

Local Government: O'Kane, Chair; Groninga and Platt.

MAR 6 1985

LOCAL GOVERNMENT

HOUSE FILE 494

BY CHAPMAN & RUNNING (3/7)

Passed House, Date 3-18-85 (J. 881) Passed Senate, Date 4-17-85 (P. 1436)
 Vote: Ayes 87 Nays 0 Vote: Ayes 42 Nays 1
 Approved May 1, 1985

A BILL FOR

- 1 An Act authorizing economic development as a purpose for
- 2 approval of an urban renewal plan and an urban renewal
- 3 project.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

H-3325

HOUSE FILE 494

- 1 Amend House File 494 as follows:
- 2 1. Page 1, line 31, by striking the word "morals"
- 3 and inserting the following: "morals".
- 4 2. Page 3, line 8, by striking the word "morals,"
- 5 and inserting the following: "morals".

H-3325 FILED MARCH 12, 1985 BY SPEAR of Lee

Adopted 3/15/85 (J. 881)

HF 494

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1 Section 1. Section 403.2, Code 1985, is amended by adding
2 the following new subsection after subsection 2:

3 NEW SUBSECTION. 3. It is further found and declared that
4 there exists in this state the continuing need for programs to
5 alleviate and prevent conditions of unemployment; and that it
6 is accordingly necessary to assist and retain local industries
7 and commercial enterprises to strengthen and revitalize the
8 economy of this state and its municipalities; that accordingly
9 it is necessary to provide means and methods for the
10 encouragement and assistance of industrial and commercial
11 enterprises in locating, purchasing, constructing,
12 reconstructing, modernizing, improving, maintaining,
13 repairing, furnishing, equipping, and expanding in this state
14 and its municipalities; that accordingly it is necessary to
15 authorize local governing bodies to designate areas of a
16 municipality as economic development areas for commercial and
17 industrial enterprises; and that it is also necessary to
18 encourage the location and expansion of commercial enterprises
19 to more conveniently provide needed services and facilities of
20 the commercial enterprises to municipalities and the residents
21 of the municipalities. Therefore, the powers granted in this
22 chapter constitute the performance of essential public
23 purposes for this state and its municipalities.

24 Sec. 2. Section 403.4, subsections 1 and 2, Code 1985, are
25 amended to read as follows:

26 1. One or more slum ~~or~~, blighted or economic development
27 areas exist in such the municipality.

28 2. The rehabilitation, conservation, redevelopment
29 development, or a combination thereof, of such the area or
30 areas is necessary in the interest of the public health,
31 ³³²⁵ safety, morals or welfare of the residents of such the
32 municipality.

33 Sec. 3. Section 403.5, subsection 1, Code 1985, is amended
34 to read as follows:

35 1. A municipality shall not approve an urban renewal

1 project for an urban renewal area unless the governing body
2 has, by resolution, determined such the area to be a slum
3 area, ~~or a~~ blighted area, economic development area or a
4 combination thereof of those areas, and designated such the
5 area as appropriate for an urban renewal project. The local
6 governing body shall not approve an urban renewal plan until a
7 general plan for the municipality has been prepared. For this
8 purpose and other municipal purposes, authority is hereby
9 vested in every municipality to prepare, to adopt and to
10 revise from time to time, a general plan for the physical
11 development of the municipality as a whole, giving due regard
12 to the environs and metropolitan surroundings. A municipality
13 shall not acquire real property for an urban renewal project
14 unless the local governing body has approved the urban renewal
15 project in accordance with subsection 4 hereof.

16 Sec. 4. Section 403.5, Code 1985, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 8. Notwithstanding a contrary provision
19 of this section, if a local governing body designates an
20 economic development area as provided in subsection 1, the
21 local governing body, after a public hearing under subsection
22 3, may approve an urban renewal plan and an urban renewal
23 project with respect to the economic development area without
24 meeting the requirements of subsection 4 and without requiring
25 a general plan for the municipality.

26 Sec. 5. Section 403.17, subsection 9, Code 1985, is
27 amended to read as follows:

28 9. "Blighted area" ~~shall-mean~~ means an area of a
29 municipality within which the local governing body of the
30 municipality determines that by reason of the presence of a
31 substantial number of slum, deteriorated or deteriorating
32 structures, ~~predominance-of~~ defective or inadequate street
33 layout, faulty lot layout in relation to size, adequacy,
34 accessibility or usefulness, insanitary or unsafe conditions,
35 deterioration of site or other improvements, diversity of

1 ownership, tax or special assessment delinquency exceeding the
2 fair value of the land, defective or unusual conditions of
3 title, or the existence of conditions which endanger life or
4 property by fire and other causes, or any combination of such
5 these factors, substantially impairs or arrests the sound
6 growth of a municipality, retards the provision of housing
7 accommodations or constitutes an economic or social liability
322 8 and is a menace to the public health, safety, morals, or
9 welfare in its present condition and use:--~~Provided, that if~~
10 ~~such blighted area consists of open land, the conditions~~
11 ~~contained in the proviso in section 403.5, subsection 4, shall~~
12 ~~apply:--And provided further, that any.~~ A disaster area
13 referred to in section 403.5, subsection 7, ~~shall constitute~~
14 constitutes a "blighted area".

