

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951



ENROLLED

HOUSE BILL No. 183

(By Mr. Speaker, Mr. Flannery)



PASSED March 10, 1951

In Effect 90 days from Passage



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AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article eighteen, to provide for the clearance of slum and blighted areas for development or redevelopment in accordance with plans approved by the governing body of the municipality or county; to create for this purpose a public body corporate and politic, to be known as the slum clearance and redevelopment authority, in each municipality and county of this state; to define the duties, liabilities, exemptions, and powers of such authorities, including the power to acquire and dispose of property, exercise the power of eminent domain, issue bonds and other obligations, and give security therefor, and enter into agreements to secure federal aid or contributions and comply with conditions imposed in connection therewith; to provide that slum clearance

and redevelopment authorities, their property and securities shall be exempt from taxation and assessment; to authorize either the transaction of business by such authority or the exercise of the duties and powers of such authority by the municipality or county itself or by the housing authority of the municipality or county, upon approval by the governing body of the municipality or county; to authorize the creation of such authority in regions comprising cooperating municipalities and counties; to authorize the acquisition and development of vacant areas in connection with the redevelopment of slum and blighted areas, upon approval of the governing body of the municipality or county; to authorize public bodies to furnish funds, services, facilities, and property in aid of slum clearance and redevelopment projects hereunder; to authorize municipalities and counties to obtain funds therefor by the issuance of obligations, by taxation or otherwise; and to provide that obligations issued for slum clearance or redevelopment projects hereunder shall be legal investments.

Be it enacted by the Legislature of West Virginia:

That chapter sixteen of the code of West Virginia, one thou-

sand nine hundred thirty-one, as amended, be amended by adding thereto a new article, to be designated article eighteen, to read as follows:

Article 18. Slum Clearance.

Section 1. *Short Title.*—This act shall be known and may be cited as the “Slum Clearance and Redevelopment Authority Law”.

Sec. 2. *Findings and Declaration of Necessity.*—It is hereby found and declared that there exist in localities throughout the state, slum and blighted areas (as herein defined) 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

15 and social liability, substantially impairs or arrests the
16 sound growth of communities and retards the provision
17 of housing accommodations; that this menace is beyond
18 remedy and control solely by regulatory process in the
19 exercise of the police power and cannot be dealt with
20 effectively by the ordinary operations of private enterprise
21 without the aids herein provided; that the elimination of
22 slum conditions or conditions of blight, the acquisition
23 and preparation of land in or necessary to the develop-
24 ment of slum or blighted areas and its sale or lease for
25 development or redevelopment in accordance with gen-
26 eral plans and redevelopment plans of communities and
27 any assistance which may be given by any state public
28 body in connection therewith, are public uses and pur-
29 poses for which public money may be expended and pri-
30 vate property acquired; and that the necessity in the public
31 interest for the provisions hereinafter enacted is hereby
32 declared as a matter of legislative determination.

Sec. 3. *Definitions.*—The following terms, wherever used

2 or referred to in this act, shall have the following mean-

ings, unless a different meaning is clearly indicated by the context:

(a) "Authority" or "Slum Clearance and Redevelopment Authority" shall mean a public body, corporate and politic, created by or pursuant to section four of this act or any other public body exercising the powers, rights and duties of such an authority as hereinafter provided.

(b) "Municipality" shall mean any incorporated city, town or village in the state.

(c) "Community" shall mean any municipality or county in the state.

(d) "Public body" shall mean the state or any municipality, county, township, board, commission, authority, district, or any other subdivision or public body of the state.

(e) "Governing body" shall mean the council or other legislative body charged with governing the municipality or the county court or other legislative body charged with governing the county.

(f) "Mayor" shall mean the officer having the duties

23 customarily imposed upon the executive head of a mu-
24 nicipality.

25 (g) "Clerk" shall mean the clerk or other official of
26 the municipality or county who is the custodian of the
27 official records of such municipality or county.

28 (h) "Federal government" shall include the United
29 States of America or any agency or instrumentality, cor-
30 porate or otherwise, of the United States of America.

31 (i) "Area of operation" shall mean in the case of a mu-
32 nicipality, the area within such municipality and the area
33 within five miles of the territorial boundaries thereof,
34 except that the area of operation of a municipality under
35 this act shall not include any area which lies within the
36 territorial boundaries of another municipality unless a
37 resolution shall have been adopted by the governing body
38 of such other municipality declaring a need therefor; and
39 in the case of a county, the area within the county, except
40 that the area of operation in such case shall not include
41 any area which lies within the territorial boundaries of
42 a municipality unless a resolution shall have been adopted
43 by the governing body of such municipality declaring a

44 need therefor; and in the case of a regional authority,
45 shall mean the area within the communities for which
46 such regional authority is created: *Provided, however,*
47 That a regional authority shall not undertake a redevelopment
48 ment project within the territorial boundaries of any municipality
49 unless a resolution shall have been adopted by
50 the governing body of such municipality declaring that
51 there is a need for the regional authority to undertake such
52 development project within such municipality. No authority
53 shall operate in any area of operation in which
54 another authority already established is undertaking or
55 carrying out a redevelopment project without the consent,
56 by resolution, of such other authority.

57 (j) "Slum area" shall mean an area in which there is
58 a predominance of buildings or improvements (or which
59 is predominantly residential in character), and which, by
60 reason of dilapidation, deterioration, age or obsolescence,
61 inadequate provision for ventilation, light, air, sanitation,
62 or open spaces, high density of population and overcrowding,
63 or the existence of conditions which endanger life
64 or property by fire and other causes, or any combination

65 of such factors, is conducive to ill health, transmission of
66 disease, infant mortality, juvenile delinquency and crime,
67 and is detrimental to the public health, safety, morals
68 or welfare.

69 (k) "Blighted area" shall mean an area (other than
70 a slum area) which by reason of the predominance of
71 defective or inadequate street layout, faulty lot layout in
72 relation to size, adequacy, accessibility or usefulness, in-
73 sanitary or unsafe conditions, deterioration of site im-
74 provement, diversity of ownership, tax or special assess-
75 ment delinquency exceeding the fair value of the land, de-
76 fective or unusual conditions of title, improper subdivision
77 or obsolete platting, or the existence of conditions which
78 endanger life or property by fire and other causes, or any
79 combination of such factors, substantially impairs or ar-
80 rests the sound growth of the community, retards the
81 provision of housing accommodations or constitutes an
82 economic or social liability and is a menace to the public
83 health, safety, morals, or welfare in its present condition
84 and use.

85 (1) "Redevelopment project" shall mean any work or
86 undertaking:

87 (1) To acquire slum areas or blighted areas or por-
88 tions thereof, including lands, structures, or improve-
89 ments the acquisition of which is necessary or incidental
90 to the proper clearance, development or redevelopment
91 of such slum or blighted areas or to the prevention of the
92 spread or recurrence of slum conditions or conditions of
93 blight.

