

SENATE BILL No. 732

February 19, 1992, Introduced by Senators HONIGMAN and EHLERS and referred to the Committee on Local Government and Urban Development.

A bill to amend sections 2 and 3 of Act No. 208 of the Public Acts of 1949, entitled as amended

"An act to authorize cities, villages and townships of this state to designate neighborhood areas for the purpose of planning and carrying out local public improvements for the prevention of blight within such areas; to authorize assistance in carrying out plans for local improvements by the acquisition and disposal of real property in such areas; to provide for the combining of neighborhood improvements that benefit the entire neighborhood into 1 improvement project; to provide for the establishment of local assessment districts coterminous with the neighborhood boundaries; to prescribe the methods of financing the exercise of these powers, and to declare the effect of this act,"

being sections 125.942 and 125.943 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 3 of Act No. 208 of the Public
2 Acts of 1949, being sections 125.942 and 125.943 of the Michigan
3 Compiled Laws, are amended to read as follows:

1 Sec. 2. ~~The following terms whenever used or referred to~~
2 ~~in this act shall have the following respective meanings, unless~~
3 ~~a different meaning clearly appears from the context:~~

4 ~~Wherever appropriate the singular includes the plural and~~
5 ~~plural includes the singular;~~

6 ~~"Neighborhood area" shall mean a portion of a municipality~~
7 ~~which has been delimited as a neighborhood unit in a plan of~~
8 ~~neighborhoods adopted by the legislative body, which plan shall~~
9 ~~have the function of designating the service area of elementary~~
10 ~~schools, playgrounds or other local improvements;~~

11 ~~"Real property" shall include land, building improvements,~~
12 ~~land under water, waterfront property and any and all easements,~~
13 ~~franchises and hereditaments, corporeal or incorporeal, and every~~
14 ~~estate, interest, privilege, easement, franchise and right there~~
15 ~~in, or appurtenant thereto, legal or equitable, including rights~~
16 ~~of way, terms for years, and liens, charges or incumbrances by~~
17 ~~mortgage, judgment or otherwise;~~

18 ~~"Municipality" shall mean any duly incorporated city, vil-~~
19 ~~lage, or township;~~

20 ~~"Legislative body" shall mean the city council, city commis-~~
21 ~~sion, board of aldermen, township board or other body having the~~
22 ~~power to pass ordinances or measures and to otherwise legislate~~
23 ~~concerning city, village or township affairs;~~

24 ~~"Public use" when used with reference to land reserved for~~
25 ~~such purpose shall mean and be deemed to relate to such uses as~~
26 ~~are for the general benefit of the public, such as schools,~~
27 ~~libraries, public institutions, administration buildings, parks,~~

~~1 boulevards, playgrounds, streets, alleys, easements or sewers,
2 public lighting, water, gas or other similar utilities, or
3 improvements,~~

~~4 "Privately owned lands" shall mean all land not held by the
5 municipal body, county, state or federal government for public
6 purposes,~~

~~7 "Owner" shall mean any person, or persons, natural or corpo-
8 rate, owning a legal or equitable title to the land,~~

~~9 "Project" shall mean all of the undertakings herein autho-
10 rized for the improvement of a neighborhood area.~~

11 UNLESS A DIFFERENT MEANING CLEARLY APPEARS FROM THE CONTEXT, AS
12 USED IN THIS ACT:

13 (A) "LEGISLATIVE BODY" MEANS THE CITY COUNCIL, CITY COMMIS-
14 SION, CITY BOARD OF ALDERMEN, VILLAGE COUNCIL, TOWNSHIP BOARD, OR
15 OTHER BODY HAVING THE POWER TO PASS ORDINANCES OR MEASURES AND TO
16 OTHERWISE LEGISLATE CONCERNING CITY, VILLAGE, OR TOWNSHIP
17 AFFAIRS.

18 (B) "MUNICIPALITY" MEANS A DULY INCORPORATED CITY, VILLAGE,
19 OR TOWNSHIP.

