

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1968



ENROLLED

HOUSE BILL No. 224

(By Mr. Speaker, Mrs. White)



PASSED February 7 1968

In Effect Ninety days from Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-16-68

224

ENROLLED

House Bill No. 224

(By MR. SPEAKER, MR. WHITE)

[Passed February 7, 1968; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article eighteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the early acquisition of real property in an urban renewal area prior to approval of an urban renewal plan, with the municipality or county court assuming responsibility for any loss that may arise in the event the real property is not made part of the urban renewal plan.

Be it enacted by the Legislature of West Virginia:

That section five, article eighteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 18. SLUM CLEARANCE.

§16-18-5. Powers of an authority.

1 An authority shall constitute a public body corporate
2 and politic, exercising public and essential governmental
3 functions, and having all the powers necessary or con-
4 venient to carry out and effectuate the purposes and pro-
5 visions of this article, including the following powers in
6 addition to others herein granted:

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

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 re-
21 pair, by any person or agency, public or private, of serv-
22 ices, privileges, works, streets, roads, public utilities or
23 other facilities for or in connection with a redevelop-
24 ment project; and (notwithstanding anything to the con-
25 trary contained in this article or any other provision of
26 law), to agree to any conditions that it may deem reason-
27 able and appropriate attached to federal financial assist-
28 ance and imposed pursuant to federal law relating to the
29 determination of prevailing salaries or wages or compli-
30 ance with labor standards, in the undertaking or carrying
31 out of a redevelopment project, and to include in any
32 contract let in connection with such a project, pro-
33 visions to fulfill such of said conditions as it may deem
34 reasonable and 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 or
44 dispose of any real or personal property or any interest
45 therein; to enter into contracts with redevelopers of prop-
46 erty containing covenants, restrictions and conditions re-
47 garding the use of such property for residential, commer-
48 cial, industrial, recreational purposes or for public pur-
49 poses 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 of
52 slum or blighted areas or to effectuate the purposes of this
53 article; 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; to
59 borrow money and issue bonds and provide security for
60 loans or bonds; to insure or provide for the insurance of
61 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 article. No statutory provision with re-
66 spect to the acquisition, clearance or disposition of prop-
67 erty by other public bodies shall restrict an authority
68 or other public body exercising powers hereunder, in
69 such functions, unless the Legislature shall specifically
70 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 therein
76 or to purchase its bonds at less than redemption price, all
77 bonds so redeemed or purchased to be cancelled.

78 (f) To acquire real property in an urban renewal
79 area prior to approval of an urban renewal plan, or
80 approval of any modifications of the plan, demolish and
81 remove any structure on the property, and pay all costs
82 related to the acquisition, demolition or removal, in-

83 cluding any administrative or relocation expense, pro-
84 vided it shall be deemed necessary by an authority, and
85 with the approval of the local governing body which shall
86 assume the responsibility to bear any loss that may arise
87 as the result of the exercise of the authority under this
88 section, in the event that the real property is not made part
89 of the urban renewal project.

90 (g) To borrow money and to apply for and accept
91 advances, loans, grants, contributions and any other form
92 of financial assistance from the federal government, the
93 state, county, municipality or other public body or from
94 any sources, public or private, for the purposes of this
95 article, to give such security as may be required and to
96 enter into and carry out contracts in connection therewith;
97 an authority, notwithstanding the provisions of any other
98 law, may include in any contract for financial assistance
99 with the federal government for a redevelopment project
100 such conditions imposed pursuant to federal law as the
101 authority may deem reasonable and appropriate and
102 which are not inconsistent with the purposes of this ar-
103 ticle.

104 (h) Acting through one or more commissioners or
105 other persons designated by the authority, to conduct ex-
106 aminations and investigations and to hear testimony and
107 take proof under oath at public or private hearings on any
108 matter material for its information; to administer oaths,
109 and to issue commissions for the examination of witnesses
110 who are outside of the state or unable to attend before
111 the authority, or excused from attendance; to make avail-
112 able to appropriate agencies or public officials (including
113 those charged with the duty of abating or requiring the
114 correction of nuisances or like conditions or of demolish-
115 ing unsafe or insanitary structures or eliminating slums
116 or conditions of blight within its area of operation) its
117 findings and recommendations with regard to any build-
118 ing or property where conditions exist which are danger-
119 ous to the public health, safety, morals or welfare.

120 (i) Within its area of operation, to make or have made
121 all surveys, appraisals, studies and plans (but not includ-
122 ing the preparation of a general plan for the community)
123 necessary to the carrying out of the purposes of this article
124 and to contract or cooperate with any and all persons or

125 agencies, public or private, in the making and carrying out
126 of such surveys, appraisals, studies and plans.

127 (j) To prepare plans and provide reasonable assist-
128 ance for the relocation of families displaced from a re-
129 development project area to permit the carrying out of
130 the redevelopment project, to the extent essential for
131 acquiring possession of and clearing such area or parts
132 thereof.

133 (k) To make such expenditures as may be necessary
134 to carry out the purposes of this article; and to make
135 expenditures from funds obtained from the federal gov-
136 ernment without regard to any other laws pertaining to
137 the making and approval of appropriations and expendi-
138 tures.

139 (l) To exercise all or any part or combination of
140 powers herein granted.

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

William Tompa
Chairman Senate Committee

Clayton L. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Meyer
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

Howard Carson
President of the Senate

H. Latham White
Speaker of the House of Delegates

The within approved this the 14
day of February, 1968.

Walter C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 2/12/68

Time 3:01 P.M.

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA