Appendix A

A.1 Finding of Necessity Resolution

A.2 Urban Redevelopment Plan Adoption Resolution

A.3 Urban Redevelopment Agency Resolution

RESOLUTION NO. 2008-17

A RESOLUTION TO DESCRIBE THE BOUNDARIES OF REDEVELOPMENT AREAS WITHIN THE CITY OF VALDOSTA; TO CAUSE A REDEVELOPMENT PLAN TO BE PREPARED FOR SAID AREAS, AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Valdosta, Georgia, find that there exists within the corporate limits of said city one or more urbanized or developed areas in which the structures, buildings and improvements, by reasons of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, and the existence of conditions which endanger life and property by fire and other causes, is conducive to ill health, transmission of disease, infant mortality, high unemployment, juvenile delinquency and crime and is detrimental to the public health, safety, morals and welfare; and

WHEREAS, the Mayor and Council of the City of Valdosta, Georgia, find that there exists within the corporate limits of said city one or more urbanized or developed areas which by reason of the presence of a predominant number of substandard, slum, deteriorated, or deteriorating structures, inadequate parking, faulty lot layout in relation to size, adequacy, accessibility, and usefulness, unsanitary and unsafe conditions, deterioration of site and other improvements, tax delinquency exceeding the fair value of the land, diversity of ownership on defective or unusual conditions of title which prevent or encumber the free alienability of land, and the existence of conditions which endanger life and property by fire and other causes, substantially impair and arrest the sound growth of the community, retard the provision of housing accommodations and employment opportunities, and constitute and economic and social liability and is a menace to the public health, safety, morals and welfare in their present condition and use; and

WHEREAS, the Mayor and Council of the City of Valdosta, Georgia, find that there exists within the corporate limits of said city one or more open areas located within urbanized or developed areas which because of the presence of factors enumerated in the first two paragraphs hereof, substantially impair and arrest the sound growth of the community; and

WHEREAS, the Mayor and Council of the City of Valdosta, Georgia, find that there exists within the corporate limits of said city one or more urbanized or developed areas which are substantially underutilized by containing open lots and parcels of land or by containing a substantial number of buildings or structures which are 40 years old or older or by containing structures or buildings of relatively low value as compared to the value of structures or buildings in the vicinity of the area or in which there is a shortage of housing that is affordable for persons of low and moderate income which the Mayor and Council designate as appropriate for community development;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Valdosta, Georgia, in a meeting duly assembled, pursuant to the authority granted by Official Code of Georgia Annotated Section 36-61-5, that the following described areas are hereby found and declared to be urban redevelopment areas as defined by Official Code of Georgia Annotated Section 36-61-5:

> That certain area lying within the corporate limits of the City of Valdosta and being enclosed by the boundary identified in Exhibit "A" City of Valdosta, Georgia Urban Redevelopment Area.

BE IT FURTHER RESOLVED, by the Mayor and Council of the City of Valdosta, Georgia, that the designation of the above description as an urban redevelopment area allows the Council to request the preparation of a workable urban redevelopment plan in accordance with Official Code of Georgia Annotated Section 36-61-6 to address the presence of factors within the area and enumerated in the first four paragraphs hereof.

SO RESOLVED THIS 9th day of October, 2008.

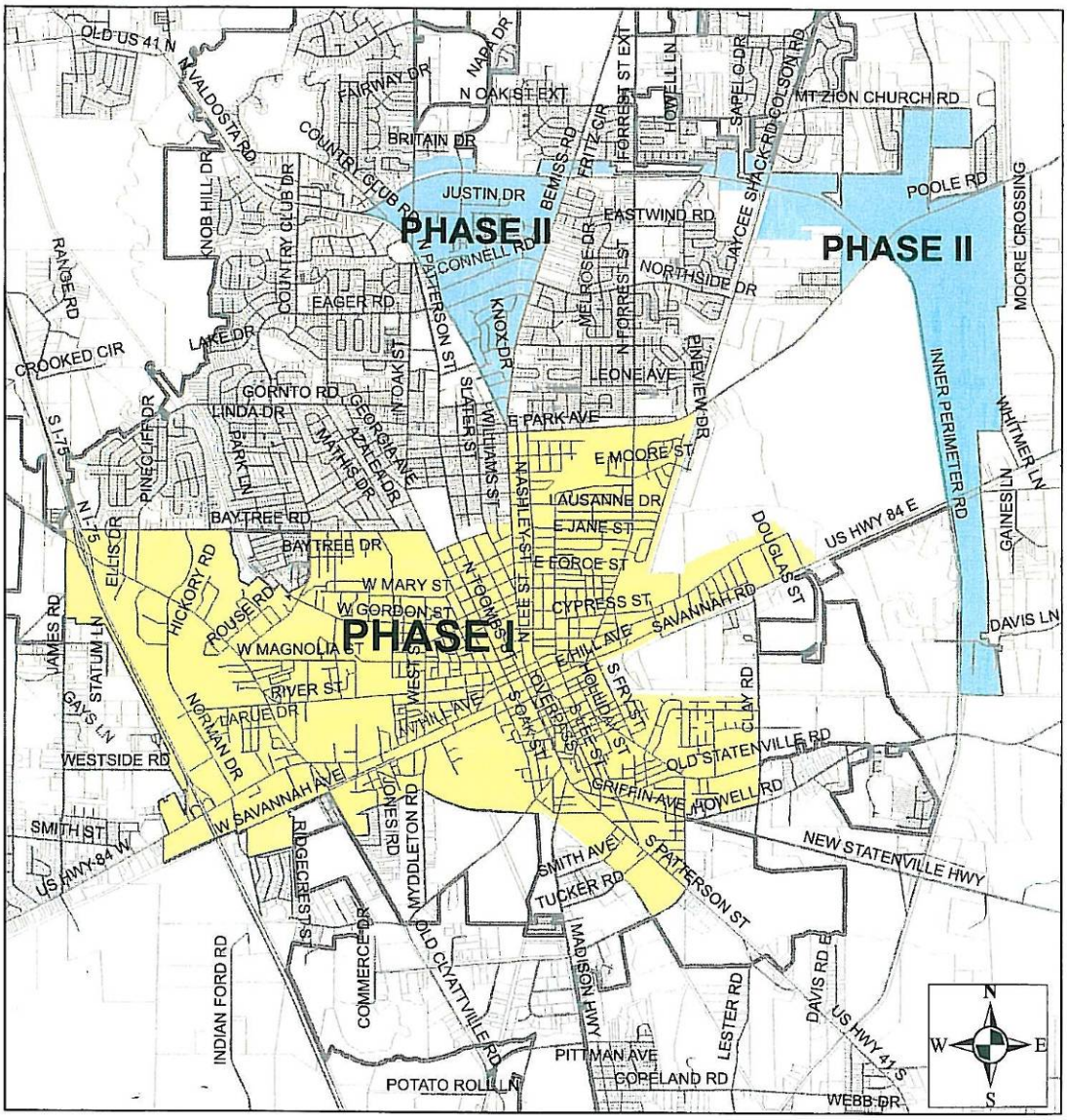
CITY OF VALDOSTA

John J. Fretti, Mayor

Attest:

Teresa S. Bolden, City Clerk

Exhibit A
City of Valdosta, Georgia
Urban Redevelopment Area



VALOR
Visit VALOR on the web at: WWW.VALORGIS.COM

Source: South Georgia Regional Development Center, 2008.
Map: South Georgia Regional Development Center - GIS, 2008
© SGRDC, 2008

RESOLUTION NO. 2009-2

A RESOLUTION TO ADOPT AN URBAN REDEVELOPMENT PLAN FOR THE CITY OF VALDOSTA.

