

THE HOUSE OF REPRESENTATIVES  
Thursday, March 6, 2008

House Bill No. 2624

HOUSE BILL NO. 2624 - By: JORDAN of the House.

An Act relating to eminent domain; amending 11 O.S. 2001, Section 38-101, which relates to definitions for the Urban Renewal article; modifying definition; amending 11 O.S. 2001, Section 40-113, which relates to definitions for the Neighborhood Redevelopment Act; modifying definition; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 11 O.S. 2001, Section 38-101, is amended to read  
2 as follows:

3 Section 38-101. The provisions of this article shall apply to all municipalities in this  
4 state except as otherwise provided. The following terms whenever used or referred to in  
5 Sections 38-101 through 38-119 of this title shall have the following meanings, unless a  
6 different meaning is clearly indicated by the context:

7 1. "Authority" or "Urban Renewal Authority" ~~shall mean~~ means a public body  
8 corporate created by Section 38-107 of this title;

9 2. "Public body" ~~shall mean~~ means the state or any incorporated city, town, board,  
10 commission, authority, district, or any subdivision or public body of the state;

11 3. "Municipality" ~~shall mean~~ means any incorporated city or town;

1           4. "Municipal governing body" ~~shall mean~~ means the council, board of trustees, or  
2 other body duly charged with governing a municipality;

3           5. "Mayor" ~~shall mean~~ means the mayor of a municipality or other officer or body  
4 having the duties customarily imposed upon the executive head of a municipality;

5           6. "Clerk" ~~shall mean~~ means the clerk or other official of a municipality who is the  
6 custodian of the official records of the municipality;

7           7. "Federal Government" ~~shall include~~ includes the United States of America or any  
8 agency or instrumentality, corporate or otherwise, of the United States of America;

9           8. "Blighted area" ~~shall mean~~ means an area in which there are properties,  
10 buildings, or improvements, whether occupied or vacant, whether residential or  
11 nonresidential, which by reason of dilapidation, deterioration, age or obsolescence,  
12 inadequate provision for ventilation, light, air, sanitation or open spaces; population  
13 overcrowding; improper subdivision or obsolete platting of land, inadequate parcel size;  
14 arrested economic development; improper street layout in terms of existing or projected  
15 traffic needs, traffic congestion or lack of parking or terminal facilities needed for  
16 existing or proposed land uses in the area, predominance of defective or inadequate  
17 street layouts; faulty lot layout in relation to size, adequacy, accessibility or usefulness;  
18 insanitary or unsafe conditions, deterioration of site or other improvements; diversity of  
19 ownership, tax or special assessment delinquency exceeding the fair value of the land;  
20 defective or unusual conditions of title; any one or combination of such conditions which  
21 substantially impair or arrest the sound growth of municipalities, or constitutes an  
22 economic or social liability, or which endangers life or property by fire or other causes, or

1 is conducive to ill health, transmission of disease, mortality, juvenile delinquency, or  
2 crime and by reason thereof, is detrimental to the public health, safety, morals or  
3 welfare; except that such conditions shall not constitute blight in an area primarily  
4 devoted to farming, ranching, or forestry;

5 9. "Urban renewal project" or "redevelopment project" may include undertakings  
6 and activities of a municipality, an urban renewal authority, redevelopment corporation,  
7 person or other corporation, in an urban renewal area for the elimination and for the  
8 prevention of the development or spread of blight, and may involve clearance and  
9 redevelopment in an urban renewal area, or rehabilitation or conservation in an urban  
10 renewal area, or any combination or part thereof in accordance with an urban renewal  
11 plan. Such undertakings may include: ~~(a)~~

- 12 a. acquisition of a blighted area or portions thereof; ~~(b)~~,  
13 b. demolition and removal of buildings and improvements; ~~(c)~~,  
14 c. installation, construction or reconstruction of streets, off-street parking  
15 facilities, utilities, parks, playgrounds, and other improvements  
16 necessary for carrying out in the urban renewal area the urban  
17 renewal objectives of this article in accordance with the urban renewal  
18 plan; ~~(d)~~,  
19 d. disposition of any property for uses in the urban renewal area or the  
20 leasing or retention of such property for uses in accordance with the  
21 urban renewal plan; ~~(e)~~,

1           e.     carrying out plans for a program of voluntary or compulsory repair and  
 2                   rehabilitation of buildings or other improvements in accordance with  
 3                   the urban renewal plan; ~~2~~ or ~~(f)~~  
 4           f.     acquisition of any other real property in the area where necessary to  
 5                   eliminate unhealthful, insanitary or unsafe conditions, lessen density,  
 6                   eliminate obsolete or other uses detrimental to the public welfare, or  
 7                   otherwise to remove or prevent the spread of blight or deterioration, or  
 8                   to provide land for needed public facilities;

9           10. "Urban renewal area" means a blighted area within which the governing body  
 10 of a municipality designates an area appropriate for an urban renewal project;

11          11. "Urban renewal plan" means a plan officially adopted by the municipal  
 12 governing body, as it exists or is changed from time to time, for an urban renewal project,  
 13 which plan shall: ~~(a)~~

