

§ 160A-503. Definitions.

The following terms where used in this Article, shall have the following meanings, except where the context clearly indicates a different meaning:

- (1) "Area of operation" – The area within the territorial boundaries of the city or county for which a particular commission is created.
- (2) "Blighted area" shall mean an area in which there is a predominance of buildings or improvements (or which is predominantly residential in character), and 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, unsanitary or unsafe conditions, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs the sound growth of the community, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare; provided, no area shall be considered a blighted area within the meaning of this Article, unless it is determined by the planning commission that at least two thirds of the number of buildings within the area are of the character described in this subdivision and substantially contribute to the conditions making such area a blighted area; provided that if the power of eminent domain shall be exercised under the provisions of this Article, it may only be exercised to take a blighted parcel as defined in subdivision (2a) of this section, and the property owner or owners or persons having an interest in property shall be entitled to be represented by counsel of their own selection and their reasonable counsel fees fixed by the court, taxed as a part of the costs and paid by the petitioners.
- (2a) "Blighted parcel" shall mean a parcel on which there is a predominance of buildings or improvements (or which is predominantly residential in character), and 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, unsanitary or unsafe conditions, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs the sound growth of the community, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare; provided, no parcel shall be considered a blighted parcel nor subject to the power of eminent domain, within the meaning of this Article, unless it is determined by the planning commission that the parcel is blighted.
- (3) "Bonds" – Any bonds, interim certificates, notes, debentures or other obligations of a commission issued pursuant to this Article.
- (4) "City" – Any city or town. "The city" shall mean the particular city for which a particular commission is created.
- (5) "Commission" or "redevelopment commission" – A public body and a body corporate and politic created and organized in accordance with the provisions of this Article.
- (6) "Field of operation" – The area within the territorial boundaries of the city for which a particular commission is created.

- (7) "Governing body" – In the case of a city or town, the city council or other legislative body. The board of county commissioners.
- (8) "Government" – Includes the State and federal governments or any subdivision, agency or instrumentality corporate or otherwise of either of them.
- (9) "Municipality" – Any incorporated city or town, or any county.
- (10) "Nonresidential redevelopment area" shall mean an area in which there is a predominance of buildings or improvements, whose use is predominantly nonresidential, and which, by reason of:
 - a. Dilapidation, deterioration, age or obsolescence of buildings and other structures,
 - b. Inadequate provisions for ventilation, light, air, sanitation or open spaces,
 - c. Defective or inadequate street layout,
 - d. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness,
 - e. Tax or special assessment delinquency exceeding the fair value of the property,
 - f. Unsanitary or unsafe conditions,
 - g. The existence of conditions which endanger life or property by fire and other causes, or
 - h. Any combination of such factors
 - 1. Substantially impairs the sound growth of the community,
 - 2. Has seriously adverse effects on surrounding development, and
 - 3. Is detrimental to the public health, safety, morals or welfare;

provided, no such area shall be considered a nonresidential redevelopment area nor subject to the power of eminent domain, within the meaning of this Article, unless it is determined by the planning commission that at least one half of the number of buildings within the area are of the character described in this subdivision and substantially contribute to the conditions making such area a nonresidential redevelopment area; provided that if the power of eminent domain shall be exercised under the provisions of this Article, the property owner or owners or persons having an interest in property shall be entitled to be represented by counsel of their own selection and their reasonable counsel fees fixed by the court, taxed as a part of the costs and paid by the petitioners.
- (11) "Obligee of the commission" or "obligee" – Any bondholder, trustee or trustees for any bondholders, any lessor demising property to a commission used in connection with a redevelopment project, or any assignees of such lessor's interest, or any part thereof, and the federal government, when it is a party to any contract with a commission.
- (12) "Planning commission" – Any planning commission established by ordinance for a municipality of this State. "The planning commission" shall mean the particular planning commission of the city or town in which a particular commission operates.
- (13) "Real property" – Lands, lands under water, structures and any and all easements, franchises and incorporeal hereditaments and every estate and