WHEREAS, the Mayor and Council of the City of Valdosta, Georgia, find that the Urban Redevelopment Law (O.C.G.A. 36-61-1 et. seq.) can be used alone, or in conjunction with many of Georgia's other legislative redevelopment tools to support local comprehensive planning, revitalize faltering commercial corridors, recruit and nurture small businesses, rehabilitate older homes and neighborhoods, ensure architecturally compatible infill development, and generate new adaptive reuses for obsolescent facilities; and

WHEREAS, the Mayor and Council of the City of Valdosta, Georgia, have caused an Urban Redevelopment Plan to be prepared in accordance with the Urban Redevelopment Law in order to revitalize and redevelop a defined geographical area known as the Urban Redevelopment Area; and

WHEREAS, the Mayor and Council of the City of Valdosta, Georgia, find that properties exist within the Urban Redevelopment Area that suffer from slum and blighting influences under local standards, which are detrimental to the public health, safety, and welfare, and their deterioration negatively affects the sound growth and development of the community (O.C.G.A. 36-61-5); and

WHEREAS, the Mayor and Council of the City of Valdosta, Georgia, have identified improvement opportunities within the Urban Redevelopment Area and intend to foster an environment conducive to redevelopment within these areas; and

WHEREAS, the Mayor and Council of the City of Valdosta, Georgia, desire to work with public and private sector partners to ensure that appropriate redevelopment is achieved; and

WHEREAS, the Mayor and Council of the City of Valdosta, Georgia, intend to adopt Enterprise Zones and Opportunity Zones within the Urban Redevelopment Area, as well as create an Urban Redevelopment Agency for the administration and implementation of the Urban Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Valdosta, Georgia, in a meeting duly assembled, pursuant to the authority granted by Official Code of Georgia Annotated Section 36-61-7, that the attached City of Valdosta Urban Redevelopment Plan is hereby adopted.

SO RESOLVED THIS 5th day of March, 2009.

CITY OF VALDOSTA

John J. Fretti, Mayor

Attest:

Teresa S. Bolden

Teresa S. Bolden, City Clerk

RESOLUTION NO. 2009- ___

A RESOLUTION TO ESTABLISH AN URBAN REDEVELOPMENT AGENCY FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE VALDOSTA URBAN REDEVELOPMENT PLAN; AND TO CAUSE BY-LAWS TO BE CREATED FOR THE URBAN REDEVELOPMENT AGENCY.

WHEREAS, the Mayor and Council of the City of Valdosta, Georgia, find that the City of Valdosta is authorized under the Urban Redevelopment Law (O.C.G.A. 36-61-1 and 36-61-8) to establish an urban redevelopment agency and undertake urban redevelopment projects, subject to the various requirements of said statute, so long as the Mayor and Council of the City of Valdosta, Georgia, have adopted a resolution declaring that one or more slum conditions exist and the rehabilitation or redevelopment is necessary to protect the public health, safety and public welfare of the county or city; and

WHEREAS, the Mayor and Council of the City of Valdosta, Georgia, have adopted by resolution an urban redevelopment plan for the City of Valdosta, which was prepared according to Official Code of Georgia Annotated Section 36-61-1; and

WHEREAS, the Mayor and Council of the City of Valdosta, Georgia, hereby declares a need for an urban redevelopment agency to administer and implement urban redevelopment activities associated with the City of Valdosta Urban Redevelopment Plan, and desires that the Mayor and Council of the City of Valdosta, Georgia be designated as such agency, per Official Code of Georgia Annotated Section 36-61-18; and

WHEREAS, the Mayor and Council of the City of Valdosta, Georgia hereby declares the official urban redevelopment agency to be known as the Valdosta Economic Development Commission.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Valdosta, Georgia, that the Valdosta Economic Development Commission is hereby created and adopted.

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Valdosta, Georgia, that the Valdosta Economic Development Commission requires by-laws for its membership and administration; therefore, the Mayor and Council of the City of Valdosta, Georgia will cause to be prepared urban redevelopment agency by-laws in accordance with Official Code of Georgia Annotated Section 36-61-18.

SO RESOLVED THIS 9th day of April, 2009.

CITY OF VALDOSTA

_____
John J. Fretti, Mayor

Attest:

_____
Teresa S. Bolden, City Clerk

Appendix B

Urban Redevelopment Plan Maps

B.1 Valdosta Urban Redevelopment Area Map
B.2 Valdosta Character Areas (Future Development) Map
B.3 Valdosta Building Conditions Map
B.4 Valdosta Current Property Use Map
B.5 Valdosta Enterprise Zones Map
B.6 Proposed Valdosta Opportunity Zones
B.7 Valdosta Zoning Map
B.8 Valdosta Local Historic District

Appendix C

Urban Redevelopment Area Photographs

Figure 1. Front of vacant property at 121 Hazelton Street.

Figure 2. Front of mobile home at 123 Hazelton Street

Figure 3. Underdeveloped lot at 230 Norman Drive.

Figure 4. Dilapidated house at 308 Webster Street (fire damage).

Figure 5. Vacant lot at 365 Enterprise Drive.

Figure 6. Dilapidated house at 405 River Lane.

Figure 7. Dilapidated apartment house at 520 W. Magnolia Street.

Figure 8. Vacant lot at 605 St. Augustine Road.

Figure 9. Dilapidated house at 609 Middle Street

Figure 10. Deteriorating house at 625 Dasher Lane.

Figure 11. Deteriorating house at 910 Hightower Street.

Figure 12. Dilapidated house at 1006 N. Troup Street.

Figure 13. Dilapidated house at 1009 N. Troup Street.

Figure 14. Deteriorating motel at 1114 St. Augustine Road.

Figure 15. 1127 W. Gordon Street.

Figure 16. Vacant, deteriorating structures and visual clutter along Norman Drive.

Figure 17. Vacant lot at 2019 Boone Drive.

Figure 18. Vacant and blighted lot at 3050 James Road.

Figure 19. Vacant residential lot at the southeast corner of North and Johnson Streets.

Figure 20. Visual clutter and blighted buildings at the intersection of Lee Street and Dr. Martin Luther King, Jr. Drive.

Figure 21. Dilapidated historic "Hole in the Wall" building at 400-402 S. Ashley Street.

Figure 22. Deteriorating historic warehouses along East Savannah Avenue.

Appendix D

Public Hearing Documentation

Zoning Notices - Public Hearings

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PUBLIC NOTICE
TO THE CITIZENS
OF THE CITY OF VALDOSTA

The Greater Lowndes Planning Commission (GLPC) and the Valdosta Mayor-Council will hold public hearings to consider the following rezoning/annex-ation/special exception requests. The public hearings are as follows:

Greater Lowndes Planning Commission (recommendation only) Monday, January 26, 2009 – 5:30 p.m. 325 West Savannah Avenue, Valdosta, Georgia.

Valdosta Mayor-Council (official public hearing) Thursday, February 5, 2009 – 5:30 p.m. 216 East Central Avenue (City Hall), Valdosta, Georgia.

CASE NUMBER VA-2009-01. All or Part of Tax Map 084A – Parcels 42, 43, 52. Notice is hereby given of a request by JM Bennett Investments, LLC to

939 Valdosta City

rezone 2.08 acres from Highway-Commercial (C-H) and Single-Family Resi-dential (R-10) to Multi-Family Residential (R-M) to estab-lish apartments/condominiums. The subject property is located on the west side of Hickory Road, north of Harmon Drive, in Valdosta, Georgia.

CASE NUMBER VA-2009-02. Notice is hereby given of the City of Valdosta's intent to rezone properties from Single-Family Residential (R-6) to Multi-Family Residential (R-M). All listed properties were zoned Multi-Family Residen-tial, prior to January 1, 2009 under the previous zoning ordinance. The purpose of this rezoning is to reestablish the Multi-Family zoning classifica-tion under the new Land Development Regulations. A list of the subject properties may be reviewed in the Planning and Zoning office.

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PUBLIC NOTICE
TO THE CITIZENS
OF THE CITY OF VALDOSTA

The City of Valdosta will hold a public hearing to obtain citizen input for the creation of an Urban Redevelopment Plan for the City of Valdosta. The public hearing is as follows:

City of Valdosta Urban Redevelopment Plan (official public hearing) Tuesday, January 27, 2009 – 5:30 p.m.
300 North Lee Street (City Hall Annex Multipurpose Room), Valdosta, Georgia

The general scope of this project is to establish a plan to revitalize areas classified as slum and blight, as well as to provide incentives that will aid underdeveloped commercial areas within the City of Valdosta. The plan will also outline what implementation and improvement measures the City is taking to achieve redevelopment goals. The

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boundary of the Urban Redevelopment Area can be found on the City's website at http://www.valdostacity.com.