15 Sec. 6. Section 403.17, subsection 10, unnumbered
16 paragraph 1 and paragraph a, Code 1985, are amended to read as
17 follows:

18 "Urban renewal project" may include undertakings and
19 activities of a municipality in an urban renewal area for the
20 elimination and for the prevention of the development or
21 spread of slums and blight, may include the designation and
22 development of an economic development area in an urban
23 renewal area, and may involve slum clearance and redevelopment
24 in an urban renewal area, or rehabilitation or conservation in
25 an urban renewal area, or any combination or part thereof in
26 accordance with an urban renewal program. Such The
27 undertakings and activities may include:

28 a. Acquisition of a slum area, or a blighted area,
29 economic development area, or portion thereof of the areas;

30 Sec. 7. Section 403.17, subsection 11, Code 1985, is
31 amended to read as follows:

32 11. "Urban renewal area" means a slum area, or a blighted
33 area, economic development area, or a combination thereof of
34 the areas, which the local governing body designates as
35 appropriate for an urban renewal project.

LOCAL GOVERNMENT: Hall, Chair; A. Miller and Vande Hoef

HOUSE FILE 494

BY CHAPMAN and RUNNING

(As Amended and Passed by the House March 18, 1985)

Passed House, Date 4-26-85 (p. 1718) Passed Senate, Date 4-17-85 (p. 1436)

Vote: Ayes 96 Nays 0 Vote: Ayes 42 Nays 1

Approved May 1, 1985 (p. 2130)

A BILL FOR

1 An Act authorizing economic development as a purpose for
2 approval of an urban renewal plan and an urban renewal
3 project.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 403.2, Code 1985, is amended by adding
2 the following new subsection after subsection 2:

3 NEW SUBSECTION. 3. It is further found and declared that
4 there exists in this state the continuing need for programs to
5 alleviate and prevent conditions of unemployment; and that it
6 is accordingly necessary to assist and retain local industries
7 and commercial enterprises to strengthen and revitalize the
8 economy of this state and its municipalities; that accordingly
9 it is necessary to provide means and methods for the
10 encouragement and assistance of industrial and commercial
11 enterprises in locating, purchasing, constructing,
12 reconstructing, modernizing, improving, maintaining,
13 repairing, furnishing, equipping, and expanding in this state
14 and its municipalities; that accordingly it is necessary to
15 authorize local governing bodies to designate areas of a
16 municipality as economic development areas for commercial and
17 industrial enterprises; and that it is also necessary to
18 encourage the location and expansion of commercial enterprises
19 to more conveniently provide needed services and facilities of
20 the commercial enterprises to municipalities and the residents
21 of the municipalities. Therefore, the powers granted in this
22 chapter constitute the performance of essential public
23 purposes for this state and its municipalities.

24 Sec. 2. Section 403.4, subsections 1 and 2, Code 1985, are
25 amended to read as follows:

26 1. One or more slum ~~or~~, blighted or economic development
27 areas exist in ~~such~~ the municipality.

3645 28 2. The rehabilitation, conservation, ~~redevelopment~~
29 development, or a combination thereof, of ~~such~~ the area ~~or~~
30 ~~areas~~ is necessary in the interest of the public health,
31 safety, morals or welfare of the residents of ~~such~~ the
32 municipality.

33 Sec. 3. Section 403.5, subsection 1, Code 1985, is amended
34 to read as follows:

35 1. A municipality shall not approve an urban renewal

1 project for an urban renewal area unless the governing body
2 has, by resolution, determined ~~such~~ the area to be a slum
3 area, ~~or a~~ blighted area, economic development area or a
4 combination ~~thereof~~ of those areas, and designated ~~such~~ the
5 area as appropriate for an urban renewal project. The local
6 governing body shall not approve an urban renewal plan until a
7 general plan for the municipality has been prepared. For this
8 purpose and other municipal purposes, authority is hereby
9 vested in every municipality to prepare, to adopt and to
10 revise from time to time, a general plan for the physical
11 development of the municipality as a whole, giving due regard
12 to the environs and metropolitan surroundings. A municipality
13 shall not acquire real property for an urban renewal project
14 unless the local governing body has approved the urban renewal
15 project in accordance with subsection 4 hereof.

