WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1968

ENROLLED

HOUSE BILL No. 246

(By Mr. Speaker, Mr. White)

PASSED January 7, 1968

In Effect Ninety Days from Passage
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.


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.
(c) To arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with a redevelopment project; and (notwithstanding anything to the contrary contained in this article or any other provision of law), to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a redevelopment project, and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

(d) Within its area of operation, to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, 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, exchange, transfer, assign, subdivide, retain for its own use, mortgage, pledge, hypothecate or otherwise encumber or dispose of any real or personal property or any interest therein; to enter into contracts with redevelopers of property containing covenants, restrictions and conditions regarding the use of such property for residential, commercial, industrial, recreational purposes or for public purposes in accordance with the redevelopment plan and such other covenants, restrictions and conditions as the authority may deem necessary to prevent a recurrence of slum or blighted areas or to effectuate the purposes of this article; to make any of the covenants, restrictions or conditions of the foregoing contracts covenants running with the land, and to provide appropriate remedies for any breach of any such covenants or conditions, including the right in the authority to terminate such contracts and any interest in the property created pursuant thereto; to borrow money and issue bonds and provide security for loans or bonds; to insure or provide for the insurance of any real or personal property or operations of the
authority against any risks or hazards, including the
power to pay premiums on any such insurance; and to
enter into any contracts necessary to effectuate the pur-
poses of this article. No statutory provision with re-
spect to the acquisition, clearance or disposition of prop-
erty by other public bodies shall restrict an authority
or other public body exercising powers hereunder, in
such functions, unless the Legislature shall specifically
so state.
(e) To invest any funds held in reserves or sinking
funds or any funds not required for immediate disburse-
ment, in property or securities in which savings banks
may legally invest funds subject to their control; to re-
deem its bonds at the redemption price established therein
or to purchase its bonds at less than redemption price, all
bonds so redeemed or purchased to be cancelled.
(f) To acquire real property in an urban renewal
area prior to approval of an urban renewal plan, or
approval of any modifications of the plan, demolish and
remove any structure on the property, and pay all costs
related to the acquisition, demolition or removal, in-
including any administrative or relocation expense, provided it shall be deemed necessary by an authority, and with the approval of the local governing body which shall assume the responsibility to bear any loss that may arise as the result of the exercise of the authority under this section, in the event that the real property is not made part of the urban renewal project.

(g) To borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, municipality or other public body or from any sources, public or private, for the purposes of this article, to give such security as may be required and to enter into and carry out contracts in connection therewith; an authority, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the federal government for a redevelopment project such conditions imposed pursuant to federal law as the authority may deem reasonable and appropriate and which are not inconsistent with the purposes of this article.
(h) Acting through one or more commissioners or other persons designated by the authority, to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies or public officials (including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or insanitary structures or eliminating slums or conditions of blight within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, safety, morals or welfare.

(i) Within its area of operation, to make or have made all surveys, appraisals, studies and plans (but not including the preparation of a general plan for the community) necessary to the carrying out of the purposes of this article and to contract or cooperate with any and all persons or
agencies, public or private, in the making and carrying out of such surveys, appraisals, studies and plans.

(j) To prepare plans and provide reasonable assistance for the relocation of families displaced from a redevelopment project area to permit the carrying out of the redevelopment project, to the extent essential for acquiring possession of and clearing such area or parts thereof.

(k) To make such expenditures as may be necessary to carry out the purposes of this article; and to make expenditures from funds obtained from the federal government without regard to any other laws pertaining to the making and approval of appropriations and expenditures.

(l) To exercise all or any part or combination of powers herein granted.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tempor
Chairman Senate Committee

Clayton L. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

John W. Morgan
Clerk of the Senate

C. I. Blankenship
Clerk of the House of Delegates

Howard W. Carter
President of the Senate

H. Lukase White
Speaker of the House of Delegates

The within approved this the 1st day of February, 1968.

Hulet E. Smith
Governor