

No. 596, S.]

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CHAPTER 504

AN ACT to amend 66.43 (3) (g), (5) (b), (6) (a) and (e); to renumber 66.43 (13); to repeal 66.43 (6) (e); to repeal and recreate 66.43 (2), (3) (j) and (4); and to create 66.43 (3) (m), (13), (14) and (16) of the statutes, relating to the clearance and redevelopment of slum and blighted areas by cities, and authorizing the co-operation of public bodies, use of city funds, and the issuance of bonds by cities in connection with projects undertaken pursuant to the provisions of the blighted area law.

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

SECTION 1. 66.43 (2) of the statutes is repealed and recreated to read:

66.43 (2) FINDINGS AND DECLARATION OF NECESSITY. It is hereby found and declared that there have existed and continue to exist in cities within the state, substandard, insanitary, deteriorated, slum and blighted areas which constitute a serious and growing menace, injurious and inimical to the public health, safety, morals and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime (necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment, and the treatment of juvenile delinquency and for the maintenance of adequate police, fire and accident protection, and other public services and facilities), constitutes an economic and social liability, substantially impairs or arrests the sound growth of cities, and retards the provision of housing accommodations; that this menace is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided; that the acquisition of property for the purpose of eliminating substandard, insanitary, deteriorated, slum or blighted conditions thereon or preventing recurrence of such conditions in the area, the removal of structures and improvement of sites, the disposition of the property for redevelopment incidental to the foregoing, and any assistance which may be given by cities or any other public bodies in connection therewith, are public uses and purposes for which public money may be expended and the power of eminent domain exercised; and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination. Nothing herein contained shall be deemed to contravene, repeal or rescind the finding and declaration of necessity heretofore set forth in s. 66.43 (2) prior to the re-creation thereof.

SECTION 2. 66.43 (3) (g) of the statutes is amended to read:

66.43 (3) (g) "Project area" * * * means a blighted area (as defined in this section), or portion thereof, of such extent and location as * * * 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.

SECTION 3. 66.43 (3) (j) of the statutes is repealed and recreated to read:

66.43 (3) (j) 1. "Blighted area" means any area (including a slum area) in which a majority of the structures are residential (or in which there is a predominance of buildings or improvements, whether residential or nonresidential), and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.

2. "Redevelopment project" means any work or undertaking to acquire blighted areas or portions thereof, and lands, structures, or improvements, the acquisition of which is necessary or incidental to the proper clearance or redevelopment of such areas or to the prevention of the spread or recurrence of slum conditions or conditions of blight in such areas; to clear any such areas by demolition or removal of existing buildings, structures, streets, utilities, or other improvements thereon and to install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with a redevelopment plan; or to sell, lease or otherwise make available land in such areas for residential, recreational, commercial, industrial or other use or for public use, or to retain such land for public use, in accordance with a redevelopment plan. The term "redevelopment project" may also include the preparation of a redevelopment plan, the planning, surveying, and other work incident to a redevelopment project, and the preparation of all plans and arrangements for carrying out a redevelopment project. "Redevelopment plan" means a plan for the acquisition, clearance, reconstruction, rehabilitation or future use of a redevelopment project area.

SECTION 4. 66.43 (3) (m) of the statutes is created to read:

66.43 (3) (m) "Public body" means the state or any city, county, town, village, board, commission, authority, district or any other subdivision or public body of the state.

SECTION 5. 66.43 (4) of the statutes is repealed and recreated to read:

66.43 (4) POWER OF CITIES. (a) Every city is hereby granted (in addition to its other powers) all powers necessary or convenient to carry out and effectuate the purposes and provisions of this section, including the following powers in addition to others herein granted:

1. To prepare or cause to be prepared redevelopment plans and to undertake and carry out redevelopment projects within its corporate limits.

2. To enter into any contracts determined by the local legislative body to be necessary to effectuate the purposes of this section.

3. Within its boundaries, to acquire by purchase, eminent domain or otherwise, any real or personal property or any interest therein, together with any improvements thereon, necessary or incidental to a redevelopment project; to hold, improve, clear or prepare for redevelopment any such property; to sell, lease, subdivide, retain for its own use, mortgage, or otherwise encumber or dispose of any such property or any interest therein; to enter into contracts with redevelopers of property containing covenants, restrictions, and conditions regarding the use of such property in accordance with a redevelopment plan and such other covenants, restrictions and conditions as it may deem necessary to prevent a recurrence of blighted areas or to effectuate the purposes of this section; to make any of such covenants, restrictions, conditions or covenants running with the land, and to provide appropriate remedies for any breach thereof.

4. To borrow money and issue bonds, and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal, state or county government, or other public body or from any sources, for the purpose of this section; to give such security as may be required, and to enter into and carry out contracts in connection therewith.

(b) 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 laws applicable to the city.

(c) Notwithstanding any other provision of law, the local legislative body may designate the housing authority of the city, as the agent of the city, to do all acts which would

otherwise be performed by the planning commission under this section; and the housing authority is hereby empowered to perform such acts; except, the development of a general plan of the city, which function shall be reserved to the planning commission.