Any comments may be presented at the public hearings, or filed in writing prior to the public hearings. Also, review of the above applications is available in the Planning and Zoning Administrator's Office located at 300 N. Lee Street Valdosta, GA.

AS SET FORTH IN THE AMERICANS WITH DISABILITIES ACT OF 1992, THE CITY OF VALDOSTA DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY AND WILL ASSIST CITIZENS WITH SPECIAL NEEDS GIVEN PROPER NOTICE (SEVEN WORKING DAYS). FOR MORE INFORMATION, PLEASE CALL (229) 259-3563.

Anne-Marie Wolff,
Planning and Zoning
Administrator
City of Valdosta

539133kgr

Appendix E

Enterprise Zone Ordinance

CITY OF VALDOSTA, GEORGIA
ORDINANCE NO. _____

WHEREAS, the City of Valdosta, Georgia, hereinafter referred to as the Mayor and City Council, desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises, service enterprises, and encourage residential rehabilitation and new residential construction located in a area meeting criteria established under and set forth in Title 36, Chapter 88 et. seq. and subsequently amended, known as the Enterprise Zone Act of 1997 for the State of Georgia as set forth in Georgia Statutes Annotated, hereinafter referred to as the Act, and to provide employment to residents of such area;

NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF VALDOSTA, GEORGIA HEREBY ORDAINS:

SECTION 1

In the geographic areas known as the Valdosta Enterprise Zones herein described in Exhibit A, a copy of which is attached hereto and hereby incorporated by reference, in compliance with OCGA 36-88-6 and is subsequently amended, the following findings of fact are made:

a) Pervasive Poverty

The City of Valdosta suffers from pervasive poverty that is widespread throughout the nominated area and is evidenced and established by the following criteria:

In the following nominated Census Tracts and Block Groups for Lowndes County, Georgia, the poverty levels exceed 15% as reported by the U.S. Census of Population and Housing, 2000 Summary File 3 prepared by the U.S. Bureau of Census (2000).

Census Tract 0103.01, Block Group 3: 15.6% persons with income to poverty ratio <1.0

Census Tract 0104.02 Block Group 1: 33.5% persons with income to poverty ratio <1.0

Census Tract 0105.00, Block Group 1: 16.8% persons with income to poverty ratio <1.0
Census Tract 0105.00, Block Group 2: 30.4% persons with income to poverty ratio <1.0

Census Tract 0106.01, Block Group 1: 18.9% persons with income to poverty ratio <1.0
Census Tract 0106.02, Block Group 2: 25.5% persons with income to poverty ratio <1.0
Census Tract 0106.02, Block Group 3: 22.4% persons with income to poverty ratio <1.0
Census Tract 0106.03, Block Group 1: 29.6% persons with income to poverty ratio <1.0

Census Tract 0107.00, Block Group 2: 17.4% persons with income to poverty ratio <1.0

Census Tract 0108.00, Block Group 2: 36.4% persons with income to poverty ratio <1.0
Census Tract 0108.00, Block Group 3: 52.6% persons with income to poverty ratio <1.0
Census Tract 0108.00, Block Group 4: 46.7% persons with income to poverty ratio <1.0
Census Tract 0108.00, Block Group 5: 19.5% persons with income to poverty ratio <1.0

Census Tract 0109.00, Block Group 2: 52.7% persons with income to poverty ratio <1.0

Census Tract 0109.00, Block Group 3: 39.1% persons with income to poverty ratio <1.0

Census Tract 0110.00, Block Group 1: 49.7% persons with income to poverty ratio <1.0
Census Tract 0110.00, Block Group 2: 40.1% persons with income to poverty ratio <1.0

Census Tract 0113.01, Block Group 1: 36.8% persons with income to poverty ratio <1.0
Census Tract 0113.01, Block Group2: 38.1% persons with income to poverty ratio <1.0
Census Tract 0113.01, Block Group 3: 16.1% persons with income to poverty ratio <1.0
Census Tract 0113.01, Block Group 4: 32.2% persons with income to poverty ratio <1.0
Census Tract 0113.02, Block Group 1: 46.3% persons with income to poverty ratio <1.0
Census Tract 0113.02, Block Group 2: 35.7% persons with income to poverty ratio <1.0
Census Tract 0113.02, Block Group 3: 35.4% persons with income to poverty ratio <1.0

Census Tract 0114.01, Block Group 2: 23.1% persons with income to poverty ratio <1.0
Census Tract 0114.02, Block Group 1: 21.9% persons with income to poverty ratio <1.0

b) General Distress

The nominated areas suffer from general distress and adverse conditions as evidenced from the data collected in the City of Valdosta Urban Redevelopment Plan dated March 2009. Indicators of distress and adverse conditions are outlined as follows:

1) The building conditions windshield survey contained within the Urban Redevelopment Plan indicates that a significant number of abandoned, dilapidated, and/or obsolete buildings exist within the nominated area.

2) A high incidence of crime, as evidenced by crime statistics gathered for Valdosta during 2007, which indicated that the nominated areas contained 61% of the city's total crimes.

c) Underdevelopment

The nominated areas suffer from underdevelopment, as evidenced by Valdosta building permit data collected for the year 2007, which indicated that development activity in the nominated areas is 10% lower than development activity elsewhere in the City.

d) General Blight

Valdosta suffers from general blight as evidenced by an inclusion of the entire area within the designated urban redevelopment area as defined by paragraph (20) of Official Code of Georgia Annotated Section 36-61-2 for which an urban redevelopment plan will be adopted.

SECTION 2

Based upon the findings of fact set forth in Section 1 of this ordinance the Mayor and City Council find that the Valdosta Enterprise Zone Areas meet the qualifications of the Enterprise Zone Act.

SECTION 3

In order to alleviate the above conditions the Mayor and City Council hereby designates the areas as described in Exhibit A, attached hereto and incorporated by reference herein, as Enterprise Zones to be known as "Designated Revitalization Area Enterprise Zone," "Interstate Corridor Enterprise Zone," "Ashley-Bemiss Enterprise Zone," and "Inner Perimeter Corridor Enterprise Zone."

SECTION 4

The Mayor and City Council shall be the authorized agency to act in all matters pertaining to the Enterprise Zones and reserves the power to grant the incentives listed below to qualifying businesses or qualifying service enterprises in accordance with the authorization granted local governments in the administration of the enterprise zone in the Enterprise Zone Employment Act. Qualifying businesses or service enterprises shall be new businesses or the expansion of an existing business that is located within an Enterprise Zone and meets other eligibility criteria as determined by the Mayor and City Council.

SECTION 5

The Mayor and City Council may exempt qualifying businesses and service enterprises as outlined in the Act from state and municipal ad valorem property taxes, excluding property taxes imposed by school districts, that would otherwise be levied on the qualifying business and service enterprises in accordance with a schedule not to exceed the schedule as set forth in Official Code of Georgia Annotated Section 36-88-3 and meet the qualifying criteria outlined in Official Code of Georgia Annotated Section 36-88-4.

SECTION 6

The Mayor and City Council may grant other incentives, as provided by Official Code of Georgia Annotated Section 36-88-7 and 36-88-9 and as may be subsequently amended from time to time. Such incentives will be negotiated by the Mayor and City Council on a case-by-case basis and may include, but not be limited to, exemptions from any or all of the following:

Occupation Taxes
Business License Administrative Fees
Building Permit Fees
Sign Permit Fees
Planning and Zoning Fees
Engineering Fees
Other local fees authorized by the Mayor and City Council, as may be applicable

The Mayor and City Council may make determinations of eligibility for each business enterprise or service enterprise based on the quality and quantity of such additional economic stimulus as may be created within the City of Valdosta, which shall be determined on a case-by-case basis. Criteria for consideration may include, but will not be limited to, the following:

The value of the business to the economic health and well being of Valdosta and its citizens;
Capital investment or reinvestment by the business equal to or greater than the amount of ad valorem tax abated over the first five years of the tax incentive;
Locating in a vacant or historic building;
Demolishing an obsolete, abandoned and/or deteriorating pre-existing structure;

Enhancing the area by incorporating elements such as significant landscaping, area-compatible façade materials and exclusion of billboards on premises;
Assembling multiple tracts of land for one project;
Creating jobs above the state threshold; and
Creating jobs for residents of the Enterprise Zone and surrounding area.

