precisely planned and calculated, and which comprehensive or general plan shall include at least a land use plan which designates the proposed general distribution and general locations and extents of the uses of the land for housing, business, industry, recreation, education, public buildings, public reservations and other general categories of public and private uses of the land.

(b) For the exercise of the powers granted and for the acquisition and disposition of real property for the redevelopment of a project area, the following steps and plans shall be requisite, namely:

1. Adoption by the planning commission of the boundaries of the project area proposed by it, submission of such boundaries to the local legislative body and approval thereof by said local legislative body.

2. Adoption by the planning commission and submission to, and, after a public hearing thereon, approval by the local legislative body, of the redevelopment plan of the project area, which shall contain a site and use plan for the redevelopment of the area, including the approximate locations and extents of the land uses proposed for and within the area, such as public buildings, streets, and other public works and utilities, housing, recreation, business, industry, schools, public and private open spaces, and other categories of public and private uses. Such plans shall also contain specifications of standards of population density and building intensity. Any such plan may also specify, by means of specification of maximum rentals or other basis, the character or class of any housing for which the area or part thereof is proposed to be redeveloped.

(c) In relation to the location and extent of public works and utilities, public buildings and other public uses in the general plan or in a project area plan, the planning commission is directed to confer with such other public officials, boards, authorities and agencies under whose administrative jurisdictions such uses respectively fall.

(d) After a project area redevelopment plan of a project area shall have been adopted by the planning commission and approved by the local legislative body, the planning commission may at any time certify said plan to the local legislative body, whereupon said body shall proceed to exercise the powers granted to it in this section for the acquisition and assembly of the real property of the area. Following such certification, no new construction shall be authorized by any agencies, boards or commissions of the city, in such area, unless as authorized by the local legislative body including substantial remodeling or conversion or rebuilding, enlargement or extension of major structural improvements on existing buildings, but not including ordinary maintenance or remodeling or changes necessary to continue the occupancy.

**(6) TRANSFER, LEASE OR SALE OF REAL PROPERTY
IN PROJECT AREAS FOR PUBLIC AND PRIVATE USES.**

(a) After the real property in the project area shall have been

assembled, the city shall have power to lease or sell any or all of the project area to a redevelopment company or to an individual or a partnership. Said area may include streets or parts thereof which, in accordance with the plan, are to be closed or vacated.

(b) Any such lease or sale may be made without public bidding, but only after a public hearing, after 10 days' public notice, by the planning commission upon the proposed lease or sale and the provisions thereof.

(c) The term of such lease shall be fixed by the planning commission and approved by the local legislative body, and the instrument of lease may provide for renewals upon reappraisals and with rentals and other provisions adjusted to such reappraisals. Every such lease or sale shall provide that the lessee or purchaser shall carry out or cause to be carried out the approved project area redevelopment plan or approved modifications thereof, and that no use shall be made of any land or real property included in the lease or sale nor any building or structure erected thereon which does not conform to such approved plan or approved modifications thereof. In the instrument or instruments of lease or sale the planning commission, with the approval of the local legislative body, may include such other terms, conditions, and provisions as in its judgment will provide reasonable assurance of the priority of the obligations of the lease or sale and of conformance to the plan over any other obligations of the lessee or purchaser and also assurance of the financial and legal ability of the lessee or purchaser to carry out and conform to the plan and the terms and conditions of the lease or sale; also, such terms, conditions, and specifications concerning buildings, improvements, subleases or tenancy, maintenance and management and any other matters as the planning commission, with the approval of the local legislative body, may impose or approve, including provisions whereby the obligations to carry out and conform to the project area plan shall run with the land. In the event that maximum rentals to be charged to tenants of housing be specified, provision may be made for periodic reconsideration of such rental bases.

(d) Until the planning commission certifies, with the approval of the local legislative body, that all building constructions and other physical improvements specified to be done and made by the purchaser of the area have been completed, the purchaser shall have no power to convey the area, or any part thereof, with-

out the consent of the planning commission and the local legislative body, and no such consent shall be given unless the grantee of the purchaser obligates itself or himself, by written instrument, to the city to carry out that portion of the redevelopment plan which falls within the boundaries of the conveyed property and also that the grantee, his or its heirs, representatives, successors and assigns, shall have no right or power to convey, lease or let the conveyed property or any part thereof, or erect or use any building or structure erected thereon free from obligation and requirement to conform to the approved project area redevelopment plan or approved modifications thereof.

(e) In lieu of the lease or sale of a project area as an entirety, the planning commission, with the approval of the local legislative body, shall have the power to lease or sell parts of such area separately to individuals, partnerships, or redevelopment companies. Any lessee or purchaser of the whole or any part of a project area shall be required to obligate himself or itself to the city to carry out and conform to the project area plan or portion thereof which, in accordance with the plan, is located on or within the area or part thereof so leased or sold, including all buildings, structures, and improvements, and all use or limitations of uses and all other provisions and conditions which the planning commission, with the approval of the local legislative body, may prescribe or impose for the assurance of the carrying out of and conformance to the project area plan within the leased or sold area or part thereof.

(f) The planning commission may, with the approval of the local legislative body, cause to have demolished any existing structure or clear the area of any part thereof, or may specify the demolition and clearance to be performed by a lessee or purchaser and the time schedule for same. The planning commission, with the approval of the local legislative body, shall specify the time schedule and conditions for the construction of buildings and other improvements.