94 (2) To clear any such areas by demolition or removal
95 of existing buildings, structures, streets, utilities or other
96 improvements thereon and to install, construct, or recon-
97 struct streets, utilities, and site improvements essential to
98 the preparation of sites for uses in accordance with a
99 redevelopment plan.

100 (3) To sell, lease or otherwise make available land in
101 such areas for residential, recreational, commercial, in-
102 dustrial or other use or for public use or to retain such
103 land for public use, in accordance with a redevelopment
104 plan.

105 The term "redevelopment project" may also include the

106 preparation of a redevelopment plan, the planning, sur-
107 vey and other work incident to a redevelopment project
108 and the preparation of all plans and arrangements for
109 carrying out a redevelopment project.

110 (m) "Redevelopment plan" shall mean a plan for the
111 acquisition, clearance, reconstruction, rehabilitation, or
112 future use of a redevelopment project area.

113 (n) "Redeveloper" shall mean any person, partnership,
114 or public or private corporation or agency which shall
115 enter or propose to enter into a redevelopment contract.

116 (o) "Redevelopment contract" shall mean a contract
117 entered into between an authority and a redeveloper for
118 the redevelopment of an area in conformity with a re-
119 development plan.

120 (p) "Real property" shall include all lands, including
121 improvements and fixtures thereon, and property of any
122 nature appurtenant thereto, or used in connection there-
123 with, and every estate, interest and right, legal or equita-
124 ble, therein, including terms for years and liens by way
125 of judgment, mortgage or otherwise and the indebtedness
126 secured by such liens.

127 (q) "Bonds" shall mean any bonds (including refund-
128 ing bonds), notes, interim certificates, debentures, or other
129 obligations issued by an authority pursuant to this act.

130 (r) "Obligee" shall include any bondholder, agents or
131 trustees for any bondholders, or lessor demising to the
132 authority property used in connection with a redevelop-
133 ment project, or any assignee or assignees of such lessor's
134 interest or any part thereof, and the federal government
135 when it is a party to any contract with the authority.

136 (s) "Person" shall mean any individual, firm, partner-
137 ship, corporation, company association, joint stock associa-
138 tion, or body politic; and shall include any trustee, re-
139 ceiver, assignee, or other similar representative thereof.

Sec. 4. *Creation of Slum Clearance and Redevelopment*

2 *Authority.*—(a) There is hereby created in each com-
3 munity (as herein defined) a public body corporate and
4 politic, to be known as the "Slum Clearance and Re-
5 development Authority" of the community: *Provided,*
6 *however,* That such authority shall not transact any
7 business or exercise its powers hereunder until or un-
8 less the governing body shall approve (by resolution,

9 as herein provided) the exercise in such community
10 of the powers, functions and duties of an authority under
11 this act: *Provided further*, That, if it deems such action
12 to be in the public interest, the governing body may,
13 instead of such resolution, adopt a resolution approv-
14 ing the exercise of such powers, functions and duties
15 by the community itself or by the housing authority,
16 if one exists or is subsequently established in the com-
17 munity, and in such event, the community or housing
18 authority, as the case may be, shall be vested with all
19 the powers, functions, rights, duties and privileges of
20 a slum clearance and redevelopment authority under
21 this act.

22 (b) The governing body of a community shall not
23 adopt a resolution pursuant to subsection (a) above unless
24 it finds:

25 (1) That one or more slum or blighted areas (as here-
26 in defined) exist in such community, and

27 (2) That the redevelopment of such area or areas is
28 necessary in the interest of the public health, safety,
29 morals or welfare of the residents of such community.

30 (c) If the governing body of each of two or more com-
31 munities declares, by resolution, that there is a need for
32 one slum clearance and redevelopment authority to be cre-
33 ated for all of such communities, and has made the find-
34 ings required by paragraph (b), a public body, corporate
35 and politic, to be known as a regional slum clearance and
36 redevelopment authority (herein referred to as regional
37 authority or authority) shall thereupon exist for all of
38 such communities and may exercise the powers and other
39 functions of an authority under this act in such commu-
40 nities.

41 (d) The area of operation of a regional authority shall
42 be increased from time to time to include one or more
43 additional communities if the governing body of each of
44 such additional communities adopts the resolution de-
45 scribed in paragraph (c) and makes the findings required
46 by paragraph (b), and the commissioners of the regional
47 authority consent to the inclusion within its area of op-
48 eration of such additional communities.

49 (e) When the governing body of a municipality adopts
50 a resolution as aforesaid, it shall promptly notify the

51 mayor of such adoption. If the resolution adopted is one
52 approving the exercise of powers hereunder by a slum
53 clearance and redevelopment authority, the mayor, by
54 and with the advice and consent of the governing body,
55 shall appoint a board of commissioners of the authority
56 created for such municipality which shall consist of five
57 commissioners, and when the governing body of a county
58 adopts such a resolution, said body shall appoint a board
59 of commissioners of the authority created for such county
60 which shall consist of five commissioners. The commis-
61 sioners who are first appointed pursuant to this act shall
62 be designated to serve for terms of one, two, three, four
63 and five years, respectively, from the date of their appoint-
64 ment, but thereafter commissioners shall be appointed as
65 aforesaid for a term of office of five years except that all
66 vacancies shall be filled for the unexpired term.

67 (f) If a regional authority is created as herein provided,
68 one person shall be appointed as a commissioner of such
69 authority for each community for which such authority is
70 created. When the area of operation of a regional au-
71 thority is increased to include an additional community or

72 communities as herein provided, one additional person
73 shall be appointed as a commissioner of such authority
74 for each such additional community. Each such commis-
75 sioner appointed for a municipality shall be appointed
76 by the mayor thereof, by and with the advice and consent
77 of the governing body, and each such commissioner ap-
78 pointed for a county shall be appointed by the governing
79 body thereof. The first appointment of commissioner of
80 a regional authority may be made at or after the time of
81 the adoption of the resolution declaring the need for such
82 authority or declaring the need for the inclusion of such
83 community in the area of operation of such authority. The
84 commissioners of a regional authority and their successors
85 shall be appointed as aforesaid for terms of five years
86 except that all vacancies shall be filled for the unexpired
87 terms.

88 If the area of operation of a regional authority consists
89 at any time of an even number of communities, the com-
90 missioners of the regional authority already appointed in
91 the manner described above shall appoint one additional
92 commissioner whose term of office shall be as provided

93 for a commissioner of a regional authority except that
94 such term shall end at any earlier time that the area
95 of operation of the regional authority shall be changed
96 to consist of an odd number of communities. The com-
97 missioners of such authority already appointed in the
98 manner described above shall likewise appoint each per-
99 son to succeed such additional commissioner: *Provided,*
100 That the term of office of such person begins during the
101 terms of office of the commissioners appointing him. A
102 certificate of the appointment of any such additional com-
103 missioner of such regional authority shall be filed with
104 the other records of the regional authority and shall be
105 conclusive evidence of the due and proper appointment
106 of such additional commissioner.

