

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 558

By: Myers

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5
6 AS INTRODUCED

7 An Act relating to eminent domain; amending 11 O.S.
8 2001, Section 38-101, which relates to definitions
9 for the Urban Renewal article; modifying definition;
10 amending 11 O.S. 2001, Section 40-113, which relates
11 to definitions for the Neighborhood Redevelopment
12 Act; modifying definition; and declaring an
13 emergency.

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

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

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

22 1. "Authority" or "Urban Renewal Authority" ~~shall mean~~ means a
23 public body corporate created by Section 38-107 of this title;
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1 2. "Public body" ~~shall mean~~ means the state or any incorporated
2 city, town, board, commission, authority, district, or any
3 subdivision or public body of the state;

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

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

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

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

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

18 8. "Blighted area" ~~shall mean~~ means an area in which there are
19 properties, buildings, or improvements, whether occupied or vacant,
20 whether residential or nonresidential, which by reason of
21 dilapidation, deterioration, age or obsolescence, inadequate
22 provision for ventilation, light, air, sanitation or open spaces;
23 population overcrowding; improper subdivision or obsolete platting
24 of land, inadequate parcel size; arrested economic development;

1 improper street layout in terms of existing or projected traffic
2 needs, traffic congestion or lack of parking or terminal facilities
3 needed for existing or proposed land uses in the area, predominance
4 of defective or inadequate street layouts; faulty lot layout in
5 relation to size, adequacy, accessibility or usefulness; insanitary
6 or unsafe conditions, deterioration of site or other improvements;
7 diversity of ownership, tax or special assessment delinquency
8 exceeding the fair value of the land; defective or unusual
9 conditions of title; any one or combination of such conditions which
10 substantially impair or arrest the sound growth of municipalities,
11 or constitutes an economic or social liability, or which endangers
12 life or property by fire or other causes, or is conducive to ill
13 health, transmission of disease, mortality, juvenile delinquency, or
14 crime and by reason thereof, is detrimental to the public health,
15 safety, morals or welfare; except that such conditions shall not
16 constitute blight in an area primarily devoted to farming, ranching,
17 or forestry;

18 9. "Urban renewal project" or "redevelopment project" may
19 include undertakings and activities of a municipality, an urban
20 renewal authority, redevelopment corporation, person or other
21 corporation, in an urban renewal area for the elimination and for
22 the prevention of the development or spread of blight, and may
23 involve clearance and redevelopment in an urban renewal area, or
24 rehabilitation or conservation in an urban renewal area, or any

1 combination or part thereof in accordance with an urban renewal
2 plan. Such undertakings may include: ~~(a)~~
3 a. acquisition of a blighted area or portions thereof~~,~~
4 ~~(b),~~
5 b. demolition and removal of buildings and improvements~~,~~
6 ~~(c),~~
7 c. installation, construction or reconstruction of
8 streets, off-street parking facilities, utilities,
9 parks, playgrounds, and other improvements necessary
10 for carrying out in the urban renewal area the urban
11 renewal objectives of this article in accordance with
12 the urban renewal plan~~;~~ ~~(d),~~
13 d. disposition of any property for uses in the urban
14 renewal area or the leasing or retention of such
15 property for uses in accordance with the urban renewal
16 plan~~;~~ ~~(e),~~
17 e. carrying out plans for a program of voluntary or
18 compulsory repair and rehabilitation of buildings or
19 other improvements in accordance with the urban
20 renewal plan~~;~~ ~~(f)~~
21 f. acquisition of any other real property in the area
22 where necessary to eliminate unhealthful, insanitary
23 or unsafe conditions, lessen density, eliminate
24 obsolete or other uses detrimental to the public

1 welfare, or otherwise to remove or prevent the spread
2 of blight or deterioration, or to provide land for
3 needed public facilities;

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

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

10 a. conform to the general plan for the municipality as a
11 whole except as provided in subsection I of Section
12 38-106 ~~(e)~~ of this title^{7, 1} and ~~(b)~~

13 b. be sufficiently complete to indicate such land
14 acquisition, demolition and removal of structures,
15 redevelopment, improvements, and rehabilitation as may
16 be proposed to be carried out in the urban renewal
17 area, zoning and planning changes, if any, land uses,
18 maximum densities, building requirements, and the
19 plan's relationship to definite local objectives
20 respecting appropriate land uses, traffic, public
21 transportation, public utilities, recreational and
22 community facilities, and other public improvements,
23 and plans for financing the project, and plans for the
24 relocation of families and businesses to be displaced;

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

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

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

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

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

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

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

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

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

12 Section 40-113. The following terms, whenever used or referred
13 to in ~~this act~~ Section 40-101 et seq. of this title, shall, unless a
14 different intent clearly appears from the context, be ~~constructed~~
15 construed to have the following meaning:

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

23 a. a substantial number of deteriorated or deteriorating
24 structures,

- b. predominance of defective or inadequate street layout,
- c. unsanitary or unsafe conditions,
- d. deterioration of site improvements,
- e. absentee ownership,
- f. tax or special assessment delinquency exceeding the fair value of the land,
- g. defective or unusual conditions of title,
- h. improper subdivision or obsolete platting or land uses,
- i. the existence of conditions which endanger life or property by fire and other causes, or
- j. conditions which create economic obsolescence, or areas containing obsolete, nonfunctioning or inappropriately developed structures;

2. "Governing body" means the city council, city commission or town board of trustees;

3. "Neighborhood" means a contiguous geographic area within a city or town that is characterized by a predominant building style or function, and may apply to residential, commercial or industrial areas;

4. "Program plan" means a plan for the redevelopment of all or a portion of a redevelopment district, which the governing body of a city or town has found to contain blighted conditions, so that the

1 clearance, replatting, rehabilitation or reconstruction thereof is
2 necessary to effectuate the purposes of this act;

3 5. "Project plan" means a specific work or improvement to
4 effectuate all or a portion of a program plan;

5 6. "Redevelopment" shall mean the clearance, planning,
6 construction, rehabilitation, or renovation of all or a portion of a
7 redevelopment district, and the provision for such industrial,
8 commercial, retail, residential or public structures and spaces as
9 may be appropriate, including recreational and other facilities
10 incidental or appurtenant thereto;

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

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

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

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

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24 52-1-607 JK 3/6/2009 5:18:22 AM