20 (C) "NEIGHBORHOOD AREA" MEANS A PORTION OF A MUNICIPALITY
21 THAT HAS BEEN DELIMITED AS A NEIGHBORHOOD UNIT IN A PLAN OF
22 NEIGHBORHOODS ADOPTED BY THE LEGISLATIVE BODY.

23 (D) "OWNER" MEANS A PERSON HAVING LEGAL OR EQUITABLE TITLE
24 TO LAND.

25 (E) "PARK" MEANS AN AREA OF LAND OR WATER, OR BOTH, DEDI-
26 CATED TO 1 OR MORE OF THE FOLLOWING USES:

1 (i) RECREATIONAL PURPOSES, INCLUDING, BUT NOT LIMITED TO,
2 LANDSCAPED TRACTS; PICNIC GROUNDS; PLAYGROUNDS; ATHLETIC FIELDS;
3 CAMPS; CAMPGROUNDS; ZOOLOGICAL AND BOTANICAL GARDENS; SWIMMING,
4 BOATING, HUNTING, FISHING, AND BIRDING AREAS; AND FOOT, BICYCLE,
5 AND BRIDLE PATHS.

6 (ii) OPEN OR SCENIC SPACE.

7 (iii) ENVIRONMENTAL, CONSERVATION, NATURE, OR WILDLIFE
8 AREAS.

9 (iv) GREENBELT OR BUFFER STRIP.

10 (F) "PRIVATELY OWNED LANDS" MEANS LAND NOT HELD BY THE
11 MUNICIPAL BODY, THE COUNTY, OR THE STATE OR FEDERAL GOVERNMENT
12 FOR PUBLIC PURPOSES.

13 (G) "PROJECT" MEANS THE UNDERTAKINGS AUTHORIZED BY THIS ACT
14 FOR THE IMPROVEMENT OF A NEIGHBORHOOD AREA.

15 (H) "PUBLIC USE" MEANS, IF USED WITH REFERENCE TO LAND, USES
16 FOR THE GENERAL BENEFIT OF THE PUBLIC, INCLUDING, BUT NOT LIMITED
17 TO, SCHOOLS, LIBRARIES, PUBLIC INSTITUTIONS, ADMINISTRATION
18 BUILDINGS, PARKS, BOULEVARDS, PLAYGROUNDS, PARKING FACILITIES,
19 STREETS, ALLEYS, EASEMENTS, SEWERS, PUBLIC LIGHTING, WATER, OR
20 GAS.

21 (I) "REAL PROPERTY" INCLUDES LAND, BUILDING IMPROVEMENTS,
22 LAND UNDER WATER, WATERFRONT PROPERTY, EASEMENTS, FRANCHISES,
23 HEREDITAMENTS, AND EVERY INTEREST, PRIVILEGE, AND RIGHT IN OR
24 APPURTENANT TO THESE, INCLUDING RIGHTS OF WAY, TERMS FOR YEARS,
25 LIENS, CHARGES, AND ENCUMBRANCES.

26 Sec. 3. (1) The following plans, statements, and actions
27 are ~~hereby made~~ requisite for ~~—, and a condition of, —~~ the

1 exercise of the powers ~~herein~~ granted BY THIS ACT for the
 2 acquisition, disposal, or lease of real property ~~for the~~
 3 ~~carrying~~ TO CARRY out ~~of~~ a neighborhood betterment plan in a
 4 neighborhood area: ~~+~~

5 (a) A master plan of the municipality approved by the plan-
 6 ning commission and adopted by the legislative body ~~+~~ or a
 7 master plan sufficiently advanced to permit the designation of
 8 neighborhood areas and so approved and adopted. ~~+~~

9 (b) A plan of neighborhoods that sets forth precisely ~~+~~
 10 the location of neighborhood areas within the municipality,
 11 approved by the planning commission ~~+~~ and ~~which has been~~
 12 adopted by the legislative body. ~~Such a~~ THE plan ~~must~~ SHALL
 13 conform ~~with~~ TO the master plan of the municipality ~~+~~ AND
 14 DESIGNATE THE SERVICE AREA OF ELEMENTARY SCHOOLS, PLAYGROUNDS, OR
 15 OTHER LOCAL IMPROVEMENTS.