107 (g) A commissioner of an authority shall receive no
108 compensation for his services, but shall be entitled to the
109 necessary expenses, including traveling expenses, incurred
110 in the discharge of his duties. Each commissioner shall
111 hold office until his successor has been appointed and has
112 qualified. A certificate of the appointment or reappoint-
113 ment of any commissioner shall be filed with the munici-

114 pal or county clerk, as the case may be, and such certificate
115 shall be conclusive evidence of the due and proper ap-
116 pointment of such commissioner.

117 The powers hereunder vested in each slum clearance
118 and redevelopment authority shall be exercised by the
119 board of commissioners thereof. A majority of the com-
120 missioners shall constitute a quorum of such board for
121 the purpose of conducting business and exercising the
122 powers of the authority and for all other purposes. Ac-
123 tion may be taken by the board upon a vote of a majority
124 of the commissioners present, unless in any case the by-
125 laws of the authority shall require a larger number. Meet-
126 ings of the board of an authority may be held anywhere
127 within the perimeter boundaries of the area of operation
128 of the authority. Any persons may be appointed as com-
129 missioners of the authority if they reside within such
130 area, and are otherwise eligible for such appointments
131 under this act.

132 The commissioners of an authority shall elect a chair-
133 man and vice-chairman from among the commissioners.
134 An authority may employ an executive director, technical

135 experts and such other officers, agents and employees,
136 permanent and temporary, as it may require, and shall
137 determine their qualifications, duties and compensation.
138 For such legal services as it may require, an authority
139 may, with the approval of the mayor (or of the governing
140 body in the case of a county), call upon the chief law
141 officer of the communities within its area of operation or
142 it may employ its own counsel and legal staff. An au-
143 thority may delegate to one or more of its agents or em-
144 ployees such powers or duties as it may deem proper.

145 (h) For inefficiency or neglect of duty or misconduct
146 in office, a commissioner of an authority may be removed
147 by the official or public body which appointed such com-
148 missioner, but a commissioner shall be removed only after
149 a hearing and after he shall have been given a copy of the
150 charges at least ten days prior to such hearing and have
151 had an opportunity to be heard in person or by counsel.
152 In the event of the removal of any commissioner, a record
153 of the proceedings, together with the charges and findings
154 thereof, shall be filed in the office of the municipal or
155 county clerk, as the case may be.

156 (i) In any suit, action or proceeding involving the
157 validity or enforcement of or relating to any contract of
158 or bonds issued by an authority, the authority shall be
159 conclusively deemed to have become established and au-
160 thorized to transact business and exercise its powers here-
161 under upon proof of the adoption of the appropriate reso-
162 lution prescribed in subsection (a) or (c) above. Each
163 such resolution shall be deemed sufficient if it authorizes
164 the exercise of powers hereunder by the authority or other
165 public body and finds in substantially the terms provided
166 in subsection (b) (no further detail being necessary) that
167 the conditions therein enumerated exist. A copy of such
168 resolution duly certified by the municipal or county clerk,
169 as the case may be, shall be admissible in evidence in any
170 suit, action or proceeding.

171 (j) No commissioner or employee of an authority shall
172 voluntarily acquire any interest, direct or indirect, in any
173 redevelopment project or in any property included or
174 planned by the authority to be included in any such pro-
175 ject, or in any contract or proposed contract in connection
176 with any such project. Where the acquisition is not volun-

177 tary such commissioner or employee shall immediately
178 disclose such interest in writing to the authority and such
179 disclosure shall be entered upon the minutes of the au-
180 thority. A commissioner or employee who owns or con-
181 trols any interest, direct or indirect, in such property shall
182 not participate in any action by the authority affecting
183 the property. If any commissioner or employee of an au-
184 thority owned or controlled within the preceding two
185 years an interest, direct or indirect, in any property in-
186 cluded or planned by the authority to be included in any
187 redevelopment project, he immediately shall disclose such
188 interest in writing to the authority and such disclosure
189 shall be entered upon the minutes of the authority. Upon
190 such disclosure such commissioner or employee shall not
191 participate in any action by the authority affecting such
192 property. Any violation of the provisions of this section
193 shall constitute misconduct in office.

Sec. 5. *Powers of an Authority.*—An authority shall
2 constitute a public body corporate and politic, exercising
3 public and essential governmental functions, and having
4 all the powers necessary or convenient to carry out and

5 effectuate the purposes and provisions of this act, in-
6 cluding the following powers in addition to others herein
7 granted:

8 (a) To sue and to be sued; to have a seal and to alter
9 the same at pleasure; to have perpetual succession; to
10 make and execute contracts and other instruments neces-
11 sary or convenient to the exercise of the powers of the
12 authority; and to make and from time to time amend
13 and repeal by-laws, rules and regulations, not inconsis-
14 tant with this act, to carry out the provisions of this act.

15 (b) To prepare or cause to be prepared and recom-
16 mend redevelopment plans to the governing body of the
17 community or communities within its area of operation
18 and to undertake and carry out redevelopment projects
19 within its area of operation.

20 (c) To arrange or contract for the furnishing or repair,
21 by any person or agency, public or private, of services,
22 privileges, works, streets, roads, public utilities or other
23 facilities for or in connection with a redevelopment
24 project; and (notwithstanding anything to the contrary
25 contained in this act or any other provision of law), to

26 agree to any conditions that it may deem reasonable and
27 appropriate attached to federal financial assistance and
28 imposed pursuant to federal law relating to the determi-
29 nation of prevailing salaries or wages or compliance with
30 labor standards, in the undertaking or carrying out of a
31 redevelopment project, and to include in any contract
32 let in connection with such a project, provisions to ful-
33 fill such of said conditions as it may deem reasonable and
34 appropriate.

35 (d) Within its area of operation, to purchase, lease,
36 obtain options upon, acquire by gift, grant, bequest, de-
37 vise, eminent domain or otherwise, any real or personal
38 property or any interest therein, together with any im-
39 provements thereon, necessary or incidental to a re-
40 development project; to hold, improve, clear or prepare
41 for redevelopment any such property; to sell, lease, ex-
42 change, transfer, assign, subdivide, retain for its own use,
43 mortgage, pledge, hypothecate or otherwise encumber
44 or dispose of any real or personal property or any inter-
45 est therein; to enter into contracts with redevelopers of
46 property containing covenants, restrictions and conditions

47 regarding the use of such property for residential, com-
48 mercial, industrial, recreational purposes or for public
49 purposes in accordance with the redevelopment plan and
50 such other covenants, restrictions and conditions as the
51 authority may deem necessary to prevent a recurrence
52 of slum or blighted areas or to effectuate the purposes of
53 this act; to make any of the covenants, restrictions or con-
54 ditions of the foregoing contracts covenants running with
55 the land, and to provide appropriate remedies for any
56 breach of any such covenants or conditions, including the
57 right in the authority to terminate such contracts and
58 any interest in the property created pursuant thereto;
59 to borrow money and issue bonds and provide security
60 for loans or bonds; to insure or provide for the insurance
61 of any real or personal property or operations of the
62 authority against any risks or hazards, including the
63 power to pay premiums on any such insurance; and to
64 enter into any contracts necessary to effectuate the pur-
65 poses of this act: *Provided, however,* That no statutory
66 provision with respect to the acquisition, clearance or
67 disposition of property by other public bodies shall restrict

68 an authority or other public body exercising powers
69 hereunder, in such functions, unless the Legislature shall
70 specifically so state.

