

LEGISLATIVE BILL 52

Approved by the Governor February 15, 1985

Introduced by Lynch, 13

AN ACT relating to community development; to amend section 18-2107, Reissue Revised Statutes of Nebraska, 1943; to provide additional powers; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 18-2107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-2107. An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions; and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of ~~sections 18-2101 to 18-2144~~ the Community Development Law and sections 18-2147 to 18-2151, including the power: ~~the powers in subdivisions (1) to (13) of this section in addition to others granted by the provisions of sections 18-2101 to 18-2144 and 18-2147 to 18-2151.~~

(1) To sue and to be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules, and regulations, not inconsistent with ~~sections 18-2101 to 18-2144, to carry out the provisions of sections 18-2101 to 18-2144.~~ the Community Development Law;

(2) To prepare or cause to be prepared and recommend redevelopment plans to the governing body of the city and to undertake and carry out redevelopment projects within its area of operation; -

(3) To arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a redevelopment project; and, notwithstanding anything to the contrary contained in ~~sections 18-2101 to 18-2144~~ the Community Development Law or any other provision of law, to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a redevelopment project, and to include in any contract let in connection with such a project;

provisions to fulfill such ~~of said~~ federally imposed conditions as it may deem reasonable and appropriate; -

(4) Within its area of operation, to purchase, lease, obtain options upon, or acquire by gift, grant, bequest, devise, eminent domain, or otherwise; any real or personal property or any interest therein, together with any improvements thereon, necessary or incidental to a redevelopment project; to hold, improve, clear, or prepare for redevelopment any such property; to sell, lease for a term not exceeding ninety-nine years, exchange, transfer, assign, subdivide, retain for its own use, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest therein; to enter into contracts with redevelopers of property containing covenants, restrictions, and conditions regarding the use of such property for residential, commercial, industrial, or recreational purposes; or for public purposes in accordance with the redevelopment plan and such other covenants, restrictions, and conditions as the authority may deem necessary to prevent a recurrence of substandard or blighted areas or to effectuate the purposes of ~~sections 18-2101 to 18-2144~~ the Community Development Law; to make any of the covenants, restrictions, or conditions of the foregoing contracts covenants running with the land; and to provide appropriate remedies for any breach of any such covenants or conditions, including the right in the authority to terminate such contracts and any interest in the property created pursuant thereto; to borrow money, and issue bonds, and provide security for loans or bonds; to establish a revolving loan fund; to insure or provide for the insurance of any real or personal property or the operation of the authority against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of ~~sections 18-2101 to 18-2144~~; PROVIDED, that no the Community Development Law; and to provide grants, loans, or other means of financing to public or private parties in order to accomplish the rehabilitation or redevelopment in accordance with a redevelopment plan. No statutory provision with respect to the acquisition, clearance, or disposition of property by other public bodies shall restrict an authority exercising powers hereunder, in such functions, unless the Legislature shall specifically so state; -

(5) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement; in property or securities in which savings banks, or other banks, may legally invest funds subject to their control; and to redeem its bonds at the redemption price established therein or to purchase its bonds at less than redemption price, and and such bonds ~~so~~ redeemed or purchased to shall be canceled; -

(6) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, county, municipality, or other public body or from any sources, public or private, including charitable funds, foundations, corporations, trusts, or bequests, for the purposes of ~~sections 18-2101 to 18-2144~~ the Community Development Law, to give such security as may be required, and to enter into and carry out contracts in connection therewith; and ~~authority~~, notwithstanding the ~~provisions~~ ~~of~~ any other provision of law, may include in any contract for financial assistance with the federal government for a redevelopment project such conditions imposed pursuant to federal law as the authority may deem reasonable and appropriate and which are not inconsistent with the purposes of ~~sections 18-2101 to 18-2144~~. the Community Development Law;

(7) Acting through one or more members of an authority or other persons designated by the authority, to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths; and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority; or excused from attendance; and to make available to appropriate agencies or public officials, including those charged with the duty of abating or requiring the correction of nuisances or like conditions, ~~or of~~ demolishing unsafe or insanitary structures, or eliminating conditions of blight within its area of operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, safety, morals, or welfare;

(8) Within its area of operation, to make or have made all surveys, appraisals, studies, and plans, but not including the preparation of a general plan for the community, necessary to the carrying out of the purposes of ~~sections 18-2101 to 18-2144~~ the Community Development Law and to contract or cooperate with any and all persons or agencies, public or private, in the making and carrying out of such surveys, appraisals, studies, and plans;

(9) To prepare plans and provide reasonable assistance for the relocation of families, business concerns, and others displaced from a redevelopment project area to permit the carrying out of the redevelopment project; to the extent essential for acquiring possession of and clearing such area or parts thereof; and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government;

(10) To make such expenditures as may be necessary to carry out the purposes of ~~sections 18-2101 to 18-2144~~ the Community Development Law; and to make expenditures from funds obtained from the federal government without regard to any other laws pertaining to the making and approval of appropriations and expenditures; -

(11) To certify annually in the month of July of each year to the governing body of the city the amount of tax to be levied for the succeeding fiscal year for community redevelopment purposes, not to exceed two and six-tenths cents on each one hundred dollars upon the actual value of all the taxable property in such city, except intangible property. ~~The~~ and the governing body shall levy and collect the taxes so certified at the same time and in the same manner as other city taxes are levied and collected, and the proceeds of such taxes, when due and as collected, shall be set aside and deposited in the special account or accounts in which other revenue of the authority is deposited. ~~Such~~ and such proceeds shall be employed to assist in the defraying of all expense of the authority. If in any year the full amount so certified and collected is not needed for the current purposes of such authority, the balance shall be credited to reserves of such authority, including sinking funds; -

(12) To exercise all or any part or combination of powers herein granted; and -

(13) To plan, undertake, and carry out neighborhood development programs consisting of redevelopment project undertakings and activities in one or more community redevelopment areas which are planned and carried out on the basis of annual increments in accordance with the provisions of this act the Community Development Law and sections 18-2145 and 18-2146 for planning and carrying out redevelopment projects.

Sec. 2. That original section 18-2107, Reissue Revised Statutes of Nebraska, 1943, is repealed.