SECTION 7

The Mayor and City Council further directs and designates its City Manager as liaison for communication with the Georgia Department of Community Affairs; the Georgia Department of Economic Development; the business community; and all others to oversee enterprise zone activities and administration, and communication with qualified businesses, qualified service enterprises and qualifying residential developments as outlined in this ordinance.

SECTION 8

The Mayor and City Council has the power to administer, require, and enforce compliance with the provisions of the ordinance and such administrative rules or regulations adopted hereinafter by way of resolution including but not limited to reports and data information from businesses within the enterprise zone to verify compliance with this ordinance and state law.

SECTION 9

A qualifying business enterprise or service enterprise shall enter into a contractual agreement setting forth the incentives offered to such entity and including the guidelines for the recapture, revocation, or reimbursement of the incentives should the terms of the contract be violated by the target business.

SECTION 10

This ordinance shall take effect immediately upon adoption of the Urban Redevelopment Plan as commissioned by the Mayor and City Council.

Read and passed, this 9th day of April, 2009.

CITY OF VALDOSTA

_____
John J. Fretti, Mayor

Attest:

_____
Teresa S. Bolden, City Clerk

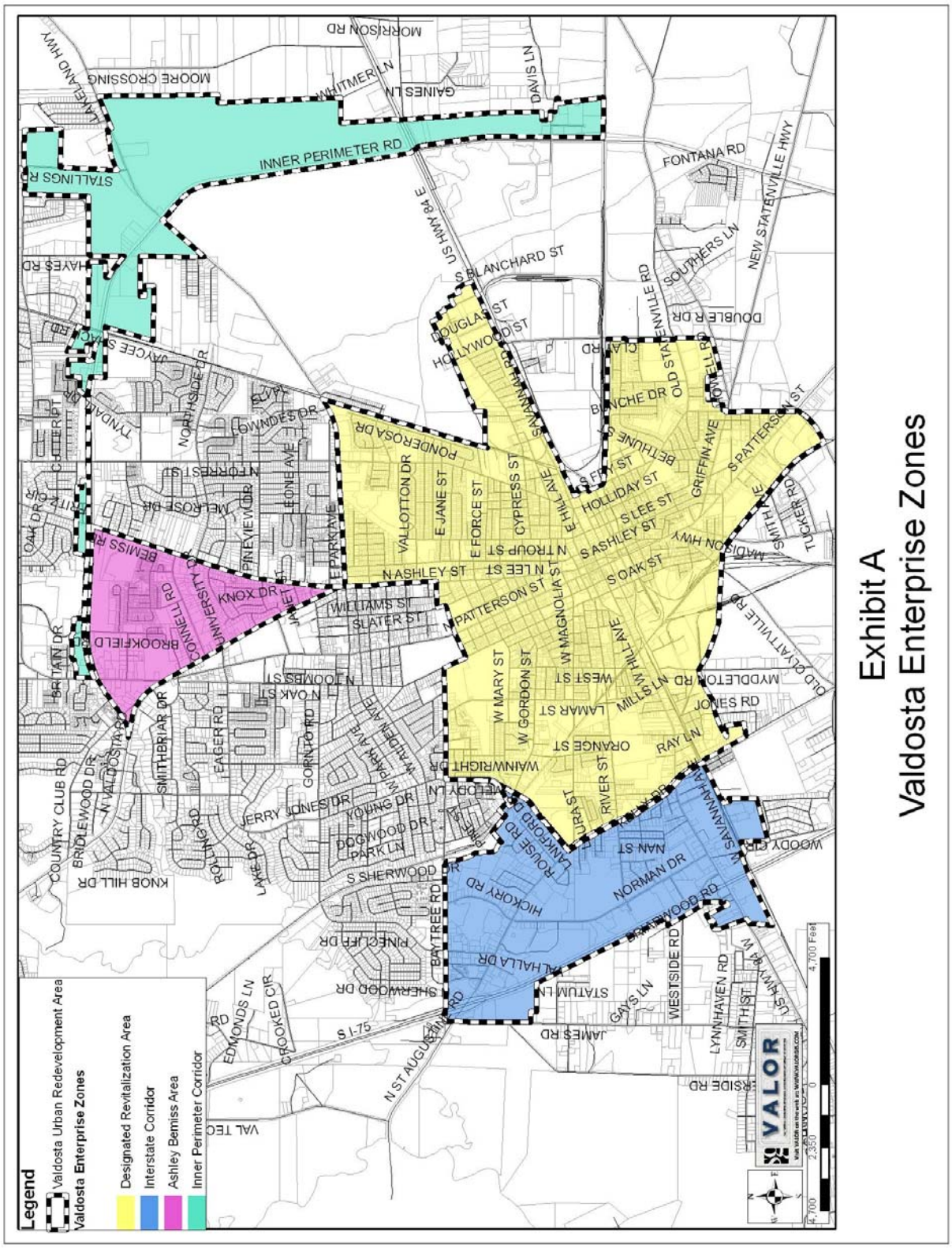

Exhibit A
Valdosta Enterprise Zones

Appendix F

Urban Redevelopment Plan Amendment Worksheet

City of Valdosta Urban Redevelopment Plan

Amendment Worksheet

Date: _____

The following is a checklist of items to be considered by city officials when amending the Valdosta Urban Redevelopment Plan. These items represent required plan components as defined in the Official Code of Georgia Annotated Section 36-61-4 and 36-61-7.

Statement that the Urban Redevelopment Plan is consistent with the City's comprehensive plan.

_____
_____
_____
_____

Clearly defined boundaries of the proposed Urban Redevelopment Area (need not be contiguous).

_____
_____
_____
_____

Explanation of negative conditions in the area necessitating redevelopment.

_____
_____
_____
_____

Description of the city's land use objectives for the area (types of uses, building requirements, zoning changes, development densities, etc.

_____
_____
_____
_____

Description of land parcels to be acquired and structures to be demolished or rehabilitated.

Strategy for leveraging private resources to aid in redevelopment of the area.

Strategy for relocating any displaced residents.

Any covenants or restrictions to be placed on properties in the redevelopment area in order to implement the plan.

Public infrastructure to be provided (i.e. transportation, water, sewer, sidewalks, lighting, streetscapes, public recreational space, parking, etc.) to support redevelopment of the area.

Financial Strategy for implementing the plan.

Appendix G

The Urban Redevelopment Law

GEORGIA CODE
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TITLE 36. LOCAL GOVERNMENT
PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS
CHAPTER 61. URBAN REDEVELOPMENT

O.C.G.A. § 36-61-1 (2007)

§ 36-61-1. Short title

This chapter shall be known and may be cited as the "Urban Redevelopment Law."

§ 36-61-2. Definitions

As used in this chapter, the term:

(1) "Agency" or "urban redevelopment agency" means a public agency created by Code Section 36-61-18.

(2) "Area of operation" means the area within the corporate limits of the municipality or county and the area within five miles of such limits, except that it shall not include any area which lies within the territorial boundaries of another incorporated municipality or another county unless a resolution is adopted by the governing body of such other municipality or county declaring a need therefore.

(3) "Board" or "commission" means a board, commission, department, division, office, body, or other unit of the municipality or county.

(4) "Bonds" means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

(5) "Clerk" means the clerk or other official of the municipality or county who is the custodian of the official records of such municipality or county.

(6) "County" means any county in this state.

(7) "Downtown development authority" means an authority created pursuant to Chapter 42 of this title.

