

## LEGISLATIVE BILL 299

Approved by the Governor May 18, 1973

Introduced by Warner, 25

AN ACT to amend sections 18-2101, 18-2103, and 18-2144, Reissue Revised Statutes of Nebraska, 1943, relating to the Urban Renewal and Redevelopment Law; to change the name as prescribed; to redefine terms; to give cities and villages the power and authority to create a community development agency by ordinance as prescribed; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 18-2101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2101. Sections 18-2101 to 18-2144 shall be known and cited as the Urban--Renewal--and--Redevelopment Community Development Law.

Sec. 2. Cities of all classes and villages of this state are hereby granted power and authority to create a community development agency by ordinance. When such an agency is created, through the establishment of a municipal division or department or combination thereof, it shall function in the manner prescribed by ordinance and may exercise all of the power and authority granted to an urban renewal authority in sections 18-2101 to 18-2144. Whenever such a city exercises the power conferred in this section, it may levy taxes for the exercise of such jurisdiction and authority and may, as otherwise provided by law or home rule charter, issue general obligation bonds, general obligation notes, revenue bonds, and revenue notes including general obligation and revenue refunding bonds and notes for the purposes set forth in such sections and under the power granted to any authority described.

Sec. 3. That section 18-2103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2103. As used in sections 18-2101 to 18-2144, unless the context otherwise requires:

(1) An authority shall mean any urban renewal authority created pursuant to section 18-2102.01, except and a city or village which has created a community development agency pursuant to the provisions of section 2 of this act, and shall not mean a limited urban renewal authority;

(2) Limited urban renewal authority shall mean an urban renewal authority created pursuant to section 18-2102.01, having only one single specific limited pilot project authorized;

(3) City shall mean any city or incorporated village in the state;

(4) Public body shall mean the state, or any municipality, county, township, board, commission, authority, district, or any other political subdivision or public body of the state;

(5) Governing body or local governing body shall mean the city council, board of trustees, or other legislative body charged with governing the municipality;

(6) Mayor shall mean the mayor of the city or chairman of the board of trustees of the village;

(7) Clerk shall mean the clerk of the city or village;

(8) Federal government shall mean the United States of America, or any agency or instrumentality, corporate or otherwise, of the United States of America;

(9) Area of operation shall mean and include the area within the corporate limits of the city and such land outside the city as may come within the purview of section 18-2123;

(10) Substandard areas shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, 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;



(11) Blighted area shall mean an area, which by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use;

(12) Redevelopment project shall mean any work or undertaking in one or more urban renewal areas: (a) To acquire substandard or blighted areas or portions thereof, including lands, structures, or improvements the acquisition of which is necessary or incidental to the proper clearance, development, or redevelopment of such substandard or blighted areas; (b) 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; (c) 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; and may also include the preparation of the redevelopment plan, the planning, survey, and other work incident to a redevelopment project and the preparation of all plans and arrangements for carrying out a redevelopment project; (d) to acquire real property in an urban renewal area which, under the redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitate the structures, and resell the property; and (e) to carry out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the redevelopment plan;

(13) Redevelopment plan shall mean a plan, as it exists from time to time for one or more urban renewal areas, or for a redevelopment project, which plan (a) shall conform to the general plan for the municipality as

a whole; and (b) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, and building requirements;

(14) Redeveloper shall mean any person, partnership, or public or private corporation or agency which shall enter or propose to enter into a redevelopment contract;

(15) Redevelopment contract shall mean a contract entered into between an authority and a redeveloper for the redevelopment of an area in conformity with a redevelopment plan;

(16) Real property shall mean all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise, and the indebtedness secured by such liens;

(17) Bonds shall mean any bonds, including refunding bonds, notes, interim certificates, debentures, or other obligations issued pursuant to the provisions of sections 18-2101 to 18-2144;

(18) Obligee shall mean any bondholder, agents, or trustees for any bondholders, or lessor demising to any authority, established pursuant to the provisions of section 18-2101.01, property used in connection with a redevelopment project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with such authority;

(19) Person shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other similar representative thereof; and

(20) Urban renewal area shall mean a substandard or a blighted area or a combination thereof which the urban renewal authority designates as appropriate for a renewal project.

Sec. 4. That section 18-2144, Reissue Revised Statutes of Nebraska, 1943, be amended to read as



follows:

18-2144. Sections 18-2101 to 18-2144 shall be full authority for the creation of an urban renewal authority by a city, and for the exercise of the powers therein granted to a city and to such authority, and shall also be full authority for the creation of a community development agency by a city or village, and for the exercise of the powers therein granted to a city or village for such purpose, and no action, proceeding or election shall be required prior to the creation of an urban renewal authority or community development agency hereunder or to authorize the exercise of any of the powers granted in such sections, except as specifically provided in such sections, any provision of law or of any city charter to the contrary notwithstanding.

No proceedings for the issuance of bonds of an authority or of a city or village for its community development agency shall be required other than those required by the provisions of sections 18-2101 to 18-2144; and the provisions of all other laws and city charters, if any, relative to the terms and conditions for the issuance, payment, redemption, registration, sale or delivery of bonds of public bodies, corporations or political subdivisions of this state shall not be applicable to bonds issued by an authority pursuant to sections 18-2101 to 18-2144, but shall be applicable to bonds issued by a city or village exercising the authority of such sections through a community development agency.

Insofar as the provisions of sections 18-2101 to 18-2144 are inconsistent with the provisions of any other law or of any city charter, if any, the provisions of sections 18-2101 to 18-2144 shall be controlling.

Sec. 5. That original sections 18-2101, 18-2103, and 18-2144, Reissue Revised Statutes of Nebraska, 1943, are repealed.