364816 Sec. 4. Section 403.5, Code 1985, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 8. Notwithstanding a contrary provision
19 of this section, if a local governing body designates an
20 economic development area as provided in subsection 1, the
21 local governing body, after a public hearing under subsection
22 3, may approve an urban renewal plan and an urban renewal
23 project with respect to the economic development area without
24 meeting the requirements of subsection 4 and without requiring
25 a general plan for the municipality.

26 Sec. 5. Section 403.17, subsection 9, Code 1985, is
27 amended to read as follows:

28 9. "Blighted area" ~~shall mean~~ means an area of a
29 municipality within which the local governing body of the
30 municipality determines that by reason of the presence of a
31 substantial number of slum, deteriorated or deteriorating
32 structures, ~~predominance of~~ defective or inadequate street
33 layout, faulty lot layout in relation to size, adequacy,
34 accessibility or usefulness, insanitary or unsafe conditions,
35 deterioration of site or other improvements, diversity of

1 ownership, tax or special assessment delinquency exceeding the
2 fair value of the land, defective or unusual conditions of
3 title, or the existence of conditions which endanger life or
4 property by fire and other causes, or any combination of such
5 these factors, substantially impairs or arrests the sound
6 growth of a municipality, retards the provision of housing
7 accommodations or constitutes an economic or social liability
8 and is a menace to the public health, safety, morals, or
9 welfare in its present condition and use:--~~Provided, that if~~
10 ~~such blighted area consists of open land, the conditions~~
11 ~~contained in the proviso in section 403.5, subsection 4, shall~~
12 ~~apply:--And provided further, that any.~~ A disaster area
13 referred to in section 403.5, subsection 7, ~~shall constitute~~
14 constitutes a "blighted area".

15 Sec. 6. Section 403.17, subsection 10, unnumbered
16 paragraph 1 and paragraph a, Code 1985, are amended to read as
17 follows:

18 "Urban renewal project" may include undertakings and
19 activities of a municipality in an urban renewal area for the
20 elimination and for the prevention of the development or
21 spread of slums and blight, may include the designation and
22 development of an economic development area in an urban
23 renewal area, and may involve slum clearance and redevelopment
24 in an urban renewal area, or rehabilitation or conservation in
25 an urban renewal area, or any combination or part thereof in
26 accordance with an urban renewal program. ~~Such~~ The
27 undertakings and activities may include:

28 a. Acquisition of a slum area, or a blighted area,
29 economic development area, or portion thereof of the areas;

30 Sec. 7. Section 403.17, subsection 11, Code 1985, is
31 amended to read as follows:

32 11. "Urban renewal area" means a slum area, or a blighted
33 area, economic development area, or a combination thereof of
34 the areas, which the local governing body designates as
35 appropriate for an urban renewal project.

1 Sec. 8. Section 403.17, subsection 12, paragraph b, Code
2 1985, is amended to read as follows:

3 b. Be sufficiently complete to indicate ~~such~~ the land
4 acquisition, demolition and removal of structures,
5 ³⁶⁴⁸ ~~redevelopment~~ development, improvements, and rehabilitation as
6 ~~may-be~~ proposed to be carried out in the urban renewal area,
7 and to indicate zoning and planning changes, if any, land
8 uses, maximum densities, building requirements, and the ~~plans~~
9 plan's relationship to definite local objectives respecting
10 appropriate land uses, improved traffic, public
11 transportation, public utilities, recreational and community
12 facilities, and other public improvements.

13 Sec. 9. Section 403.17, Code 1985, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 20. "Economic development area" means an
16 area of a municipality designated by the local governing body
17 as appropriate for commercial and industrial enterprises.

18 Sec. 10. This Act, being deemed of immediate importance,
19 takes effect from and after its publication in The Cedar
20 Rapids Gazette, a newspaper published in Cedar Rapids, Iowa,
21 and in The Sioux City Journal, a newspaper published in Sioux
22 City, Iowa.

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3683

HOUSE FILE 494

1 Amend amendment S-3648 to House File 494 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, by striking lines 38 through 42, and
5 inserting the following: "authorizing condemnation."