(8) "Federal government" means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(9) "Housing authority" means a housing authority created by and established pursuant to Article 1 of Chapter 3 of Title 8, the "Housing Authorities Law."

(10) "Local governing body" means the council or other legislative body charged with governing the municipality and the board of commissioners or governing authority of the county.

(11) "Mayor" means the mayor of a municipality or other officer or body having the duties customarily imposed upon the executive head of a municipality.

(12) "Municipality" means any incorporated city or town in the state.

(13) "Obligee" includes any bondholder, agents, or trustees for any bondholders, or any lessor demising to the municipality or county property used in connection with an urban 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 the municipality or county.

(14) "Person" means any individual, firm, partnership, corporation, company, association, joint-stock association, or body politic and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(15) "Public body" means the state or any municipality, county, board, commission, authority, district, housing authority, urban redevelopment agency, or other subdivision or public body of the state.

(16) "Real property" includes all lands, including improvements and fixtures thereon and property of any nature appurtenant thereto or used in connection therewith, and every estate, interest, right, and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise.

(17) "Rehabilitation" or "conservation" may include the restoration and redevelopment of a slum area or portion thereof, in accordance with an urban redevelopment plan, by:

> (A) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;
>
> (B) Acquisition of real property and rehabilitation or demolition and removal of buildings and improvements thereon where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, to lessen density, to reduce traffic hazards, to eliminate obsolete or other uses detrimental to the public welfare, to otherwise remove or prevent the spread of slums or deterioration, or to provide land for needed public facilities;
>
> (C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban redevelopment provisions of this chapter; and
>
> (D) The disposition of any property acquired in such urban redevelopment area, including sale, initial leasing or retention by the municipality or county itself, at its fair value for uses in accordance with the urban redevelopment plan.

(18) "Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, 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; 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, or crime and is detrimental to the public health, safety, morals, or welfare. "Slum area" also means an area which by reason of the presence of a substantial number of slum, deteriorated, or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in

relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; the existence of conditions which endanger life or property by fire and other causes; by having development impaired by airport or transportation noise or by other environmental hazards; or any combination of such factors substantially impairs or arrests the sound growth of a municipality or county, retards the provisions 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.

(19) "Slum clearance and redevelopment" may include:

(A) Acquisition of a slum area or portion thereof;

(B) Rehabilitation or demolition and removal of buildings and improvements;

(C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban redevelopment provisions of this chapter in accordance with the urban redevelopment plan; and

(D) Making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality or county itself) at its fair value for uses in accordance with the urban redevelopment plan.

(20) "Urban redevelopment area" means a slum area which the local governing body designates as appropriate for an urban redevelopment project.

(21) "Urban redevelopment plan" means a plan, as it exists from time to time, for an urban redevelopment project, which plan shall:

(A) Conform to the general plan for the municipality or county as a whole; and

(B) 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 redevelopment area; zoning and planning changes, if any; land uses; maximum densities; building requirements; and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(22) "Urban redevelopment project" may include undertakings or activities of a municipality or county in an urban redevelopment area for the elimination and for the prevention of the development or spread of slums and may involve slum clearance and redevelopment in an urban redevelopment area, rehabilitation or conservation in an urban redevelopment area, or any combination or part thereof, in accordance with an urban redevelopment plan. Although the power of eminent domain may not be exercised for such purposes, such undertakings or activities may include:

(A) Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting of lands and highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing and related facilities and uses designed for, and limited primarily to, families and individuals of low or moderate income; and

(B) Construction of foundations and platforms necessary for the provision of air rights sites of housing and related facilities and uses designed for, and limited primarily to, families and individuals of low or moderate income or construction of foundations necessary for the provision of air rights sites for development of nonresidential facilities.

§ 36-61-3. Legislative findings and declaration of necessity

(a) It is found and declared that there exist in municipalities and counties of this state slum areas, as defined in paragraph (18) of Code Section 36-61-2, which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of this state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities and counties, retards the provision of housing accommodations, aggravates traffic problems, and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums is a matter of state policy and state concern, in order that the state and its municipalities and counties shall not continue to be endangered by areas which are local centers of disease, promote juvenile delinquency, and, while contributing little to the tax income of the state and its municipalities and counties, consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.

(b) It is further found and declared that certain slum areas or portions thereof may require acquisition, clearance, and disposition, subject to use restrictions, as provided in this chapter, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that the other areas or portions thereof, through the means provided in this chapter, may be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated in subsection (a) of this Code section may be eliminated, remedied, or prevented and that, to the extent that is feasible, salvable slum areas should be conserved and rehabilitated through voluntary action and the regulatory process.

(c) It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended and the power of eminent domain may be exercised. The necessity, in the public interest, for the provisions enacted in this chapter is declared as a matter of legislative determination.

§ 36-61-3.1. "Public use" defined; eminent domain to be exercised solely for public use

(a) As used in this Code section, the term "public use" shall have the meaning specified in Code Section 22-1-1.

(b) Any exercise of the power of eminent domain under this chapter must:

(1) Be for a public use; and

(2) Be approved by resolution of the governing body of the municipality or county in conformity with the procedures specified in Code Section 22-1-10.

§ 36-61-4. Encouragement of private enterprise

A municipality or county, to the greatest extent it determines to be feasible in carrying out the provisions of this chapter, shall afford maximum opportunity, consistent with the sound needs of the municipality

or county as a whole, to the rehabilitation or redevelopment of the urban redevelopment area by private enterprise. A municipality or county shall give consideration to this objective in exercising its powers under this chapter, including: the formulation of a workable program; the approval of urban redevelopment plans consistent with the general plan for the municipality or county; the adoption and enforcement of ordinances as provided for in Code Section 36-61-11; the exercise of its zoning powers; the enforcement of other laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements; the disposition of any property acquired; and the provision of necessary public improvements.

§ 36-61-5. Resolution of necessity prerequisite to exercise of powers

No municipality or county shall exercise any of the powers conferred upon municipalities and counties by this chapter until after its local governing body has adopted a resolution finding that:

(1) One or more slum areas exist in such municipality or county; and

(2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the municipality or county.

§ 36-61-6. Formulation of workable program

For the purposes of this chapter, a municipality or county may formulate a workable program for utilizing appropriate private and public resources including those specified in Code Section 36-61-11, to eliminate and prevent the development or spread of slums, to encourage needed urban rehabilitation, to provide for the redevelopment of slum areas, or to undertake such of the aforesaid activities or such other feasible municipal or county activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of slums into areas of the municipality or county which are free from slums, through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of slum areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements, encouraging voluntary rehabilitation, and compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of slum areas or portions thereof.

§ 36-61-7. Preparation of redevelopment plan; approval; modification; effect of approval

(a) A municipality or county shall not approve an urban redevelopment plan for an urban redevelopment area unless the governing body, by resolution, has determined such area to be a slum area and designated such area as appropriate for an urban redevelopment project. Authority is vested in every municipality and county to prepare, to adopt, and to revise, from time to time, a general plan for the physical development of the municipality or county as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related municipal and county planning activities, and to make available and to appropriate the necessary funds therefor. A municipality or county shall not acquire real property for an urban redevelopment project unless the local governing body has approved the urban redevelopment plan in accordance with subsection (d) of this Code section.

(b) The municipality or county may itself prepare or cause to be prepared an urban redevelopment plan; alternatively, any person or agency, public or private, may submit a plan to a municipality or county.

(c) The local governing body of the municipality or county shall hold or shall cause some agency of the municipality or county to hold a public hearing on an urban redevelopment plan or a substantial modification of an approved urban redevelopment plan, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality or county. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban redevelopment area covered by the plan, and shall outline the general scope of the urban redevelopment project under consideration.

(d) Following such hearing, the local governing body may approve an urban redevelopment plan if it finds that:

> (1) A feasible method exists for the relocation of families who will be displaced from the urban redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;
>
> (2) The urban redevelopment plan conforms to the general plan of the municipality or county as a whole; and
>
> (3) The urban redevelopment plan will afford maximum opportunity, consistent with the sound needs of the municipality or county as a whole, for the rehabilitation or redevelopment of the urban redevelopment area by private enterprise.