14           a.     conform to the general plan for the municipality as a whole except as  
 15                   provided in subsection I of Section 38-106 ~~(e)~~ of this title; ~~and (b)~~

16           b.     be sufficiently complete to indicate such land acquisition, demolition  
 17                   and removal of structures, redevelopment, improvements, and  
 18                   rehabilitation as may be proposed to be carried out in the urban  
 19                   renewal area, zoning and planning changes, if any, land uses,  
 20                   maximum densities, building requirements, and the plan's relationship  
 21                   to definite local objectives respecting appropriate land uses, traffic,  
 22                   public transportation, public utilities, recreational and community

1 facilities, and other public improvements, and plans for financing the  
2 project, and plans for the relocation of families and businesses to be  
3 displaced;

4 12. "Real property" ~~shall include~~ includes all lands, including improvements and  
5 fixtures thereon, and property of any nature appurtenant thereto, or used in connection  
6 therewith, and every estate, interest, right and use, legal or equitable, therein, including  
7 terms for years and liens by way of judgment, mortgage or otherwise;

8 13. "Notes" ~~shall mean~~ means any notes (including refunding notes), interim  
9 certificates of indebtedness, debentures or other obligations;

10 14. "Obligee" ~~shall include~~ includes any bondholder, agents or trustees for any  
11 bondholders, or lessor demising to the municipality property used in connection with an  
12 urban renewal project, or any assignee or assignees of such lessor's interest or any part  
13 thereof, and the Federal Government when it is a party to any contract with the Urban  
14 Renewal Authority or the municipality;

15 15. "Person" ~~shall mean~~ means any individual, firm, partnership, corporation,  
16 company, association, joint stock association, or body politic; and shall include any  
17 trustee, receiver, assignee, or other person acting in a similar representative capacity;

18 16. "Area of operation" ~~shall mean~~ means the area within the corporate limits of  
19 the municipality;

20 17. "Board" or "Commission" ~~shall mean~~ means a board, commission, department,  
21 division, office, body or other unit of the municipality;

1           18. "Public officer" ~~shall mean~~ means any officer who is in charge of any  
2 department or branch of the government of a municipality relating to health, fire,  
3 building regulations, or to other activities concerning dwellings in its area of operation;  
4 and

5           19. "Redevelopment corporation" ~~shall mean~~ means a corporation organized under  
6 the provisions of Section 38-117 of this title.

7           SECTION 2.    AMENDATORY    11 O.S. 2001, Section 40-113, is amended to read  
8 as follows:

9           Section 40-113. The following terms, whenever used or referred to in this act, shall,  
10 unless a different intent clearly appears from the context, be ~~constructed~~ construed to  
11 have the following meaning:

12           1. "Blighted conditions" means conditions which, except in an area primarily  
13 devoted to farming, ranching, or forestry purposes, because of the presence of a majority  
14 of the following factors, substantially impair or arrest the sound development and growth  
15 of the municipality or constitute an economic or social liability or are a menace to the  
16 public health, safety, morals or welfare in its present condition and use:

- 17           a.       a substantial number of deteriorated or deteriorating structures,  
18           b.       predominance of defective or inadequate street layout,  
19           c.       unsanitary or unsafe conditions,  
20           d.       deterioration of site improvements,  
21           e.       absentee ownership,

- 1 f. tax or special assessment delinquency exceeding the fair value of the  
2 land,  
3 g. defective or unusual conditions of title,  
4 h. improper subdivision or obsolete platting or land uses,  
5 i. the existence of conditions which endanger life or property by fire and  
6 other causes, or  
7 j. conditions which create economic obsolescence, or areas containing  
8 obsolete, nonfunctioning or inappropriately developed structures;
- 9 2. "Governing body" means the city council, city commission or town board of  
10 trustees;
- 11 3. "Neighborhood" means a contiguous geographic area within a city or town that is  
12 characterized by a predominant building style or function, and may apply to residential,  
13 commercial or industrial areas;
- 14 4. "Program plan" means a plan for the redevelopment of all or a portion of a  
15 redevelopment district, which the governing body of a city or town has found to contain  
16 blighted conditions, so that the clearance, replatting, rehabilitation or reconstruction  
17 thereof is necessary to effectuate the purposes of this act;
- 18 5. "Project plan" means a specific work or improvement to effectuate all or a portion  
19 of a program plan;
- 20 6. "Redevelopment" shall mean the clearance, planning, construction,  
21 rehabilitation, or renovation of all or a portion of a redevelopment district, and the  
22 provision for such industrial, commercial, retail, residential or public structures and

1 spaces as may be appropriate, including recreational and other facilities incidental or  
2 appurtenant thereto;

3 7. "Redevelopment district" means that portion of a city or town which the  
4 governing body of such city or town has found to contain blighted conditions;

5 8. "Redevelopment plan" means a plan for the redevelopment of all or a portion of a  
6 redevelopment district; and

7 9. "Redevelopment trust" means a public trust established in accordance with  
8 Section 176 et seq. of Title 60 of the Oklahoma Statutes which has the power to  
9 undertake redevelopment activities.

10 SECTION 3. It being immediately necessary for the preservation of the public  
11 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
12 this act shall take effect and be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND  
14 TRANSPORTATION, dated 03-05-08 - DO PASS.