71 (e) To invest any funds held in reserves or sinking
72 funds or any funds not required for immediate disburse-
73 ment, in property or securities in which savings banks
74 may legally invest funds subject to their control; to re-
75 deem its bonds at the redemption price established there-
76 in or to purchase its bonds at less than redemption price,
77 all bonds so redeemed or purchased to be cancelled.

78 (f) To borrow money and to apply for and accept ad-
79 vances, loans, grants, contributions and any other form
80 of financial assistance from the federal government, the
81 state, county, municipality or other public body or from
82 any sources, public or private, for the purposes of this
83 act, to give such security as may be required and to enter
84 into and carry out contracts in connection therewith; an
85 authority, notwithstanding the provisions of any other
86 law, may include in any contract for financial assistance
87 with the federal government for a redevelopment project
88 such conditions imposed pursuant to federal law as the

89 authority may deem reasonable and appropriate and
90 which are not inconsistent with the purposes of this act.

91 (g) Acting through one or more commissioners or
92 other persons designated by the authority, to conduct ex-
93 aminations and investigations and to hear testimony and
94 take proof under oath at public or private hearings on
95 any matter material for its information; to administer
96 oaths, and to issue commissions for the examination of
97 witnesses who are outside of the state or unable to attend
98 before the authority, or excused from attendance; to
99 make available to appropriate agencies or public officials
100 (including those charged with the duty of abating or
101 requiring the correction of nuisances or like conditions
102 or of demolishing unsafe or insanitary structures or
103 eliminating slums or conditions of blight within its area
104 of operation) its findings and recommendations with re-
105 gard to any bulding or property where conditions exist
106 which are dangerous to the public health, safety, morals
107 or welfare.

108 (h) Within its area of operation, to make or have
109 made all surveys, appraisals, studies and plans (but not

110 including the preparation of a general plan for the com-
111 munity) necessary to the carrying out of the purposes of
112 this act and to contract or cooperate with any and all
113 persons or agencies, public or private, in the making
114 and carrying out of such surveys, appraisals, studies and
115 plans.

116 (i) To prepare plans and provide reasonable assistance
117 for the relocation of families displaced from a redevel-
118 opment project area to permit the carrying out of the re-
119 development project, to the extent essential for acquir-
120 ing possession of and clearing such area or parts thereof.

121 (j) To make such expenditures as may be necessary
122 to carry out the purposes of this act; and to make expendi-
123 tures from funds obtained from the federal government
124 without regard to any other laws pertaining to the mak-
125 ing and approval of appropriations and expenditures.

126 (k) To exercise all or any part or combination of pow-
127 ers herein granted.

Sec. 6. *Preparation and Approval of Redevelopment*

2 *Plans.*—(a) An authority shall not acquire real prop-
3 erty for a redevelopment project unless the govern-

4 ing body of the community in which the redevelopment
5 ment project area is located has approved the redevelopment
6 plans, as prescribed in subsection (i) below.
7

8 (b) An authority shall not prepare a redevelopment
9 plan for a redevelopment project area unless the governing
10 body of the community in which such area is located
11 has, by resolution, declared such area to be a slum or
12 blighted area in need of redevelopment.

13 (c) An authority shall not recommend a redevelopment
14 plan to the governing body of the community in
15 which the redevelopment project area is located until
16 a general plan for the development of the community
17 has been prepared.

18 (d) The authority may itself prepare or cause to be
19 prepared a redevelopment plan or any person or agency,
20 public or private, may submit such a plan to an authority.
21 A redevelopment plan shall be sufficiently complete
22 to indicate its relationship to definite local objectives as
23 to appropriate land uses, improved traffic, public transportation,
24 public utilities, recreational and community

25 facilities and other public improvements and the proposed
26 land uses and building requirements in the redevelopment
27 ment project area, and shall include without being limited
28 to:

29 (1) The boundaries of the redevelopment project area,
30 with a map showing the existing uses and conditions of
31 the real property therein;

32 (2) A land use plan showing proposed uses of the
33 area;

34 (3) Information showing the standards of population
35 densities, land coverage and building intensities in the
36 area after redevelopment;

37 (4) A statement of the proposed changes, if any, in
38 zoning ordinances or maps, street layouts, street levels
39 or grades, building codes and ordinances;

40 (5) A site plan of the area; and

41 (6) A statement as to the kind and number of additional
42 public facilities or utilities which will be required
43 to support the new land uses in the area after redevelopment.
44 ment.

45 (e) Prior to recommending a redevelopment plan to

46 the governing body for approval, an authority shall sub-
47 mit such plan to the planning commission of the com-
48 munity in which the redevelopment project area is
49 located for review and recommendations as to its con-
50 formity with the general plan for the development of
51 the community as a whole. The planning commission shall
52 submit its written recommendations with respect to the
53 proposed redevelopment plan to the authority within
54 thirty days after receipt of the plan for review. Upon
55 receipt of the recommendations of the planning com-
56 mission or, if no recommendations are received within
57 said thirty days, then without such recommendations,
58 an authority may recommend the redevelopment plan to
59 the governing body of the community for approval.

60 (f) Prior to recommending a redevelopment plan to
61 the governing body for approval, an authority shall con-
62 sider whether the proposed land uses and building re-
63 quirements in the redevelopment project area are de-
64 signed with the general purpose of accomplishing, in con-
65 formance with the general plan, a coordinated, adjusted
66 and harmonious development of the community and its

67 environs which will, in accordance with present and
68 future needs, promote health, safety, morals, order, con-
69 venience, prosperity and the general welfare, as well as
70 efficiency and economy in the process of development; in-
71 cluding, among other things, adequate provision for
72 traffic, vehicular parking, the promotion of safety from
73 fire, panic and other dangers, adequate provision for light
74 and air, the promotion of the healthful and convenient
75 distribution of population, the provision of adequate
76 transportation, water, sewerage and other public utilities,
77 schools, parks, recreational and community facilities and
78 other public requirements, the promotion of sound design
79 and arrangement, the wise and efficient expenditure of
80 public funds, the prevention of the recurrence of insani-
81 tary or unsafe dwelling accommodations, slums, or con-
82 ditions of blight, and the provision of adequate, safe and
83 sanitary dwelling accommodations.

84 (g) The recommendation of a redevelopment plan by
85 an authority to the governing body shall be accompanied
86 by the recommendations, if any, of the planning com-
87 mission concerning the redevelopment plan; a statement

88 of the proposed method and estimated cost of the acqui-
89 sition and preparation for redevelopment of the redevelop-
90 ment project area and the estimated proceeds or rev-
91 enues from its disposal to redevelopers; a statement of
92 the proposed method of financing the redevelopment
93 project; and a statement of a feasible method proposed
94 for the relocation of families to be displaced from the
95 redevelopment project area.

