

BEDFORD TOWNSHIP ORDINANCE NO. 77A-2

AMENDMENT TO BEDFORD TOWNSHIP LUTHER HAUS
APARTMENTS PROJECT ORDINANCE

An Ordinance to provide for a service charge in lieu of taxes for a senior citizen multiple family housing project for persons of low income, to be known as the Luther Haus Apartments Project, to be financed or assisted pursuant to the provisions of the Michigan State Housing Development Authority Act of 1966, that being Public Act 346 of 1966, as amended (MCL 125.1411, *et seq.*) and/or the U.S. Housing Act of 1937 (42 U.S.C. 1437, *et seq.*), as amended by the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301, *et seq.*), to amend the Bedford Township Luther Haus Apartments Project Ordinance, Ordinance No. 77, effective August 16, 1994, by amending the definition of elderly from 55 years of age to 62 years of age and head of household, in accordance with the project financing provisions as set forth by the U.S. Department of Housing and Urban Development; to include the U.S. Housing Act of 1937 (42 U.S.C. 1437, *et seq.*), as amended by the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301, *et seq.*) as part of its statutory authority to enter into certain contracts and receive financing from; and to generally provide the public health, safety, and general welfare of the persons and property of Bedford Township; and to repeal all ordinances or parts of ordinances in conflict hereof.

THE TOWNSHIP OF BOARD OF THE TOWNSHIP OF BEDFORD, COUNTY OF
MONROE, STATE OF MICHIGAN, ORDAINS:

SECTION 1. AMENDMENT TO SECTION 2 OF ORDINANCE NO. 77

Section 2 of Bedford Township Ordinance No. 77 is hereby deleted and replaced with a new Section 2, such that the new Section 2 shall hereinafter read as follows:

Section 2. Preamble. It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Michigan State Housing Development Authority Act of 1966, that being Public Act 346 of 1966, as amended (MCL 125.1411, *et seq.*). The Township of Bedford is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for persons of low income is a public necessity, and as the Township of Bedford will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

The Township acknowledges that Lutheran Housing Services #8, Incorporated, an Ohio non-profit 501(c)(3) corporation licensed to do business in

the State of Michigan, which corporation was initially a wholly owned non-profit subsidiary corporation of The Lutheran Orphans' and Old Folks' Home Society of Toledo, Ohio, Inc., and who currently, is a wholly owned non-profit subsidiary corporation, pursuant to merger of Lutheran Homes Society, Inc., an Ohio non-profit corporation, (the "Sponsor"), and has erected, owned, and operated a housing development, identified as Luther Haus Apartments, on certain property located on Smith Road, east of the intersection of Smith and Lewis Avenue in the Township of Bedford, to serve elderly persons of low income and to include family members less than age 62 including children under the age of 18, and received an allocation under the Low Income Housing Tax Credit (LIHTC) program by the Michigan State Housing Development Authority. The Sponsor has paid, and shall continue to pay, the Township of Bedford, on account of this housing development, an annual service charge for public services in lieu of all taxes.

The Township further acknowledges that the Sponsor is in the process of refinancing the Luther Haus Apartment Project, which will require the transfer of the Project to Lutheran Housing Services #8, Non-Profit Housing Corporation, a Michigan non-profit corporation, which is wholly owned by Sponsor. Lutheran Housing Services #8, Non-Profit Housing Corporation may obtain and receive mortgage insurance pursuant to Section 223(f), or any other applicable mortgage insurance program made available by the U.S. Department of Housing and Urban Development.