(e) An urban redevelopment plan may be modified at any time, provided that, if modified after the lease or sale by the municipality or county of real property in the urban redevelopment project area, such modification shall be subject to such rights at law or in equity as a lessee or purchaser or his successor or successors in interest may be entitled to assert. Any proposed modification which will substantially change the urban redevelopment plan as previously approved by the local governing body shall be subject to the requirements of this Code section, including the requirement of a public hearing, before it may be approved.

(f) Upon the approval of an urban redevelopment plan by a municipality or county, the provisions of the plan with respect to the future use and building requirements applicable to the property covered by the plan shall be controlling with respect thereto.

§ 36-61-8. Powers of municipalities and counties generally

Every municipality and every county shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others granted in this chapter:

(1) To undertake and carry out urban redevelopment projects within its area of operation; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter; and to disseminate slum clearance and urban redevelopment information;

(2) To provide, to arrange, or to 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 an urban redevelopment project and to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements, provided that neither the municipality or county itself nor

an urban redevelopment agency or housing authority or downtown development authority acting pursuant to an election under Code Section 36-61-17 shall provide, install, or construct any public utility of the same kind or character as an existing utility operating in the municipality or county if such existing utility is providing reasonably adequate and proper service, as determined by the Public Service Commission; and 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 to compliance with labor standards in the undertaking or carrying out of an urban redevelopment project, and to include, in any contract let in connection with such a project, provisions to fulfill such conditions as it may deem reasonable and appropriate;

(3) Within its area of operation, to enter upon any building or property in any urban redevelopment area in order to make surveys, appraisals, soundings, or test borings, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire, by purchase, lease, option, gift, grant, bequest, devise, or otherwise, any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, clear, or prepare for redevelopment any such property; to mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality or county against any risks or hazards, and to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this chapter; provided, however, that no statutory provision with respect to the acquisition, clearance, or disposition of property by public bodies shall restrict a municipality or county or other public body exercising powers under this chapter in the exercise of such functions with respect to an urban redevelopment project, unless the General Assembly shall specifically so state;

(4) To invest any urban redevelopment project funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control; and to redeem such bonds as have been issued pursuant to Code Section 36-61-12 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled;

(5) 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, or other public body, or from any sources, public or private, for the purposes of this chapter, and to give such security as may be required and to enter into and carry out contracts in connection therewith. A municipality or county may include in any contract for financial assistance with the federal government for an urban redevelopment project such conditions imposed pursuant to federal law as the municipality or county may deem reasonable and appropriate and which are not inconsistent with the purposes of this chapter;

(6) Within their area of operation, to make or have made all plans necessary to the carrying out of the purposes of this chapter and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify, and amend such plans. Such plans may include, without limitation:

(A) A general plan for the locality as a whole;

(B) Urban redevelopment plans;

(C) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, to include but not to be limited to making loans and grants from funds received from the federal government, as well as from funds received from the repayment of

such loans and interest thereon, to persons, public or private, owning private housing for the purpose of financing the rehabilitation of such housing;

(D) Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and

(E) Appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban redevelopment projects.

The municipality or county is authorized to develop, test, and report methods and techniques and to carry out demonstrations and other activities for the prevention and elimination of slums and to apply for, accept, and utilize grants of funds from the federal government for such purposes;

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

(8) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this chapter and to levy taxes and assessments for such purposes; to close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places; to plan or replan, zone, or rezone any part of the municipality or county or make exceptions from building regulations; and to enter into agreements, under Code Section 36-61-17, with a housing authority, a downtown development authority, or an urban redevelopment agency vested with urban redevelopment project powers, which agreements may extend for up to 50 years respecting action to be taken by such municipality or county pursuant to any of the powers granted by this chapter. The reasonable costs of removing, relocating, and rearranging public utility facilities within urban renewal areas may constitute a cost of carrying out the purposes of this chapter, and every municipality and county may, in their discretion, pay such reasonable costs or any portion thereof;

(9) Within their areas of operation, to organize, coordinate, and direct the administration of the provisions of this chapter as they apply to such municipality or county, in order that the objective of remedying slums and preventing the causes thereof within the municipality or county may be most effectively promoted and achieved, and to establish such new office or offices of the municipality or county or to reorganize existing offices in order to carry out such purpose most effectively.

(10) To exercise all or any part or combination of powers granted in this Code section.

§ 36-61-9. Power of eminent domain; conditions; title acquired

(a) Except as otherwise provided in subsection (c) of this Code section, a municipality or county shall have the right to acquire, by exercise of the power of eminent domain, any real property which it may deem necessary for its purposes under this chapter, after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. A municipality or county may exercise the power of eminent domain in the manner provided in Title 22; or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired, provided that no real property belonging to the municipality, the county, the state, or any political subdivision thereof may be acquired without its consent.

(b) Whenever condemnation proceedings are instituted and carried on by a municipality or county in accordance with subsection (a) of this Code section or through any other method of condemnation provided by law, upon the payment by the municipality or county seeking condemnation of the amount of the award and final judgment on appeal the municipality or county shall become vested with a fee simple indefeasible title to the property to which the condemnation proceedings relate. Such payment may be offset in whole or in part by the amount of any municipal or county tax liens on the condemned property and by any existing special assessments tax liens on the condemned property, including without limitation education or special district taxes collected by the municipality or county; provided, however, that any such setoff shall be subject to any existing tax liens having higher priority pursuant to Code Section 48-2-56 and to the interest in the condemned property of any known beneficiary of a year's support pursuant to Code Section 53-5-2 of the "Pre-1998 Probate Code," if applicable, or Code Sections 53-3-1, 53-3-2, 53-3-4, 53-3-5, and 53-3-7 of the "Revised Probate Code of 1998"; provided, further, that where the condemned property is subject to a valid deed to secure debt, such setoff shall only be allowed for tax liens which arose as a result of an assessment against such property. It is declared to be necessary, to enable such municipalities and counties to exercise their powers under this Code section, that upon the condemnation proceedings being had, the municipalities and counties shall become vested with fee simple indefeasible title to the property involved in the proceedings.

(c) Unless the property is to be acquired for the purpose of devoting it to a public use, a municipality or county may not acquire real property through the exercise of the power of eminent domain pursuant to subsection (a) of this Code section until the following conditions and requirements have been met:

(1) The municipality or county which adopted the urban redevelopment plan has approved a resolution authorizing the exercise of the power of eminent domain by the agency to acquire the property;

(2) The municipality or county shall, in writing, notify the owner of the real property proposed to be acquired of the planned rehabilitation of the property as set forth in the urban redevelopment plan for the urban redevelopment area wherein the property is located;

(3) Within 30 days after being so notified, the owner of the property shall have the option of notifying the municipality or county, in writing, of his willingness and intention to rehabilitate and maintain the property in accordance with the urban redevelopment plan. In the event of multiple ownership of the property, unanimous agreement by the owners shall be required; and the failure of any one owner to notify the municipality or county, within the time limitation specified in this paragraph, of his willingness and intention to rehabilitate and maintain the property in accordance with the urban redevelopment plan shall be deemed to be a failure to exercise the option provided in this paragraph; and

(4) The owner of the property may execute an agreement with the municipality or county to rehabilitate the property in accordance with the urban redevelopment plan. Any such agreement shall be as the municipality or county deems necessary and appropriate as to form and content; in connection therewith, the municipality or county shall have the right to require sufficient performance, payment, and completion bonds. In the event that any such owner, at any time, fails to comply with or defaults in the performance of the provisions of the agreement, such property shall no longer be subject to the agreement, the option provided by paragraph (3) of this subsection shall no longer apply, and the property may be acquired by the municipality or county by purchase or through the exercise of the power of eminent domain. In the alternative, the municipality or county may either specifically enforce the agreement, exercise any rights under any bonds which may have been required, and obtain any other legal or equitable relief as may be

available to the municipality or county or, if the owner fails to exercise the option to rehabilitate the property or defaults on the agreement to rehabilitate the property, the municipality or county may implement those portions of the urban development plan with respect to such property to the extent the municipality or county deems necessary and the costs of implementing such plan shall be a lien against the property enforceable in the same manner as tax liens.