96 (h) The governing body of the community shall hold
97 a public hearing on any redevelopment plan or substan-
98 tial modification thereof recommended by the authority,
99 after public notice thereof by publication in a newspaper
100 of general circulation in the community once each week
101 for two consecutive weeks, the last publication to be at
102 least ten days prior to the date set for hearing, or, if there
103 be no such newspaper, by posting such notice in three
104 public places at least ten days prior to the date set for
105 hearing. The notice shall describe the time, date, place
106 and purpose of the hearing and shall also generally
107 identify the area to be redeveloped under the plan. All
108 interested parties shall be afforded at such public hear-

109 ing a reasonable opportunity to express their views re-
110 specting the proposed redevelopment plan.

111 (i) Following such hearing, the governing body may
112 approve a redevelopment plan if it finds that said plan is
113 feasible and in conformity with the general plan for the
114 development of the community as a whole: *Provided*, That
115 if the redevelopment project area is a blighted area, the
116 governing body must also find that a shortage of housing
117 of sound standards and design, adequate for family life,
118 exists in the community; the need for housing accommo-
119 dations has been or will be increased as a result of the
120 clearance of slums in other areas under redevelopment;
121 the conditions of blight in the redevelopment project
122 area and the shortage of decent, safe and sanitary hous-
123 ing cause or contribute to an increase in and spread of
124 disease and crime and constitute a menace to the public
125 health, safety, morals or welfare; and that the develop-
126 ment of the blighted area for predominantly residential
127 uses is an intergral part of and essential to the program
128 of the community for the elimination of slum areas. A
129 redevelopment plan which has not been approved by the

130 governing body when recommended by the authority
131 may again be recommended to it with any modifications
132 deemed advisable.

133 (j) A redevelopment plan may be modified at any
134 time by the authority: *Provided*, That if modified after
135 the lease or sale of real property in the redevelopment
136 project area, the modification must be consented to by
137 the redeveloper or redevelopers of such real property
138 or his successor, or their successors in interest affected by
139 the proposed modification. Where the proposed modifica-
140 tion will substantially change the redevelopment plan as
141 previously approved by the governing body the modifi-
142 cation must similarly be approved by the governing body.

Sec. 7. *Disposal of Property in Redevelopment Project.*—

2 (a) An authority may sell, lease, exchange or otherwise
3 transfer real property or any interest therein in a re-
4 development project area to any redeveloper for resi-
5 dential, recreational, commercial, industrial or other uses
6 or for public use in accordance with the redevelopment
7 plan, subject to such covenants, conditions and restric-
8 tions as it may deem to be in the public interest or to

9 carry out the purposes of this act: *Provided*, That such
10 sale, lease, exchange or other transfer, and any agreement
11 relating thereto, may be made only after, or subject to,
12 the approval of the redevelopment plan by the governing
13 body of the community. Such real property shall be sold,
14 leased or transferred at its fair value for uses in accord-
15 ance with the redevelopment plan notwithstanding such
16 value may be less than the cost of acquiring and pre-
17 paring such property for redevelopment. In determining
18 the fair value of real property for uses in accordance
19 with the redevelopment plan, an authority shall take
20 into account and give consideration to the uses and pur-
21 poses required by such plan; the restrictions upon, and
22 the covenants, conditions and obligations assumed by
23 the redeveloper of, such property; the objectives of the
24 redevelopment plan for the prevention of the recurrence
25 of slum or blighted areas; and such other matters as the
26 authority shall specify as being appropriate. In fixing
27 rentals and selling prices, an authority shall give con-
28 sideration to appraisals of the property for such uses
29 made by land experts employed by the authority.

30 (b) An authority shall, by public notice published at
31 least once a week for two consecutive weeks in a news-
32 paper of general circulation in the community, or, if
33 there be no such newspaper, by posting such notice in
34 three public places in the community, prior to the con-
35 sideration of any redevelopment contract proposal, invite
36 proposals from, and make available all pertinent infor-
37 mation to private redevelopers or any persons interested
38 in undertaking the redevelopment of an area, or any
39 part thereof, which the governing body has declared to
40 be in need of redevelopment. Such notice shall identify
41 the area, and shall state that such further information
42 as is available may be obtained at the office of the au-
43 thority. The authority shall consider all redevelopment
44 proposals and the financial and legal ability of the pros-
45 pective redevelopers to carry out their proposals and may
46 negotiate with any redevelopers for proposals for the pur-
47 chase or lease of any real property in the redevelopment
48 project area. The authority may accept such redevelop-
49 ment contract proposal as it deems to be in the public in-
50 terest and in furtherance of the purposes of this act: *Pro-*

51 *vided*, That the authority has, not less than thirty days
52 prior thereto, notified the governing body in writing of its
53 intention to accept such redevelopment contract proposal.
54 Thereafter, the authority may execute such redevelopment
55 contract in accordance with the provisions of subsection
56 (a) and deliver deeds, leases and other instruments and
57 take all steps necessary to effectuate such redevelopment
58 contract. In its discretion, the authority may, without
59 regard to the foregoing provisions of this paragraph,
60 dispose of real property in a redevelopment project area
61 to private redevelopers for redevelopment under such
62 reasonable competitive bidding procedures as it shall
63 prescribe, subject to the provisions of subsection (a).

64 (c) In carrying out a redevelopment project, an au-
65 thority may:

66 (1) Convey to the community in which the project is
67 located, such real property as, in accordance with the
68 redevelopment plan, is to be laid out into streets, alleys,
69 and public ways;

70 (2) Grant servitudes, easements and rights of way, for

71 public utilities, sewers, streets and other similar facilities,
72 in accordance with the redevelopment plan; and

73 (3) Convey to the municipality, county or other ap-
74 propriate public body, such real property as, in accord-
75 ance with the redevelopment plan, is to be used for parks,
76 schools, public buildings, facilities or other public pur-
77 poses.

78 (d) An authority may temporarily operate and main-
79 tain real property in a redevelopment project area pend-
80 ing the disposition of the property for redevelopment,
81 without regard to the provisions of subsections (a) and
82 (b) above, for such uses and purposes as may be deemed
83 desirable even though not in conformity with the rede-
84 velopment plan.

Sec. 8. *Eminent Domain*.—An authority shall have the
2 right to acquire by the exercise of the power of eminent
3 domain any real property which it may deem necessary
4 for a redevelopment project or for its purposes under
5 this act after the adoption by it of a resolution declaring
6 that the acquisition of the real property described therein
7 is necessary for such purposes. An authority may exercise

8 the power of eminent domain in the manner provided
9 for condemnation proceedings, in chapter fifty-four of
10 the code of West Virginia, one thousand nine hundred
11 thirty-one, as amended, or it may exercise the power of
12 eminent domain in the manner now or which may be
13 hereafter provided by any other statutory provisions for
14 the exercise of the power of eminent domain. Property
15 already devoted to a public use may be acquired in like
16 manner: *Provided*, That no real property belonging to the
17 municipality, the county or the state may be acquired
18 without its consent. When an authority has found and
19 determined by resolution that certain real property de-
20 scribed therein is necessary for a redevelopment project
21 or for its purposes under this act, the resolution shall be
22 conclusive evidence that the acquisition of such real prop-
23 erty is necessary for the purposes described therein.