S-3683 Filed April 10, 1985

By WALDSTEIN

Loss 4/17/85 (p. 1435)

1 Amend House File 494 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, line 28, by striking the word
4 "redevelopment" and inserting the following:
5 "redevelopment,".
6 2. Page 2, by striking lines 16 through line 25
7 and inserting the following:
8 "Sec. 4. Section 403.7, Code 1985, is amended to
9 read as follows:
10 403.7 CONDEMNATION OF PROPERTY.
11 A municipality shall have the right to acquire by
12 condemnation any interest in real property, including
13 a fee simple title thereto, which it may deem
14 necessary for or in connection with an urban renewal
15 project under this chapter. A municipality may
16 exercise the power of eminent domain in the manner
17 provided in chapter 472, and ~~acts~~ Acts amendatory
18 thereof to that chapter or supplementary thereto to
19 that chapter, or it may exercise the power of eminent
20 domain in the manner now or which may be hereafter
21 provided by any other statutory provisions for the
22 exercise of the power of eminent domain. Property
23 already devoted to a public use may be acquired in
24 like manner:--Provided, that no. However, real
25 property belonging to the state, or any political
26 subdivision thereof of this state, may shall not be
27 acquired without its consent, provided-further-that-no
28 and real property or any right or interest therein in
29 the property owned by any public utility company,
30 pipeline company, railway or transportation company
31 vested with the right of eminent domain under the laws
32 of this state, shall not be acquired without the
33 consent of such the company, or without first
34 securing, after due notice to such the company and
35 after hearing, a certificate authorizing condemnation
36 of such the property from the board, commission or
37 body having the authority to grant a certificate
38 authorizing condemnation. In a condemnation
39 proceeding, if a municipality proposes to take a part
40 of a lot or parcel of real property, the municipality
41 shall also take the remaining part of the lot or
42 parcel if requested by the owner."
43 3. Page 4, line 5, by striking the word
44 "redevelopment" and inserting the following:
45 "redevelopment,".

SENATE AMENDMENT TO HOUSE FILE 494

H-3861

1 Amend House File 494 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, line 28, by striking the word
4 "redevelopment" and inserting the following:
5 "redevelopment,".

6 2. Page 2, by striking lines 16 through line 25
7 and inserting the following:

8 "Sec. 4. Section 403.7, Code 1985, is amended to
9 read as follows:

10 403.7 CONDEMNATION OF PROPERTY.

11 A municipality shall have the right to acquire by
12 condemnation any interest in real property, including
13 a fee simple title thereto, which it may deem
14 necessary for or in connection with an urban renewal
15 project under this chapter. A municipality may
16 exercise the power of eminent domain in the manner
17 provided in chapter 472, and ~~acts Acts~~ amendatory
18 ~~thereof to that chapter~~ or supplementary thereto to
19 ~~that chapter~~, or it may exercise the power of eminent
20 domain in the manner now or which may be hereafter
21 provided by any other statutory provisions for the
22 exercise of the power of eminent domain. Property
23 already devoted to a public use may be acquired in
24 like manner;--~~Provided, that no.~~ However, real
25 property belonging to the state, or any political
26 subdivision thereof of this state, ~~may~~ shall not be
27 acquired without its consent, ~~provided further that no~~
28 ~~and~~ real property or any right or interest therein in
29 the property owned by any public utility company,
30 pipeline company, railway or transportation company
31 vested with the right of eminent domain under the laws
32 of this state, shall not be acquired without the
33 consent of such the company, or without first
34 securing, after due notice to such the company and
35 after hearing, a certificate authorizing condemnation
36 of such the property from the board, commission or
37 body having the authority to grant a certificate
38 authorizing condemnation. In a condemnation
39 proceeding, if a municipality proposes to take a part
40 of a lot or parcel of real property, the municipality
41 shall also take the remaining part of the lot or
42 parcel if requested by the owner."

43 3. Page 4, line 5, by striking the word
44 "redevelopment" and inserting the following:
45 "redevelopment,".

H-3861 FILED APRIL 17, 1985

RECEIVED FROM THE SENATE

House concurred 4/26/85 (p. 1918)

domain. Property already devoted to a public use may be acquired in like manner:--~~Provided, that no.~~ However, real property belonging to the state, or any political subdivision thereof of this state, may shall not be acquired without its consent, ~~provided further that no~~ and real property or any right or interest therein in the property owned by any public utility company, pipeline company, railway or transportation company vested with the right of eminent domain under the laws of this state, shall not be acquired without the consent of such the company, or without first securing, after due notice to such the company and after hearing, a certificate authorizing condemnation of such the property from the board, commission or body having the authority to grant a certificate authorizing condemnation. In a condemnation proceeding, if a municipality proposes to take a part of a lot or parcel of real property, the municipality shall also take the remaining part of the lot or parcel if requested by the owner.

