

(R753, H2046)

No. 516

An Act To Implement The Amendment To Article I, Section 17, Of The Constitution Of South Carolina, 1895, As Amended, Relating To Slum Clearance And Redevelopment By Incorporated Municipalities And Other Public Authorities In Greenville County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Purpose of act.—The purpose of this act is to implement the amendment to Article 1, Section 17, Constitution of South Carolina, 1895, proposed by Joint Resolution No. 1536, Acts and Joint Resolutions of the General Assembly of 1968, as thereafter approved by the qualified electors in the general election, 1968, and as ratified by act of the General Assembly of 1969 bearing ratification No. 271. This act shall be deemed cumulative and additional to all other provisions of the law affecting municipalities in Greenville County and affecting slum clearance, redevelopment or urban renewal work in such municipalities. Any existing provisions of law which have heretofore for any reason been ineffective prior to the ratification of such constitutional amendment are hereby declared to be henceforth effective within Greenville County to the fullest applicable extent, except to extent specifically or by implication modified hereby.

SECTION 2. Redevelopment work confirmed.—The authority of municipalities and housing and redevelopment authorities in Greenville County to carry out slum clearance and redevelopment work in areas public or private, including streets and rights-of-way, designated by such municipalities or authorities is hereby confirmed and such municipalities or authorities now existing or hereafter established may exercise all the power and authority now authorized by law, or hereafter vested therein, through the action of a city council or through any housing or redevelopment authority now existing by law or hereafter established in those municipalities.

SECTION 3. Redevelopment authority.—(a) The governing body of any municipality in Greenville County may create by ordinance a public body corporate and politic to be known as the "Redevelopment Authority" of the municipality, and there is hereby created in Greenville County the Greenville County Redevelopment Authority.

(b) The redevelopment authority of each municipality may function within the corporate limits of the respective municipality, and the county authority may function throughout the county outside the corporate limits of any municipality.

(c) The respective redevelopment authorities of each incorporated municipality shall consist of five commissioners appointed by the respective city or town councils. The Greenville County Redevelopment Authority shall consist of five commissioners appointed by a majority of the county council.

(d) The term of office of the commissioners of each authority shall be five years; *provided*, that of those first appointed one shall be appointed for one year, one for two years, one for three years, one for four years and one for five years.

(e) Commissioners of a redevelopment authority shall receive no compensation for services but shall be entitled to all necessary expenses, including traveling expenses incurred in the discharge of the duties as a commissioner. Each commissioner shall hold office until his successor has been appointed and qualifies. A certificate of each appointment shall be filed with the clerk of the municipality in the case of municipal authority and with the county clerk of court for the county authority, and such certificates shall be conclusive evidence of the due and proper appointment of such commissioners.

SECTION 4. Powers and duties.—Each redevelopment authority shall be vested with all power and authority necessary or appropriate to carry out and effectuate the purposes for which created; *provided*, however, as a condition precedent to making any acquisition under, or utilizing, the power of eminent domain, a plan of redevelopment, including the property sought to be acquired, shall be approved, after public hearing thereon, by the governing body of the municipality as to property within the corporate limits of such municipality and by the county council as to property outside municipal corporate limits.

Subject to the foregoing condition, each authority shall have the following powers:

(1) To prepare or cause to be prepared and recommend redevelopment plans to the governing body of the municipality or county council and to undertake and carry out "redevelopment projects" within its area of operation.

(2) Within its area of operation, to make or have made all surveys, studies and plans necessary to the carrying out of its purposes

in any connection therewith to enter into or upon any land, building, or improvement thereon for such purposes and to make soundings; test borings, surveys, appraisals and other preliminary studies and investigations necessary to carry out its powers but such entry shall constitute no cause of action for trespass in favor of the owner of such land, building or improvement except for injuries resulting from negligence, wantonness or malice; and to contract or cooperate with any and all persons or agencies, public or private, in the making or carrying out of such surveys, appraisals, studies and plans.

(3) Within its area of operation, to purchase, obtain options upon, acquire by gift, grant, bequest, devise, eminent domain or otherwise, any personal or real property or any interest therein, including air rights and sub-surface rights, together with any improvements thereon, necessary or incidental to a redevelopment project; to hold, improve, clear or prepare for redevelopment any such property and, subject to the provisions and with the approval of the local governing body, sell, 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, either as an entirety to a single "redeveloper" or in parts to several redevelopers; *provided*, that the authority finds that the sale or other transfer of any such part will not be prejudicial to the sale of other parts of the redevelopment area, nor in any other way prejudicial to the realization of the redevelopment plan approved by the governing body; to enter into contracts with "redevelopers" of property containing covenants, restrictions and conditions regarding the use of such property for residential, commercial, industrial, 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 recurrency of blighted areas or to effectuate the purposes of this act; 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 to terminate such contracts and any interest in the property created pursuant thereto; to borrow money and issue bonds therefor and provide security for bonds; to insure or provide for the insurance of any real or personal property or operations of the commission 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 this act.