Sec. 9. *Acquisition and Development of Undeveloped*

2 *Vacant Land.*—Upon a determination, by resolution, of
3 the governing body of the community in which such land
4 is located that the acquisition and development of un-
5 developed vacant land, not within a slum or blighted area,

6 is essential to the proper clearance or redevelopment of
7 slum or blighted areas or a necessary part of the general
8 slum clearance program of the community, the acquisi-
9 tion, planning, preparation for development or disposal
10 of such land shall constitute a redevelopment project
11 which may be undertaken by the authority in the manner
12 provided in the foregoing sections. The determination by
13 the governing body shall be in lieu of the declaration
14 required by section six-b above but shall not be made
15 until the governing body finds that there is a shortage of
16 decent, safe and sanitary housing in the community;
17 that such undeveloped vacant land will be developed for
18 predominantly residential uses; and that the provision
19 of dwelling accommodations on such undeveloped vacant
20 land is necessary to accomplish the relocation, in decent,
21 safe and sanitary housing in the community, of families
22 to be displaced from slum or blighted areas which are
23 to be redeveloped: *Provided, however,* That in the un-
24 dertaking of redevelopment projects on a regional or
25 unified metropolitan basis, involving the acquisition and
26 development of undeveloped vacant land in one com-

27 munity as an adjunct to the redevelopment of slum or
28 blighted areas in another community, each determination
29 or finding required in this subsection shall be made by
30 the governing body of the community with respect to
31 which the determination or finding relates.

Sec. 10. *Issuance of Bonds.*—(a) An authority shall
2 have power to issue bonds from time to time in its
3 discretion for any of its corporate purposes including
4 the payment of principal and interest upon any ad-
5 vances for surveys and plans for redevelopment pro-
6 jects. An authority shall also have power to issue re-
7 funding bonds for the purpose of paying or retiring or
8 in exchange for bonds previously issued by it. An au-
9 thority may issue such types of bonds as it may deter-
10 mine, including (without limiting the generality of
11 the foregoing) bonds on which the principal and interest
12 are payable:

13 (1) Exclusively from the income, proceeds, and reve-
14 nues of the redevelopment project financed with the
15 proceeds of such bonds; or

16 (2) Exclusively from the income, proceeds, and revenues

17 of any of its redevelopment projects whether or not they
18 are financed in whole or in part with the proceeds of
19 such bonds: *Provided*, That any such bonds may be
20 additionally secured by a pledge of any loan, grant or con-
21 tributions, or parts thereof, from the federal government
22 or other sources, or a mortgage of any redevelopment
23 project or projects of the authority.

24 (b) Neither the commissioners of an authority nor
25 any person executing the bonds shall be liable person-
26 ally on the bonds by reason of the issuance thereof. The
27 bonds and other obligations of the authority (and such
28 bonds and obligations shall so state on their face) shall
29 not be a debt of the municipality, the county, or the
30 state and neither the municipality, the county, nor the
31 state shall be liable thereon, nor in any event shall such
32 bonds or obligations be payable out of any funds or
33 properties other than those of said authority acquired
34 for the purposes of this act. The bonds shall not consti-
35 tute an indebtedness within the meaning of any consti-
36 tutional or statutory debt limitation or restriction.
37 Bonds of an authority are declared to be issued for

38 an essential public and governmental purpose and to
39 be public instrumentalities and, together with interest
40 thereon and income therefrom, shall be exempt from
41 all taxes. Such bonds need not be offered by the au-
42 thority to the state sinking fund commission at any
43 time and an authority shall not be required to turn over
44 any surplus or sinking funds to the state sinking fund
45 commission.

46 (c) Bonds of an authority shall be authorized by its
47 resolution and may be issued in one or more series and
48 shall bear such date or dates, be payable upon demand
49 or mature at such time or times, bear interest at such
50 rate or rates, not exceeding six per centum per annum,
51 be in such denomination or denominations, be in such
52 form either coupon or registered, carry such conversion
53 or registration privileges, have such rank or priority,
54 be executed in such manner, be payable in such medium
55 of payment, at such place or places, and be subject to
56 such terms of redemption (with or without premium)
57 as such resolution, its trust indenture or mortgage may
58 provide.

59 (d) The bonds shall be sold at not less than par at
60 public sale held after notice published once at least ten
61 days prior to such sale in a newspaper having a general
62 circulation in the area of operation and in such other
63 medium of publication as the authority may determine;
64 *Provided*, That such bonds may be sold to the federal
65 government at private sale at not less than par, and,
66 in the event less than all of the bonds authorized in
67 connection with any project or projects are sold to the
68 federal government, the balance of such bonds may be
69 sold at private sale at not less than par at an interest
70 cost to the authority of not to exceed the interest cost
71 to the authority of the portion of the bonds sold to the
72 federal government.

73 (e) In case any of the commissioners or officers of
74 the authority whose signatures appear on any bonds or
75 coupons shall cease to be such commissioners or officers
76 before the delivery of such bonds, such signatures shall,
77 nevertheless, be valid and sufficient for all purposes,
78 the same as if such commissioners or officers had re-
79 mained in office until such delivery. Any provision of

80 any law to the contrary notwithstanding, any bonds
81 issued pursuant to this act shall be fully negotiable.

82 (f) In any suit, action or proceedings involving the
83 validity or enforceability of any bond of an authority
84 or the security therefor, any such bond reciting in sub-
85 stance that it has been issued by the authority to aid
86 in financing a redevelopment project, as herein defined,
87 shall be conclusively deemed to have been issued for
88 such purpose and such project shall be conclusively
89 deemed to have been planned, located and carried out
90 in accordance with the purposes and provisions of this
91 act.

Sec. 11. *Powers in Connection with Issuance of Bonds.*—

2 (a) In connection with the issuance of bonds or the in-
3 curring of obligations under leases and in order to secure
4 the payment of such bonds or obligations, an authority,
5 in addition to its other powers, shall have power:

6 (1) To pledge all or any part of its gross or net rents,
7 fees or revenues to which its right then exists or may
8 thereafter come into existence.

9 (2) To mortgage all or any part of its real or personal
10 property, then owned or thereafter acquired.

11 (3) To covenant against pledging all or any part of its
12 rents, fees and revenues, or against mortgaging all or any
13 part of its real or personal property, to which its right or
14 title then exists or may thereafter come into existence
15 or against permitting or suffering any lien on such reve-
16 nues or property; to covenant with respect to limitations
17 on its right to sell, lease or otherwise dispose of any re-
18 development project or any part thereof; and to covenant
19 as to what other, or additional debts or obligations may be
20 incurred by it.