Sec. 5. Section 403.17, subsection 9, Code 1985, is amended to read as follows:

9. "Blighted area" ~~shall mean~~ means an area of a municipality within which the local governing body of the municipality determines that 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, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such these factors, substantially impairs or arrests the sound growth of a municipality, retards the provision 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:--~~Provided, that if~~

~~such blighted area consists of open land, the conditions contained in the proviso in section 403.5, subsection 4, shall apply:--And provided further, that any.~~ A disaster area referred to in section 403.5, subsection 7, ~~shall constitute~~ constitutes a "blighted area".

Sec. 6. Section 403.17, subsection 10, unnumbered paragraph 1 and paragraph a, Code 1985, are amended to read as follows:

"Urban renewal project" may include undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, may include the designation and development of an economic development area in an urban renewal area, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal program. Such The undertakings and activities may include:

a. Acquisition of a slum area, ~~or a~~ blighted area, economic development area, or portion thereof of the areas;

Sec. 7. Section 403.17, subsection 11, Code 1985, is amended to read as follows:

11. "Urban renewal area" means a slum area, ~~or a~~ blighted area, economic development area, or a combination thereof of the areas, which the local governing body designates as appropriate for an urban renewal project.

Sec. 8. Section 403.17, subsection 12, paragraph b, Code 1985, is amended to read as follows:

b. Be sufficiently complete to indicate such the land acquisition, demolition and removal of structures, redevelopment, development, improvements, and rehabilitation ~~as may be~~ proposed to be carried out in the urban renewal area, and to indicate zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plans plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public

HOUSE FILE 494

AN ACT

AUTHORIZING ECONOMIC DEVELOPMENT AS A PURPOSE FOR APPROVAL
OF AN URBAN RENEWAL PLAN AND AN URBAN RENEWAL PROJECT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 403.2, Code 1985, is amended by adding the following new subsection after subsection 2:

NEW SUBSECTION. 3. It is further found and declared that there exists in this state the continuing need for programs to alleviate and prevent conditions of unemployment; and that it is accordingly necessary to assist and retain local industries and commercial enterprises to strengthen and revitalize the economy of this state and its municipalities; that accordingly it is necessary to provide means and methods for the encouragement and assistance of industrial and commercial enterprises in locating, purchasing, constructing, reconstructing, modernizing, improving, maintaining, repairing, furnishing, equipping, and expanding in this state and its municipalities; that accordingly it is necessary to authorize local governing bodies to designate areas of a municipality as economic development areas for commercial and industrial enterprises; and that it is also necessary to encourage the location and expansion of commercial enterprises to more conveniently provide needed services and facilities of the commercial enterprises to municipalities and the residents of the municipalities. Therefore, the powers granted in this chapter constitute the performance of essential public purposes for this state and its municipalities.

Sec. 2. Section 403.4, subsections 1 and 2, Code 1985, are amended to read as follows:

1. One or more slum or, blighted or economic development areas exist in such the municipality.

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

Sec. 3. Section 403.5, subsection 1, Code 1985, is amended to read as follows:

1. A municipality shall not approve an urban renewal project for an urban renewal area unless the governing body has, by resolution, determined such the area to be a slum area, ~~or~~ a blighted area, economic development area or a combination ~~thereof~~ of those areas, and designated such the area as appropriate for an urban renewal project. The local governing body shall not approve an urban renewal plan until a general plan for the municipality has been prepared. For this purpose and other municipal purposes, authority is hereby vested in every municipality to prepare, to adopt and to revise from time to time, a general plan for the physical development of the municipality as a whole, giving due regard to the environs and metropolitan surroundings. A municipality shall not acquire real property for an urban renewal project unless the local governing body has approved the urban renewal project in accordance with subsection 4 hereof.

Sec. 4. Section 403.7, Code 1985, is amended to read as follows:

403.7 CONDEMNATION OF PROPERTY.

A municipality shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it may deem necessary for or in connection with an urban renewal project under this chapter. A municipality may exercise the power of eminent domain in the manner provided in chapter 472, and ~~acts~~ Acts amendatory thereof to that chapter or supplementary thereto to that chapter, or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provisions for the exercise of the power of eminent

transportation, public utilities, recreational and community facilities, and other public improvements.

Sec. 9. Section 403.17, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 20. "Economic development area" means an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises.

Sec. 10. This Act, being deemed of immediate importance, takes effect from and after its publication in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa, and in The Sioux City Journal, a newspaper published in Sioux City, Iowa.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 494, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 1, 1985

TERRY E. BRANSTAD
Governor

H.F. 494