(g) In order to facilitate the lease or sale of a project area or, in the event that the lease or sale is of parts of an area, the city shall have the power to include in the cost payable by it the cost of the construction of local streets and sidewalks within the area or of grading and other local public surface or subsurface facilities necessary for shaping the area as the site of the redevelopment of the area. The city may arrange with the ap-

propriate federal, state or county agencies for the reimbursement of such outlays from funds or assessments raised or levied for such purposes.

(7) HOUSING FOR DISPLACED FAMILIES. In connection with every redevelopment plan the housing authority shall formulate a feasible method for the temporary relocation of persons living in areas that are designated for clearance and redevelopment. In addition the housing authority and the local legislative body will assure that decent, safe and sanitary dwellings substantially equal in number to the number of substandard dwellings to be removed in carrying out the redevelopment are available, or will be provided, at rents or prices within the financial reach of the income groups displaced.

(8) USE VALUE APPRAISALS. After the city shall have assembled and acquired the real property of the project area, it shall, as an aid to it in determining the rentals and other terms upon which it will lease or the price at which it will sell the area or parts thereof, place a use value upon each piece or tract of land within the area which, in accordance with the plan, is to be used for private uses or for low-rent housing, such use value to be based on the planned use; and, for the purposes of this use valuation, it shall cause a use valuation appraisal to be made by the local tax commissioner or assessor; but nothing contained in this section shall be construed as requiring the city to base its rentals or selling prices upon such appraisal.

(9) PROTECTION OF REDEVELOPMENT PLAN. (a) Previous to the execution and delivery by the city of a lease or conveyance to a redevelopment company, or previous to the consent by the city to an assignment or conveyance by a lessee or purchaser to a redevelopment company, the articles or certificate of incorporation or association or charter or other basic instrument of such company shall contain provisions so defining, limiting, and regulating the exercise of the powers of the company that neither the company nor its stockholders, its officers, its directors, its members, its beneficiaries, its bondholders, or other creditors or other persons shall have any power to amend or to effect the amendment of the terms and conditions of the lease or the terms and conditions of the sale without the consent of the planning commission, together with the approval of the local legislative body, or, in relation to the project area development plan, without the approval of any proposed modification in ac-

cordance with the provisions of subsection (10) ; and no action of stockholders, officers, directors, bondholders, creditors, partners, or other persons, nor any reorganization, dissolution, receivership, consolidation, foreclosure, or any other change in the status or obligation of any redevelopment company, partnership, or individual in any litigation or proceeding any federal or other court shall effect any release or any impairment or modification of the lease or terms of sale or of the project area redevelopment plan unless such consent or approval be obtained.

(b) Redevelopment corporations may be organized under the general corporation law of the state and shall have the power to be a redevelopment company under this section, and to acquire and hold real property for the purposes set forth in this section, and to exercise all other powers granted to redevelopment companies in this section, subject to the provisions, limitations, and obligations herein set forth.

(c) A redevelopment company, individual, or partnership to which any project area or part thereof is leased or sold under this section shall keep books of account of its operations of or transactions relating to such area or part entirely separate and distinct from its or his accounts of and for any other project area or part thereof or any other real property or enterprise; and no lien or other interest shall be placed upon any real property in said area to secure any indebtedness or obligation of the redevelopment company, individual, or partnership incurred for or in relation to any property or enterprise outside of said area.

(10) MODIFICATION OF DEVELOPMENT PLANS. An approved project area redevelopment plan may be modified at any time or times after the lease or sale of the area or part thereof provided that the modification be consented to by the lessee or purchaser, and that the proposed modification be adopted by the planning commission and then submitted to the local legislative body and approved by it. Before approval, the local legislative body shall hold a public hearing on the proposed modification, notice of the time and place of which shall be given by mail sent at least 10 days prior to the hearing to the then owners of the real properties in the project area and of the real properties immediately adjoining or across the street from the project area. The local legislative body may refer back to the planning commission any project area redevelopment plan, project area boundaries, or modification submitted to it, together with

its recommendation for changes in such plan, boundaries, or modification and, if such recommended changes be adopted by the planning commission and in turn formally approved by the local legislative body, the plan, boundaries, or modification as thus changed shall be and become the approved plan, boundaries, or modification.

(11) **LIMITATION UPON TAX EXEMPTION.** Nothing contained in this section shall be construed to authorize or require the exemption of any real property from taxation, except real property sold, leased or granted to and acquired by a public housing authority. No real property acquired pursuant to this section by a private redevelopment company, individual, or partnership either by lease or purchase shall be exempt from taxation by reason of such acquisition.

(12) **FINANCIAL ASSISTANCE.** The city may accept grants or other financial assistance from the federal, state and county governments or from other sources to carry out the purposes of this section, and may do all things necessary to comply with the conditions attached to such grants or loans.

(13) **CONSTRUCTION.** This section shall be construed liberally to effectuate the purposes hereof and the enumeration therein of specific powers shall not operate to restrict the meaning of any general grant of power contained in this section or to exclude other powers comprehended in such general grant.

(14) **SEVERABILITY.** Notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any provisions of this section or the application thereof to any person or circumstances is held invalid, the remainder of the section and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Approved July 30, 1945.