SECTION 6. 66.43 (5) (b) and (6) (a) and (c) of the statutes are amended to read:

66.43 (5) (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. * * * *Designation* by the planning commission of the boundaries of the project area proposed by it *for redevelopment*, submission of such boundaries to the local legislative body and * * * *the adoption of a resolution* by said local legislative body *declaring such area to be a blighted area in need of redevelopment*.

2. Adoption by the planning commission and * * *, approval by the local legislative body * * * of the redevelopment plan of the project area * * *. * * * *Such redevelopment plan shall conform to the general plan of the city and shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements in the project area, and shall include, without being limited to, a statement of the boundaries of the project area; a map showing existing uses and conditions of real property therein; a land use plan showing proposed uses of the area; information showing the standards of population density, land coverage, and building intensity in the area after redevelopment; a statement of proposed changes, if any, in zoning ordinances or maps and building codes and ordinances; a statement as to the kind and number of site improvements and additional public utilities which will be required to support the new land uses in the area after redevelopment; and a statement of a feasible method proposed for the relocation of families to be displaced from the project area.*

3. *Approval of a redevelopment plan of a project area by the local legislative body may be given only after a public hearing conducted by it, and a finding by it that said plan is feasible and in conformity with the general plan of the city. Notice of such hearing, describing the time, date, place, and purpose of the hearing and generally identifying the project area, shall be given by publication for 2 consecutive weeks in a newspaper having general circulation in the city, the last publication to be at least 10 days prior to the date set for the hearing. All interested parties shall be afforded a reasonable opportunity at the hearing to express their views respecting the proposed plan, but the hearing shall be only for the purpose of assisting the local legislative body in making its determination.*

(6) (a) After the real property in the project area shall have been assembled, the city shall have power to lease or sell * * * all or any part of * * * said real property (including streets or parts thereof to be closed or vacated in accordance with the plan) to a redevelopment company or to an individual or a partnership for use in accordance with the redevelopment plan. * * * *Such real property shall be leased or sold at its fair value for uses in accordance with the redevelopment plan notwithstanding such value may be less than the cost of acquiring and preparing such property for redevelopment. In determining such fair value, a city shall take into account and give consideration to the uses and purposes required by the plan; the restrictions upon and covenants, conditions and obligations assumed by the purchaser or lessee, the objectives of the redevelopment plan for the prevention of the recurrence of slum or blighted areas; and such other matters as the city shall deem appropriate.*

(c) The * * * terms of such lease or sale 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, in-

cluding 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.

SECTION 7. 66.43 (6) (e) of the statutes is repealed.

SECTION 8. 66.43 (13) of the statutes is renumbered 66.43 (15).

SECTION 9. 66.43 (13) and (14) of the statutes are created to read:

66.43 (13) CO-OPERATION AND USE OF CITY FUNDS. (a) To assist any redevelopment project located in the area in which it is authorized to act, any public body may, upon such terms as it may determine: Furnish services or facilities, provide property, lend or contribute funds, and perform any other action of a character which it is authorized to perform for other purposes.

(b) Every city may appropriate and use its general funds to carry out the purposes of this section and to obtain such funds may, in addition to other powers set forth in this section, incur indebtedness, and issue bonds in such amount or amounts as the local legislative body determines by resolution to be necessary for the purpose of raising funds for use in carrying out the purposes of this section; provided, that any issuance of bonds by a city pursuant to this provision shall be in accordance with such statutory and other legal requirements as govern the issuance of obligations generally by the city.

(14) LIMITED OBLIGATIONS. For the purpose of carrying out or administering a redevelopment plan or other functions authorized under this section, any city is hereby authorized (without limiting its authority under any other law) to issue from time to time bonds of the city which are payable solely from and secured by a pledge of and lien upon any or all of the income, proceeds, revenues, funds and property of the city derived from or held by it in connection with redevelopment projects undertaken pursuant to this section, including the proceeds of grants, loans, advances or contributions from the federal, state or county governments or from other sources (including financial assistance furnished by the city or any other public body). Bonds issued pursuant to this authority shall be in such form, mature at such time or times, bear interest at such rate or rates, be issued and sold in such manner, and contain such terms, covenants, and conditions as the local legislative body of the city shall, by resolution, determine. Such bonds shall be fully negotiable, shall not require a referendum, and shall not be subject to the provisions of any other law or charter relating to the issuance or sale of bonds. Obligations under this section sold to the United States government need not be sold at public sale. As used in this section, "bonds" shall mean any bonds (including refunding bonds), notes, interim certificates, debentures or other obligations.

SECTION 10. 66.43 (16) of the statutes is created to read:

66.43 (16) VALIDATION. All contracts, agreements, obligations and undertakings of cities entered into before the effective date of this subsection and all proceedings, acts and things undertaken before such date, performed or done pursuant to, or purporting to be pursuant to, the blighted area law and s. 67.04 (2) (zn), are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority.

Approved July 9, 1953.