§ 36-61-10. Disposal of property in redevelopment area generally; notice and bidding procedures; exchange with veterans' organization; temporary operation of property

(a) A municipality or county may sell, lease, or otherwise transfer real property in an urban redevelopment area or any interest therein acquired by it and may enter into contracts with respect thereto, for residential, recreational, commercial, industrial, or other uses or for public use; or the municipality or county may retain such property or interest for public use, in accordance with the urban redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land and including the incorporation by reference therein of the provisions of an urban redevelopment plan or any part thereof, as it may deem to be in the public interest or necessary or desirable to assist in preventing the development or spread of future slums or to otherwise carry out the purposes of this chapter. Such sale, lease, other transfer, or retention and any agreement relating thereto may be made only after the approval of the urban redevelopment plan by the local governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban redevelopment plan and may be obligated to comply with such other requirements as the municipality or county may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on the real property required by the urban redevelopment plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban redevelopment plan. In determining the fair value of real property for uses in accordance with the urban redevelopment plan, a municipality or county shall take into account and give consideration to the uses provided in such plan; the restrictions upon and the covenants, conditions, and obligations assumed by the purchaser or lessee or by the municipality or county retaining the property; and the objectives of such plan for the prevention of the recurrence of slum areas. The municipality or county in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease, or otherwise transfer the real property without the prior written consent of the municipality or county until he has completed the construction of any and all improvements which he has obligated himself to construct thereon. Real property acquired by a municipality or county which, in accordance with the provisions of the urban redevelopment plan, is to be transferred shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban redevelopment plan. The inclusion in any such contract or conveyance to a purchaser or lessee of any such covenants, restrictions, or conditions, including the incorporation by reference therein of the provisions of an urban redevelopment plan or any part thereof, shall not prevent the filing of the contract or conveyance in the land records of the county in such manner as to afford actual or constructive notice thereof.

(b) (1) A municipality or county may dispose of real property in an urban redevelopment area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as are provided in this subsection. A municipality or county, by public notice by publication once each week for two consecutive weeks in a newspaper having a general circulation in the community, prior to the execution of any contract to sell, lease, or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under this Code section, may invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban redevelopment area or any part thereof. The notice shall identify the

area or portion thereof and shall state that such further information as is available may be obtained at such office as shall be designated in the notice. The municipality or county shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out and may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by the municipality or county in the urban redevelopment area. The municipality or county may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this chapter. The municipality or county may execute contracts in accordance with subsection (a) of this Code section and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contracts.

> (2) Notwithstanding the provisions or requirements of this Code section, any municipality or county may exchange real property or land, whether vacant or improved, in any urban redevelopment area for real property or land, whether vacant or improved, owned by any post, barracks, encampment, chapter, subsidiary, or any other division or unit of any veterans' organization chartered by the United States Congress, provided such real property or land was owned by the veterans' organization on March 6, 1962, and, provided, further, that the municipality or county owning such urban redevelopment area desires to obtain the real property or land owned by the veterans' organization for civic improvements, including, but not limited to, the building of art theaters, stadiums, parks, playgrounds, auditoriums, civic theaters, and performing arts theaters.

(c) A municipality or county may temporarily operate and maintain real property acquired in an urban redevelopment area, pending the disposition of the property for redevelopment, without regard to subsection (a) of this Code section, for such uses and purposes as may be deemed desirable, even if such uses and purposes are not in conformity with the urban redevelopment plan.

§ 36-61-11. Repair, closing, and demolition of dwellings unfit for human habitation

Any municipality or county may, by ordinance, require the repair, closing, or demolition of dwellings or other structures intended for human habitation which are, as defined in the ordinance, unfit for human habitation or which may imperil the health, safety, or morals of the occupants thereof or of surrounding areas. Such ordinances may include the following:

(1) Definition of the construction, condition, facilities, ventilation, and other conditions which shall render such structures unfit for human habitation or a nuisance;

(2) Designation of a public official or officials with authority to enforce such ordinances and establishment of procedures therefor;

(3) Provision for the enforcement of such ordinances by the municipal court of the municipality, as defined in Code Section 41-2-5, which may include provision for the abatement thereof as nuisances, as provided in such Code section; and

(4) Provision for the posting of notices on dwellings and other structures intended for human habitation, indicating the actions taken by enforcement officials or the court with respect thereto, and the fixing of penalties for the defacing, destruction, or removal of such notices; provided, however, that no such notice shall be posted on any property then designated by proper governmental authority for acquisition by eminent domain.

§ 36-61-12. Issuance of bonds; payment; tax exemption; form; terms; sale; signatures; negotiability; effect of recitation on bonds

(a) A municipality or county shall have power to issue bonds, in its discretion, from time to time, to finance the undertaking of any urban redevelopment project under this chapter, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans for urban redevelopment projects and shall also have power to issue refunding bonds for the payment of retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality or county derived from or held in connection with its undertaking and carrying out of urban redevelopment projects under this chapter; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban redevelopment projects of the municipality or county under this chapter, and by a mortgage of any such urban redevelopment projects or any part thereof, title to which is in the municipality or county.

(b) Bonds issued under this Code section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under this chapter are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this Code section shall be authorized by resolution or ordinance of the local governing body. They may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by the resolution of the local governing body or by the trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sales in a newspaper having a general circulation in the area of operation and in such other medium of publication as the municipality or county may determine or may be exchanged for other bonds on the basis of par. Such bonds may be sold to the federal government or to an institution insured by an agency of the federal government at private sale at not less than par and, in the event that less than all of the authorized principal amount of such bonds is sold to the federal government or to an institution insured by an agency of the federal government, the balance may be sold at private sale at not less than par at an interest cost to the municipality or county, such cost not to exceed the interest cost to the municipality or county of the portion of the bonds sold to the federal government or to an institution insured by an agency of the federal government.

(e) If any of the public officials of the municipality or county whose signatures appear on any bonds or coupons issued under this chapter cease to be such officials before the delivery of the bonds, such signatures, nevertheless, shall be valid and sufficient for all purposes, the same as if the officials had remained in office until the delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

(f) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this chapter or the security therefor, any such bond reciting in substance that it has been issued by the

municipality or county in connection with an urban redevelopment project, as defined in paragraph (22) of Code Section 36-61-2, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with this chapter.

(g) Any urban redevelopment agency or housing authority which a municipality or county has elected to exercise powers under Code Section 36-61-17 may also issue bonds, as provided in this Code section, in the same manner as a municipality or county, except that such bonds shall be authorized and the terms and conditions thereof shall be prescribed by the commissioners of such urban redevelopment agency or housing authority in lieu of the local governing body.

§ 36-61-13. Bonds declared legal investments

All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a municipality or county pursuant to this chapter or by any urban redevelopment agency or housing authority vested with urban redevelopment project powers under Code Section 36-61-17, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the federal government, in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of the bonds or other obligations, moneys in an amount which (together with any other moneys irrevocably committed to the payment of interest on the bonds or other obligations) will suffice to pay the principal of the bonds or other obligations with interest to maturity thereon, which moneys under the terms of the agreement are required to be used for the purpose of paying the principal of and the interest on the bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this Code section to authorize any persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this Code section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

§ 36-61-14. Exemption of property from execution, levy, and sale; tax exemption

(a) All property of a municipality or county, including funds owned or held by it for the purposes of this chapter, shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same, nor shall judgment against a municipality or county be a charge or lien upon such property; provided, however, that this Code section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this chapter by a municipality or county on its rents, fees, grants, or revenues from urban redevelopment projects.

(b) The property of a municipality or county, acquired or held for the purpose of this chapter, is declared to be public property used for essential public and governmental purposes and such property shall be exempt from all taxes of the municipality, the county, the state, or any political subdivision thereof. Such tax exemption shall terminate when the municipality or county sells, leases, or otherwise disposes of property in an urban redevelopment area to a purchaser or lessee who or which is not a public body.

