**§ 125. Proceedings to condemn.** 1. To initiate a condemnation proceeding, an authority may adopt a resolution describing the property and declaring that the acquisition of the property is in the public interest and necessary for the public use, and that the property sought to be condemned is or will be required for a project. A certified copy of the authority's resolution shall be conclusive evidence as to the matters contained therein in any condemnation proceeding to acquire the property, or any part thereof, described in such resolution.

2. An authority may exercise the power of condemnation pursuant to the provisions of the eminent domain procedure law.

3. An authority may petition the municipality to institute proceedings under any applicable general, special or local law, to acquire property described in the petition which the authority has certified to be necessary for a project. The resolution granting the petition shall set forth the amount to be paid by the authority to the municipality for such property or in lieu thereof that the authority shall pay to the municipality all sums expended or required to be expended by the municipality in the acquisition thereof, and the time of payment and manner of securing payment thereof, and may require that the municipality shall receive, before proceeding with the acquisition of such property, such assurances as to payment or reimbursement by the authority or otherwise as the municipality may deem advisable. Upon the passage of a resolution by the local legislative body of the municipality granting the petition, the authority shall cause three copies of surveys or maps of the property described in the petition to be made, one of which shall be filed in the office of the authority, one in the office of the corporation counsel or chief law officer of the municipality, and one in the office in which instruments affecting real property in the county are recorded. The filing of such copies of surveys or maps shall be conclusive evidence of the acceptance by the authority of the terms and conditions of such resolution. The municipality may proceed under the eminent domain procedure law to acquire title to such property. When title to the property shall have vested in the municipality, it shall convey the same to the authority upon payment by the authority of the sums and the giving of the security

required by the resolution granting the petition. As soon as title shall have vested in the municipality, the authority may, upon the authorization of the mayor, enter upon the property taken, take over and dispose of existing improvements, and carry out the terms of the project with respect thereto. Whenever in connection with condemnation proceedings, requirement is made in any applicable general, special or local law for the performance of an act by a department or officer of the municipality, it shall be regarded for the purposes of this section as compliance therewith if with the approval of the mayor such act is performed by the authority or by persons specially designated by it.

4. In any proceedings for the assessment of compensation and damages for property taken or to be taken by condemnation by or for an authority, the following provisions shall be applicable:

(a) Evidence of the price and other terms upon any sale or the rent received or reserved, whichever is less, and other terms upon any option, lease or tenancy relating to any of the property taken or to be taken or to any similar property in the vicinity when the option, sale or lease was given, occurred or the tenancy existed, within a reasonable time of the trial, shall be admissible on direct examination. At any stage of the proceeding, the court or tribunal may require such prior notice to be given of an intention to introduce evidence as to the sale, option, leasing or tenancy of property other than the property directly involved in the proceeding and of particulars relating thereto as it may deem necessary to prevent surprise.

(b) The deposition of any person, whether or not a party, may be taken in the manner provided for any civil action and the provisions of this section. Such deposition may be taken upon any question or issue in the proceeding, including the facts as to any sale, option, lease or tenancy admissible in evidence pursuant to this subdivision. The deposition may be taken at the instance of the authority, the municipality or of any owner or at the direction of the court, at any time during the pendency of the action or proceeding. At least five days' notice, or if service is through the mails, at least eight days' notice, shall be given of the taking of the testimony, if on the part of an owner, to the authority and to all other owners who have appeared in the proceeding; if by the authority or a municipality, to all owners who have appeared in the

proceeding.

(c) Any time during the pendency of such action or proceedings, an authority, municipality or an owner may apply to the court for an order directing an owner or the authority or the municipality, as the case may be, to show cause why further proceedings should not be expedited, and the court may upon such application make an order requiring that the hearings proceed and that any other steps be taken with all possible expedition.

(d) For the purposes of this article, the award of compensation shall not be increased by reason of any increase in the value of the property caused by the clearance, reconstruction or proposed clearance or reconstruction for the purposes of this chapter of the property or of the area in which the property is situated. No allowance shall be made for improvements begun on property after notice to the owner of such property of the institution of the proceedings to condemn such property.

(e) Evidence shall be admissible bearing upon the insanitary, unsafe or substandard condition of the premises, or the illegal use thereof, or the enhancement of rentals from such illegal use, and such evidence may be considered in fixing the compensation to be paid, notwithstanding that no steps to remedy or abate such conditions have been taken by the department or officers having jurisdiction. If a violation order is on file against the premises in any such department, it shall constitute prima facie evidence of the existence of the condition specified in such order.

(f) If any of the property included within the project is devoted to a public use, it may nevertheless be acquired provided that no property belonging to the municipality or to any government may be acquired without its consent, and no property belonging to a public utility corporation may be acquired without the approval of the commission or other officer or tribunal having regulatory power over such corporation.

(g) Upon the trial, evidence of the price and other terms upon a sale or assignment or of a contract for the sale or assignment of a mortgage, award, proposed award, transfer of a tax lien or lien of a judgment relating to property taken, shall be relevant, material and competent, upon the issue of value or damage and shall be admissible on direct examination.

(h) Upon the trial a statement, affidavit, deposition, report,

transcript of testimony in an action or proceeding, or appraisal made or given by any owner or prior owner of the premises taken, or by any person on his behalf, to any court, governmental bureau, department or agency respecting the value of the property for tax purposes, shall be relevant, material and competent upon the issue of value or damage and shall be admissible on direct examination.

(i) The term "owner", as used in this section, shall include a person having an estate, interest or easement in the property to be acquired or a lien, charge or encumbrance thereon.