(4) Each authority shall have all of the authority provided for in Chapters 2, 3 and 4 of Title 36 of the 1962 Code. In exercising the power of eminent domain in connection with any redevelopment or urban renewal project, such authority thereof may utilize the provisions of Chapters 3 and 5 of Title 25 of the 1962 Code as may be determined by such authority.

(5) 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; 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 these conditions as it may deem reasonable and appropriate.

(6) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be lawful for guardians, executors, administrators or other fiduciaries under the laws of this State; to redeem its bonds at redemption price established therein or to purchase its bonds at less than redemption price, all bonds so redeemed or purchased to be cancelled.

(7) To make such expenditures as may be necessary to carry out the purposes of this act; and to make expenditures from funds obtained from the federal government.

(8) To sue and be sued.

(9) To adopt a seal.

(10) To have perpetual succession.

(11) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and any contract or instrument when signed by the chairman or vice-chairman and secretary or assistant secretary, or treasurer or assistant treasurer of the authority shall be held to have been properly executed for and on its behalf.

(12) To make and from time to time amend and repeal bylaws, rules, regulations and resolutions.

(13) To make available to the government or municipality or any appropriate agency, board or commission the recommendations of the authority affecting any area in its field of operation or property

therein, which it may deem likely to promote the public health, morals, safety or welfare.

(14) The city council of a municipality or the county council may further define the powers of the respective redevelopment authorities and prescribe the rules and regulations necessary for the orderly carrying out of its purposes.

SECTION 5. Sales to private persons.—When property, including air or sub-surface rights, acquired through condemnation is made available to or sold to a private person for a purpose in accordance with the redevelopment plan, such sale shall be made for the highest price obtainable through the taking of competitive bids; *provided*, however, such property may be sold or leased at less than the highest price obtainable, provided a public hearing is held by the authority and it determines that the bid to be accepted meets one or more of the following standards:

(a) The proposed use would result in an assessed valuation for taxation greater than that of the high bidder;

(b) The proposed use would have a substantially greater beneficial effect upon the neighboring property, the project area and the community as a whole than that of the high bidder; or

(c) The proposed use would facilitate the relocation of persons displaced by redevelopment to a substantially greater degree than that of the high bidder.

SECTION 6. Appeals—attorney fees.—When any property acquired through condemnation is intended to be resold or leased for private purposes to private persons, the landowner may be allowed a reasonable attorney's fee in connection with any appeal which he may take from the award of the Board of Condemnation as provided herein. Such attorney's fee, which shall be fixed by the judge of the court of common pleas, shall be measured by the amount of increase awarded above the amount of the award of the Board of Condemnation and shall be taxed as a part of the court costs to be paid by the municipality. No attorney's fee shall be awarded unless the jury shall grant an increase over the award of the Board of Condemnation, and such attorney's fee shall not exceed the minimum fee prescribed by the Greenville County Bar Association fee schedule.

SECTION 7. Interested parties not to acquire interest.—No commissioner or employee of an authority shall acquire any interest, direct or indirect, in any redevelopment project or in any

property included or planned to be included in any redevelopment area, or in any area which he may have reason to believe may be certified to be a redevelopment area, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used by a commission, or in any contract with a redeveloper or prospective redeveloper relating, directly or indirectly, to any redevelopment project. The acquisition of any such interest in a redevelopment project or in any such property or contract shall constitute misconduct in office. If any member or employee of an authority shall have already owned or controlled within the preceding two years any interest, direct or indirect, in any property later included or planned to be included in any redevelopment project, under the jurisdiction of the authority, or has any such interest in any contract for material or services to be furnished or used in connection with any redevelopment project, he shall disclose the same in writing to the authority and to the local governing body and such disclosure shall be entered in writing upon the minute books of the authority. Failure to make such disclosure shall constitute misconduct in office.

SECTION 8. Saving clause.—The provisions of this act are not intended to be mutually dependent upon each other and the invalidity of any sentence, paragraph or provision of this act shall not affect or disturb the remaining sentences, paragraphs or provisions unless the context clearly so requires.

SECTION 9. Displaced persons—moving costs.—When any person or business firm which rents property within an area to be redeveloped is displaced and required to move out of the redevelopment area, the authority concerned shall pay actual moving costs caused by such displacement to any area of Greenville County. The authority shall also assist such displaced persons or firms in finding comparable and suitable new locations in which to live or conduct their business.

SECTION 10. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of July, 1969.