21 (4) To covenant as to the bonds to be issued and as to
22 the issuance of such bonds in escrow or otherwise, and as
23 to the use and disposition of the proceeds thereof; to
24 provide for the replacement of lost, destroyed or mutilated
25 bonds; to covenant against extending the time for the
26 payment of its bonds or interest thereon; and to covenant
27 for the redemption of the bonds and to provide the terms
28 and conditions thereof.

29 (5) To covenant (subject to the limitations contained

30 in this act) as to the amount of revenues to be raised each
31 year or other period of time by rents, fees and other reve-
32 nues, and as to the use and disposition to be made thereof;
33 to create or to authorize the creation of special funds for
34 moneys held for operating costs, debt service, reserves,
35 or other purposes, and to covenant as to the use and dis-
36 position of the moneys held in such funds.

37 (6) To prescribe the procedure, if any, by which the
38 terms of any contract with bondholders may be amended
39 or abrogated, the amount of bonds the holders of which
40 must consent thereto and the manner in which such con-
41 sent may be given.

42 (7) To covenant as to the use, maintenance and replace-
43 ment of any or all of its real or personal property, the
44 insurance to be carried thereon and the use and disposition
45 of insurance moneys, and to warrant its title to such
46 property.

47 (8) To covenant as to the rights, liabilities, powers and
48 duties arising upon the breach by it of any covenants,
49 condition or obligation; and to covenant and prescribe as
50 to events of default and terms and conditions upon which

51 any or all of its bonds or obligations shall become or may
52 be declared due before maturity, and as to the terms and
53 conditions upon which such declaration and its conse-
54 quences may be waived.

55 (9) To vest in any obligees of the authority the right
56 to enforce the payment of the bonds or any covenants se-
57 curing or relating to the bonds; to vest in any obligee or
58 obligees holding a specified amount in bonds the right, in
59 the event of a default by said authority, to take possession
60 of and use, operate and manage any redevelopment project
61 or any part thereof, title to which is in the authority, or
62 any funds connected therewith, and to collect the rents and
63 revenues arising therefrom and to dispose of such moneys
64 in accordance with the agreement of the authority with
65 such obligees; to provide for the powers and duties of such
66 obligees and to limit the liabilities thereof; and to provide
67 the terms and conditions upon which such obligees may
68 enforce any covenant or rights securing or relating to the
69 bonds.

70 (10) To exercise all or any part or combination of the
71 powers herein granted; to make such covenants (other

72 than and in addition to the covenants herein expressly
73 authorized) and to do any and all such acts and things
74 as may be necessary or convenient or desirable in order
75 to secure its bonds, or, in the absolute discretion of said
76 authority, as will tend to make the bonds more market-
77 able notwithstanding that such covenants, acts or things
78 may not be enumerated herein.

79 (b) An authority shall have power by its resolution,
80 trust indenture, mortgage, lease or other contract to con-
81 fer upon any obligee holding or representing a specified
82 amount in bonds, the right (in addition to all rights that
83 may otherwise be conferred), upon the happening of an
84 event of default as defined in such resolution or instru-
85 ment, by suit, action or proceeding in any court of com-
86 petent jurisdiction:

87 (1) To cause possession of any redevelopment project
88 or any part thereof, title to which is in the authority, to
89 be surrendered to any such obligee;

90 (2) To obtain the appointment of a receiver of any
91 redevelopment project of said authority or any part there-
92 of, title to which is in the authority, and of the rents and

93 profits therefrom. If such receiver be appointed, he may
94 enter and take possession of, carry out, operate and main-
95 tain such project or any part thereof and collect and re-
96 ceive all fees, rents, revenues, or other charges thereafter
97 arising therefrom, and shall keep such moneys in a sepa-
98 rate account or accounts and apply the same in accordance
99 with the obligations of said authority as the court shall
100 direct; and

101 (3) To require said authority and the commissioner,
102 officers, agents and employees thereof to account as if it
103 and they were the trustees of an express trust.

Sec. 12. *Rights of Obligee.*—An obligee of an authority
2 shall have the right in addition to all other rights which
3 may be conferred on such obligee, subject only to any
4 contractual restrictions binding upon such obligee:

5 (a) By mandamus, suit, action or proceeding at law
6 or in equity to compel said authority and the commis-
7 sioners, officers, agents or employees thereof to perform
8 each and every term, provision and covenant contained
9 in any contract of said authority with or for the benefit
10 of such obligee, and to require the carrying out of any

11 or all such covenants and agreements of said authority
12 and the fulfillment of all duties imposed upon said au-
13 thority by this act; and

14 (b) By suit, action or proceeding in equity, to enjoin
15 any acts or things which may be unlawful, or the violation
16 of any of the rights of such obligee of said authority.

Sec. 13. *Bonds as Legal Investments.*—All public offi-
2 cers, municipal corporations, political subdivisions and
3 public bodies; all banks, trust companies, bankers, sav-
4 ings banks and institutions, building and loan associations,
5 savings and loan associations, investment companies and
6 other persons carrying on a banking business; all insur-
7 ance companies, insurance associations, and other persons
8 carrying on an insurance business; and all executors, ad-
9 ministrators, curators, trustees, and other fiduciaries may
10 legally invest any sinking funds, moneys, or other funds
11 belonging to them or within their control in any bonds
12 or other obligations issued by an authority pursuant to
13 this act or by any public housing or redevelopment au-
14 thority or commission, or agency or any other public body
15 in the United States for redevelopment purposes, when

16 such bonds and other obligations are secured by an agree-
17 ment between the issuing agency and the federal govern-
18 ment in which the issuing agency agrees to borrow from
19 the federal government and the federal government agrees
20 to lend to the issuing agency, prior to the maturity of
21 such bonds or other obligations, moneys in an amount
22 which (together with any other moneys irrevocably com-
23 mitted to the payment of interest on such bonds or other
24 obligation) will suffice to pay the principal of such bonds
25 or other obligations with interest to maturity thereon,
26 which moneys under the terms of said agreement are re-
27 quired to be used for the purpose of paying the principal of
28 and the interest on such bonds or other obligations at their
29 maturity, and such bonds and other obligations shall be
30 authorized security for all public deposits. It is the pur-
31 pose of this section to authorize any persons, political sub-
32 divisions and officers, public or private, to use any funds
33 owned or controlled by them for the purchase of any such
34 bonds or other obligations. However, nothing contained
35 in this section with regard to legal investments shall be

36 construed as relieving any person of any duty of exercis-
37 ing reasonable care in selecting securities.

Sec. 14. *Conveyance to Federal Government on De-*
2 *fault.*—In any contract for financial assistance with the
3 federal government the authority may obligate itself
4 (which obligation shall be specifically enforceable and
5 shall not constitute a mortgage, notwithstanding any
6 other laws) to convey to the federal government pos-
7 sessions of or title to the redevelopment project and land
8 therein to which such contract relates which is owned
9 by the authority, upon the occurrence of a substantial
10 default (as defined in such contract) with respect to
11 the covenants or conditions to which the authority is
12 subject; such contract may further provide that in case
13 of such conveyance, the federal government may com-
14 plete, operate, manage, lease, convey or otherwise deal
15 with the redevelopment project in accordance with the
16 terms of such contract: *Provided*, That the contract
17 requires that, as soon as practicable after the federal
18 government is satisfied that all defaults with respect
19 to the redevelopment project have been cured and that

20 the redevelopment project will thereafter be operated in
21 accordance with the terms of the contract, the federal
22 government shall reconvey to the authority the redevel-
23 opment project as then constituted.