The real property upon which the project is to be built is described as follows:

A parcel of land being a part of the Southwest quarter of Section 35 (as occupied), Town 8 South, Range 7 East, Bedford Township, Monroe County, Michigan and being more particularly described as follows:

Commencing at the Southwest corner of the Southwest quarter of Section 35;

Thence South 89;deg;39;min;23;sec; East, on the South line of the Southwest quarter of Section 35, a distance of 660.00 feet to a point, said point being the TRUE POINT OF BEGINNING of the parcel herein described;

Thence North 01;deg;09;min;00;sec; East, on a line being parallel with the West line of the Southwest quarter of Section 35, a distance of 827.47 feet to a point;

Thence South 89;deg;53;min;20;sec; East, a distance of 626.48 feet to a point;

Thence South 00;deg;02;min;25;sec; East, a distance of 499.95 feet to a point;

Thence South 89;deg;39;min;23;sec; East, on a line being parallel with the South line of the Southwest quarter of Section 35, a distance of 66.00 feet to a point;

Thence South 00;deg;02;min;25;sec; East, a distance of 330.00 feet to a point on the South line of the Southwest quarter of Section 35, said point being a measured distance of 1245.32 feet (formerly recorded distance of 1246.00 feet) from the Southeast corner of the Southwest quarter of Section 35, as measured on the South line of the Southwest quarter of Section 35;

Thence North 89;deg;39;min;23;sec; West, on the South line of the Southwest quarter of Section 35, a distance of 709.68 feet to the TRUE POINT OF BEGINNING of the parcel herein described, containing 12.581 acres of land, more or less, subject to all easements, zoning restrictions of record and legal highways.

Lutheran Housing Services #8, Non-Profit Housing Corporation is a Michigan non-profit corporation, authorized to conduct business in the State of Michigan, and is organized pursuant to Chapter 6 of the Michigan State Housing Development Authority Act of 1966, that being Public Act 346 of 1966, as amended (MCL 125.1411, *et seq.*) for the exclusive purpose of providing housing facilities for persons of low and moderate income.

SECTION 2. AMENDMENT TO SECTION 3, SUBSECTION F, OF ORDINANCE NO. 77

Section 3, Subsection F, of Bedford Township Ordinance No. 77 is hereby deleted and replaced with a new Subsection F, such that the new Section 3, Subsection F, shall hereinafter read as follows:

Section 3. Definitions

...F. *Elderly* means a person who is 62 years of age or older and head of household.

SECTION 3. PRIOR AND INCONSISTENT ORDINANCES REPEALED.

All ordinances or parts of ordinances in conflict with this ordinance are to the extent of such conflict repealed.

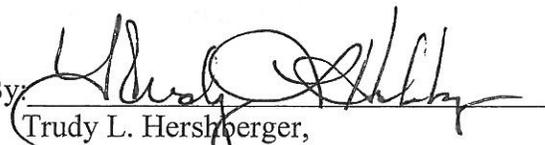
SECTION 4. SEVERABILITY.

This ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses thereof are hereby declared severable, and if any of them are adjudged to be unconstitutional or invalid, it is hereby directed that the remainder of the ordinance shall not be affected.

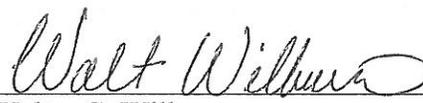
SECTION 5. EFFECTIVE DATE.

This ordinance shall become effective the 31st day after it or a summary of it is published in a newspaper of general circulation in the Township of Bedford, County of Monroe, State of Michigan.

THE TOWNSHIP BOARD, BEDFORD
TOWNSHIP, COUNTY OF MONROE,
STATE OF MICHIGAN:

By: 
Trudy L. Hershberger,
Bedford Township Clerk

AUTHENTICATED:

By: 
Walter C. Wilburn,
Bedford Township Supervisor

I, Trudy L. Hershberger, do hereby certify that I am the duly appointed and acting Clerk of the Township of Bedford, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Bedford, Monroe County, Michigan, at a regular meeting of the Township Board held at the Bedford Township Hall, Temperance, Bedford Township, Michigan, on the 10 day of July, 2012.

The vote on said Ordinance, 6 members being present and 1 members absent, was as follows:

Member's Last Name

Voting in Favor:

<u>Hauser-Hurley</u>	<u>Hershberger</u>
<u>Goebel</u>	<u>Wilburn</u>
<u>O'Dell</u>	

Voting Against:

<u>Francis</u>	
<u>none</u>	