§ 36-61-15. Presumption as to title of purchaser of property from municipality or county

Any instrument executed by a municipality or county and purporting to convey any right, title, or interest in any property under this chapter shall be conclusively presumed to have been executed in compliance with this chapter insofar as title or other interest of any bona fide purchasers, lessees, or transferees of such property is concerned.

§ 36-61-16. Assistance by public bodies generally; powers of public bodies; powers of municipalities and counties

(a) For the purpose of aiding in the planning, undertaking, or carrying out of an urban redevelopment project located within the area in which it is authorized to act, any public body, upon such terms, with or without consideration, as it may determine, may:

> (1) Dedicate, sell, convey, or lease any of its interest in any property or grant easements, licenses, or other rights or privileges therein to a municipality or county;
>
> (2) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this Code section;
>
> (3) Do any and all things necessary to aid or cooperate in the planning or carrying out of an urban redevelopment plan;
>
> (4) Lend, grant, or contribute funds to a municipality or county;
>
> (5) Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with a municipality or county or other public body respecting action to be taken pursuant to any of the powers granted by this chapter, including the furnishing of funds or other assistance in connection with an urban redevelopment project; and
>
> (6) Cause public buildings and public facilities, including parks, playgrounds, recreational, community, education, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places; plan, replan, zone, or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the municipality or county.

If at any time title to or possession of any urban redevelopment project is held by any public body or governmental agency, other than the municipality or county, which is authorized by law to engage in the undertaking, carrying out, or administration of urban redevelopment projects, including any agency or instrumentality of the United States of America, the provisions of the agreements referred to in this subsection shall inure to the benefit of and may be enforced by such public body or governmental agency. As used in this subsection, the terms "municipality" and "county" shall also include an urban redevelopment agency or a housing authority vested with all of the urban redevelopment project powers pursuant to Code Section 36-61-17.

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

(c) For the purpose of aiding in the planning, undertaking, or carrying out of an urban redevelopment project of an urban redevelopment agency or a housing authority under this chapter, a municipality or county may, in addition to their other powers and upon such terms, with or without consideration, as

they may determine, do and perform any or all of the actions or things which, by subsection (a) of this Code section, a public body is authorized to do or perform, including the furnishing of financial and other assistance.

(d) For the purposes of this Code section or for the purpose of aiding in the planning, undertaking, or carrying out of an urban redevelopment project of a municipality or county, such municipality or county may, in addition to any authority to issue bonds pursuant to Code Section 36-61-12, issue and sell its general obligation bonds. Any bonds issued by a municipality or county pursuant to this Code section shall be issued in the manner and within the limitations prescribed by the laws of this state for the issuance and authorization of bonds by such municipality and county for public purposes generally.

§ 36-61-17. Exercise of redevelopment powers by municipalities and counties; delegation to redevelopment agency or housing authority

(a) A municipality or county may itself exercise its "urban redevelopment project powers," as defined in subsection (b) of this Code section, or may, if the local governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the urban redevelopment agency created by Code Section 36-61-18 or by a housing authority, if one exists or is subsequently established in the community, or by an existing or subsequently established downtown development authority. In the event that the local governing body makes such determination, the urban redevelopment agency or the housing authority or downtown development authority, as the case may be, shall be vested with all of the "urban redevelopment project powers" of the municipality or county conferred in this chapter, in the same manner as though all such powers were conferred on the agency or authority instead of the municipality or county; and any public body may cooperate with the urban redevelopment agency or housing authority or the downtown development authority to the same extent that it could cooperate with the municipality or county itself if the municipality or county were exercising its urban redevelopment project powers. If the local governing body does not elect to make such determination, the municipality or county in its discretion may exercise its urban redevelopment project powers through a board or commissioner or through such officers of the municipality or county as the local governing body may by resolution determine.

(b) As used in this Code section, the term "urban redevelopment project powers" shall include all of the rights, powers, functions, duties, privileges, immunities, and exemptions granted to a municipality or county under this chapter, except the following:

(1) The power to determine an area to be a slum area and to designate such area as appropriate for an urban redevelopment project;

(2) The power to approve and amend urban redevelopment plans;

(3) The power to establish a general plan for the locality as a whole;

(4) The power to formulate a workable program under Code Section 36-61-6;

(5) The powers, duties, and functions referred to in Code Section 36-61-11;

(6) The power to make the determinations and findings provided for in Code Section 36-61-4, Code Section 36-61-5, and subsection (d) of Code Section 36-61-7;

(7) The power to issue general obligation bonds; and

(8) The power to appropriate funds, to levy taxes and assessments, and to exercise other powers provided for in paragraph (8) of Code Section 36-61-8.

§ 36-61-18. Creation of agency; appointment of board of commissioners; compensation, term, and certificate; annual report; removal of commissioners

(a) There is created in each municipality and in each county a public body corporate and politic to be known as the "urban redevelopment agency" of the municipality or county. Such agency shall not transact any business or exercise its powers under this Code section until or unless the local governing body has made the finding prescribed in Code Section 36-61-5 and has elected to have the urban redevelopment project powers exercised by an urban redevelopment agency as provided in Code Section 36-61-17.

(b) If the urban redevelopment agency is authorized to transact business and exercise powers under this Code section, the mayor, by and with the advice and consent of the local governing body, or the board of commissioners or other governing body of the county shall appoint a board of commissioners of the urban redevelopment agency, which shall consist of such number of commissioners, with such terms of office, as shall be determined by the local governing body. If the governing body of a municipality designates members of a downtown development authority as an urban redevelopment agency, the method of appointment, number of commissioners, and terms of office shall be in conformity with the requirements of Code Section 36-42-4.

(c) A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality or county and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

(d) The powers of an urban redevelopment agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws require a larger number. Any person may be appointed as commissioner if he resides within the area of operation of the agency, which shall be coterminous with the area of operation of the municipality or county, and is otherwise eligible for such appointments under this chapter.

(e) The mayor or the board of commissioners or other governing body of the county shall designate a chairman and vice-chairman from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it may require and may determine their qualifications, duties, and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this chapter shall file with the local governing body, on or before March 31 of each year, a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality or county and that the report is available for inspection during business hours in the office of the city or county clerk and in the office of the agency.

(f) For inefficiency, neglect of duty, or misconduct in office, a commissioner may be removed, but only after a hearing. He shall be given a copy of the charges at least ten days prior to such hearing and shall have an opportunity to be heard in person or by counsel.

§ 36-61-19. Interest by public official or employee or employee of redevelopment agency in redevelopment project or property; disclosure; eligibility of commissioners and officers of housing authorities for other office

(a) No public official or employee of a municipality or county or of a board or commission thereof and no commissioner or employee of a housing authority or urban redevelopment agency which has been vested by a municipality or county with urban redevelopment project powers under Code Section 36-61-17 shall voluntarily acquire any interest, direct or indirect, in any urban redevelopment project of such municipality or county or in any property included or planned to be included in any such urban redevelopment project or in any contract or proposed contract in connection with such urban redevelopment project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding two years, any interest, direct or indirect, in any property which he knows is included or planned to be included in an urban redevelopment project, he shall immediately disclose this in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body; any such official, commissioner, or employee shall not participate in any action by the municipality or county or a board or commission thereof, the housing authority, or the urban redevelopment agency affecting such property. Any disclosure required to be made by this Code section to the local governing body shall concurrently be made to a housing authority or urban redevelopment agency which has been vested with urban redevelopment project powers by the municipality or county pursuant to Code Section 36-61-17.

(b) Except for directors of a downtown development authority designated as an urban redevelopment agency pursuant to this chapter, no commissioner or other officer of any housing authority, urban redevelopment agency, board, or commission exercising powers pursuant to this chapter shall hold any other public office under the municipality or county other than his commissionership or office with respect to such housing authority, urban redevelopment agency, board, or commission.

(c) Any violation of this Code section shall constitute misconduct in office.