Sec. 15. *Property of Authority Exempt from Taxes and*
2 *from Levy and Sale by Virtue of an Execution.*—(a) All
3 property including funds of an authority shall be ex-
4 empt from levy and sale by virtue of an execution,
5 and no execution or other judicial process shall issue
6 against the same nor shall judgment against an authority
7 be a charge or lien upon its property: *Provided, however,*
8 That the provisions of this section shall not apply to or lim-
9 it the right of obligees to foreclose or otherwise enforce
10 any mortgage of an authority or the right of obligees to
11 pursue any remedies for the enforcement of any pledge or
12 lien given by an authority on its rents, fees, grants or
13 revenues.

14 (b) The property of an authority is declared to be
15 public property used for essential public and govern-
16 mental purposes and such property and an authority shall
17 be exempt from all taxes of the municipality, the county,

18 the state or any political subdivision thereof: *Provided*,
19 That with respect to any property in a redevelopment
20 project, the tax exemption provided herein shall ter-
21minate when the authority sells, leases or otherwise
22disposes of such property to a redeveloper for redevelop-
23ment.

Sec. 16. *Cooperation by Public Bodies.*—(a) For
2 the purpose of aiding and cooperating in the plan-
3ning, undertaking or carrying out of a redevelopment
4 project located within the area in which it is autho-
5rized to act, any public body may, upon such terms,
6 with or without consideration, as it may determine:

7 (1) Dedicate, sell, convey or lease any of its interest
8 in any property, or grant easements, licenses or any other
9 rights or privileges therein to an authority;

10 (2) Cause parks, playgrounds, recreational, commun-
11ity, educational, water, sewer or drainage facilities, or
12 any other works which it is otherwise empowered to
13 undertake, to be furnished in connection with a redevelop-
14ment project;

15 (3) Furnish, dedicate, close, vacate, pave, install, grade,

16 regrade, plan or replan streets, roads, sidewalks, ways
17 or other places, which it is otherwise empowered to un-
18 dertake;

19 (4) Plan or replan, zone or rezone any part of the
20 public body or make exceptions from building regula-
21 tions and ordinances if such functions are of the charac-
22 ter which the public body is otherwise empowered to
23 perform;

24 (5) Cause administrative and other services to be
25 furnished to the authority of the character which the
26 public body is otherwise empowered to undertake or
27 furnish for the same or other purposes;

28 (6) Incur the entire expense of any public improve-
29 ments made by such public body in exercising the powers
30 granted in this section;

31 (7) Do any and all things necessary or convenient to
32 aid and cooperate in the planning or carrying out of a
33 redevelopment plan;

34 (8) Lend, grant or contribute funds to an authority;

35 (9) Employ any funds belonging to or within the con-
36 trol of such public body, including funds derived from

37 the sale or furnishing of property, service, or facilities
38 to an authority, in the purchase of the bonds or other
39 obligations of an authority and, as the holder of such
40 bonds or other obligations, exercise the rights connected
41 therewith; and

42 (10) Enter into agreements (which may extend over
43 any period, notwithstanding any provision or rule of
44 law to the contrary), with an authority respecting action
45 to be taken by such public body pursuant to any of the
46 powers granted by this act. If at any time title to, or
47 possession of, any redevelopment project is held by any
48 public body or governmental agency, other than the
49 the authority, authorized by law to engage in the under-
50 taking, carrying out or administration of redevelopment
51 projects, including any agency or instrumentality of
52 the United States of America, the provisions of such
53 agreements shall inure to the benefit of and may be en-
54 forced by such public body or governmental agency.

55 (b) Any sale, conveyance, lease or agreement provided
56 for in this section may be made by a public body without
57 appraisal, public notice, advertising or public bidding.

Sec. 17. *Grants of Funds by Community.*—Any community located in whole or in part within the area of operation of an authority may grant funds to an authority for the purpose of aiding such authority in carrying out any of its powers and functions under this act. To obtain funds for this purpose, the community may levy taxes or may issue and sell its bonds. Any bonds to be issued by the community pursuant to the provisions of this section shall be issued in the manner and within the limitations except as herein otherwise provided, prescribed by the laws of this state for the issuance and authorization of such bonds for public purposes generally.

Sec. 18. *Cooperation between Authorities.*—Any two or more authorities may join or cooperate with one another in the exercise of any or all of the powers conferred hereby for the purpose of planning, undertaking or financing a redevelopment project or projects located within the area or areas of operation of any one or more of said authorities. When a redevelopment project or projects are planned, undertaken or financed on a regional or unified metropolitan basis, the terms “governing

10 body" and "community" as used in this act shall mean
11 the governing bodies of the appropriate communities and
12 the appropriate communities cooperating in the planning,
13 undertaking or financing of such project or projects.

Sec. 19. *Annual Report.*—At least once a year, an au-
2 thority shall file with the mayor (or with the governing
3 body, in the case of a county) a report of its activities for
4 the preceding year, and shall make recommendations
5 with reference to such additional legislation or other
6 action as it deems necessary in order to carry out the
7 purposes of this act.

Sec. 20. *Title of Purchaser.*—Any instrument executed
2 by an authority and purporting to convey any right,
3 title or interest in any property under this act shall be
4 conclusive evidence of compliance with the provisions of
5 this act insofar as title or other interest of any bona fide
6 purchasers, lessees or transferees of such property is
7 concerned.

Sec. 21. *Separability of Provisions.*—Notwithstanding
2 any other evidence of legislative intent, it is hereby de-
3 clared to be the controlling legislative intent that if any

4 provision of this act, or the application thereof to any
5 person or circumstances, is held invalid, the remainder
6 of the act and the application of such provision to persons
7 or circumstances other than those as to which it is held
8 invalid, shall not be affected thereby.

Sec. 22. *Inconsistent Provisions.*—Insofar as the pro-
2 visions of this act are inconsistent with the provisions of
3 any other law, the provisions of this act shall be con-
4 trolling

Sec. 23. *Additional Conferred Powers.*—The powers
2 conferred by this act shall be in addition and supple-
3 mental to the powers conferred by any other law.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Robert C. Byrd

Chairman Senate Committee

James H. Loop

Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Thomas M. Byrd

Clerk of the Senate

J. R. Aliff

Clerk of the House of Delegates

F. B. Rowland

President of the Senate

W. E. Canine

Speaker House of Delegates

The within approved this the 16th
day of march, 1951.

Clay L. Patterson

Governor



IN THE OFFICE OF THE SECRETARY OF STATE
of West Virginia **MAR 16 1951**
D. PITT O'BRIEN,
SECRETARY OF STATE