16 (c) A neighborhood betterment plan THAT IS approved by the
 17 planning commission and adopted by the legislative body ~~after~~
 18 ~~public hearing thereon as hereinafter provided of~~ AND THAT
 19 COVERS the neighborhood area in which is located the land pro-
 20 posed to be acquired for improvement purposes.

21 (2) ~~Such~~ THE NEIGHBORHOOD BETTERMENT plan REQUIRED UNDER
 22 SUBSECTION (1) shall designate the location, extent, character,
 23 and estimated cost of the improvements contemplated for the area
 24 ~~+~~ and may include ~~any or all of the following improvements:~~
 25 ~~Partial~~ PARTIAL or total vacation of plats ~~+~~ or replatting;
 26 opening, widening, straightening, extending, vacating, ~~or~~
 27 closing, BEAUTIFYING, PROVIDING ENVIRONMENTAL SERVICES FOR, OR

1 ENSURING SAFETY ON streets, alleys, or walkways; locating or
2 relocating water mains, sewers, or other public utilities; paving
3 ~~of~~ streets, alleys, or sidewalks in special situations;
4 PROVIDING SNOW REMOVAL FOR STREETS AND ALLEYS; acquiring parks,
5 playgrounds, or other recreational areas or facilities;
6 ~~elimination of~~ ACQUIRING OR CONSTRUCTING PARKING FACILITIES;
7 ELIMINATING nonconforming uses; ~~rehabilitation of~~
8 REHABILITATING blighted areas; street tree planting; ~~green~~
9 ~~belts, or buffer strips~~ PLANNING, COMMUNICATION ABOUT, AND
10 DEVELOPMENT OF HOUSING AND COMMERCIAL PROPERTY; ACTIVITIES AND
11 OTHER SERVICES RELATED TO PRESERVATION OF THE NEIGHBORHOOD AREA;
12 and other appropriate public improvements. The NEIGHBORHOOD
13 BETTERMENT plan shall also include a feasible method for the
14 relocation of families AND INDIVIDUALS who will be displaced from
15 the area in decent, safe, and sanitary ~~dwelling accommodations~~
16 DWELLINGS within their means and without undue hardship to ~~such~~
17 THOSE families AND INDIVIDUALS.

18 (3) The local legislative body, ~~prior to~~ BEFORE adopting a
19 neighborhood betterment plan, shall hold a public hearing
20 ~~thereon~~ ON THE PLAN. Notice of time and place of ~~such~~ THE
21 hearing shall be given by publication in a newspaper of general
22 circulation not less than 30 days ~~prior to~~ BEFORE the date set
23 for ~~such~~ THE hearing. Notice of ~~such~~ THE hearing shall be
24 mailed ~~at least~~ NOT LESS THAN 15 days before ~~such~~ THE hearing
25 to the last known owner of each parcel of land in ~~such~~ THE area
26 at the last known address of ~~such~~ THE owner as shown by the
27 records of the assessor. ~~Such~~ THE notice shall contain a

1 description of the neighborhood area. ~~For purposes of this~~
2 ~~notice it shall be sufficient to describe the~~ THE neighborhood
3 area MAY BE DESCRIBED by its location in relation to highways,
4 streets, streams, or otherwise. ~~Such~~ THE notice shall
5 ~~further~~ contain a statement that maps, plats, and a particular
6 description of the NEIGHBORHOOD betterment plan are available for
7 public inspection at a suitable place, ~~to~~ WHICH SHALL be desig-
8 nated in ~~such~~ THE notice. At the time set for hearing, the
9 local legislative body shall provide an opportunity for all per-
10 sons interested to be heard and shall receive and consider commu-
11 nications in writing with reference ~~thereto~~ TO THE NEIGHBORHOOD
12 BETTERMENT PLAN.