- right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.
- (14) "Redeveloper" – Any individual, partnership or public or private corporation that shall enter or propose to enter into a contract with a commission for the redevelopment of an area under the provisions of this Article.
- (15) "Redevelopment" – The acquisition, replanning, clearance, rehabilitation or rebuilding of an area for residential, recreational, commercial, industrial or other purposes, including the provision of streets, utilities, parks, recreational areas and other open spaces; provided, without limiting the generality thereof, the term "redevelopment" may include a program of repair and rehabilitation of buildings and other improvements, and may include the exercise of any powers under this Article with respect to the area for which such program is undertaken.
- (16) "Redevelopment area" – Any area which a planning commission may find to be
- a. A blighted area because of the conditions enumerated in subdivision (2) of this section;
 - b. A nonresidential redevelopment area because of conditions enumerated in subdivision (10) of this section;
 - c. A rehabilitation, conservation, and reconditioning area within the meaning of subdivision (21) of this section;
 - d. Any combination thereof, so as to require redevelopment under the provisions of this Article.
- (17) "Redevelopment contract" – A contract between a commission and a redeveloper for the redevelopment of an area under the provisions of this Article.
- (18) "Redevelopment plan" – A plan for the redevelopment of a redevelopment area made by a "commission" in accordance with the provisions of this Article.
- (19) "Redevelopment project" shall mean any work or undertaking:
- a. To acquire blighted or nonresidential redevelopment areas or portions thereof, or individual tracts in rehabilitation, conservation, and reconditioning areas, including lands, structures, or improvements, the acquisition of which is necessary or incidental to the proper clearance, development, or redevelopment of such areas or to the prevention of the spread or recurrence of conditions of blight;
 - b. To clear any such areas by demolition or removal of existing buildings, structures, streets, utilities or other improvements thereon and to install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with the redevelopment plan;
 - c. To sell land in such areas for residential, recreational, commercial, industrial or other use or for the public use to the highest bidder as herein set out or to retain such land for public use, in accordance with the redevelopment plan;
 - d. To carry out plans for a program of voluntary or compulsory repair, rehabilitation, or reconditioning of buildings or other improvements in such areas; including the making of loans therefor; and

- e. To engage in programs of assistance and financing, including the making of loans, for rehabilitation, repair, construction, acquisition, or reconditioning of residential units and commercial and industrial facilities in a redevelopment area.

The term "redevelopment project" may also include the preparation of a redevelopment plan, the planning, survey and other work incident to a redevelopment project, and the preparation of all plans and arrangements for carrying out a redevelopment project.

- (20) "Redevelopment proposal" – A proposal, including supporting data and the form of a redevelopment contract for the redevelopment of all or any part of a redevelopment area.
- (21) "Rehabilitation, conservation, and reconditioning area" shall mean any area which the planning commission shall find, by reason of factors listed in subdivision (2) or subdivision (10), to be subject to a clear and present danger that, in the absence of municipal action to rehabilitate, conserve, and recondition the area, it will become in the reasonably foreseeable future a blighted area or a nonresidential redevelopment area as defined herein. In such an area, no individual tract, building, or improvement shall be subject to the power of eminent domain, within the meaning of this Article, unless it is of the character described in subdivision (2) or subdivision (10) and substantially contributes to the conditions endangering the area; provided that if the power of eminent domain shall be exercised under the provisions of this Article, the respondent or respondents shall be entitled to be represented by counsel of their own selection and their reasonable counsel fees fixed by the court, taxed as part of the costs and paid by the petitioners. (1951, c. 1095, s. 3; 1957, c. 502, ss. 1-3; 1961, c. 837, ss. 2, 3, 4, 6; 1967, c. 1249; 1969, c. 1208, s. 1; 1973, c. 426, s. 75; 1981, c. 907, ss. 1, 2; 1985, c. 665, s. 6; 2006-224, ss. 2.1, 2.2; 2006-259, s. 47.)