Neighborhood and Human Services
Memorandum

DATE: April 2, 2013

TO: Richard Bowers, Acting City Manager

FROM: Elaine Adamczyk, Housing Services Administrator
Community Housing Division

THROUGH: Sam McAllen, Interim Executive Director

SUBJECT: DECLARATION OF TRUST

The Annual Contributions Contract (ACC) is the vehicle by which the Department of Housing and Urban Development (HUD) provides funds for improvement to public housing communities.

HUD requires that public housing authorities record a Declaration of Trust (DOT) against all property that has been acquired, developed, maintained, or assisted with funds from U.S. Housing Act of 1937. The DOT is a legal instrument that grants HUD an interest in public housing property, and provides notice that the property must be operated in accordance with all public housing federal requirements, including the requirement to convey or otherwise encumber the property, unless expressly authorized by federal law and/or HUD.

The City of Glendale receives capital funds each year in order to operate and maintain the public housing communities, and therefore must file a DOT with the Maricopa County Recorder's office annually.

Attached is Resolution No. 4555, which states that the City Manager is authorized and directed to execute and deliver this and any and all future the Declaration of Trust on behalf of the City of Glendale, and that the City Clerk is instructed and authorized to record this and future Declarations of Trust with the Maricopa County Recorder's Office .

The current Declaration of Trust is attached for your signature.

Please do not hesitate to contact me at 623-930-3701 with any questions.

RESOLUTION NO. 4555 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF AN INTERGOVERNMENTAL AGREEMENT ENTITLED "DECLARATION OF TRUST (PUBLIC HOUSING MODERNIZATION GRANT PROJECTS)" WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND DIRECTING THE CITY CLERK TO RECORD SAID DECLARATION OF TRUST.

WHEREAS, the City of Glendale has entered into a Consolidated Annual Contributions Contract No. SF-446 for Low Rent Public Housing Program and Annual Contributions Contract No. SF-512 for Housing Certificate Program with the U.S. Department of Housing and Urban Development ("HUD"); and

WHEREAS, HUD now requires the annual recording of a Declaration of Trust (Public Housing Modernization Grant Projects) for all cities and towns receiving federal funds for their respective low-income resident housing facilities.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That it is deemed in the best interest of the City of Glendale and the citizens thereof that an intergovernmental agreement entitled, "Declaration of Trust (Public Housing Modernization Grant Projects)" with HUD be entered into, which declaration is now on file in the office of the City Clerk of the City of Glendale.

SECTION 2. That the City Manager is hereby authorized and directed to execute and deliver said Declaration of Trust on behalf of the City of Glendale. The City Manager is hereby further authorized and directed to execute and deliver any and all future annual Declarations of Trust required by HUD relating to the City of Glendale's low rent public housing program.

SECTION 3. That the City Clerk be instructed and authorized to record this and future Declarations of Trust with the Maricopa County Recorder's Office.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 27th day of March, 2012.

MAYOR

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
ELECTRONIC RECORDING
20130327513,04/11/2013 09:03,
C8422-4-1-1--,N

Recorded by:
City Clerk's Office
City of Glendale
5850 West Glendale Avenue
Glendale, Arizona 85301

CITY OF GLENDALE, ARIZONA

DECLARATION OF TRUST

(Agreement C-8422)

(PLEASE DO NOT REMOVE ~ THIS IS PART OF THE OFFICIAL DOCUMENT)

CITY CLERK ORIGINAL

C-8422
04/10/2013

Declaration of Trust

(Public Housing Modernization Grant Projects)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB No. 2577-0270
exp. 09/30/2013

Whereas, (1, see instructions) City of Glendale (herein called the Public Housing Agency (PHA), a public body corporate and politic, duly created and organized pursuant to and in accordance with the provisions of the laws of the (2) State of Arizona, and the United States of America, Secretary of Housing and Urban Development (herein called HUD) pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437, et seq.) and the Department of Housing and Urban Development Act (5 U.S.C. 624) entered into a certain contract with the effective date as of (mm/dd/yyyy) (3) 7/30/1971, (herein called the Annual Contributions Contract) and a certain Modernization Project Grant Amendment to the Annual Contributions Contract with the effective date as of (mm/dd/yyyy) (4) 7/1/2012, (herein called the Modernization Grant Amendment) providing for a grant to be made by HUD to assist the PHA in modernizing lower income housing project(s); and

Whereas, as of the date of the execution of this Declaration of Trust, the Modernization Grant Amendment and the Annual Contributions Contract cover certain individual lower income housing projects located in: (5) the City of Glendale, County of Maricopa, State of Arizona which will provide approximately (6) 155 dwelling units; and which lower income housing projects are known as Modernization Project No. (7) AZ20P00350113 and individual projects as follows:

Project No. (8) AZ003001 with approximately 51 dwelling units,
Project No. (8) AZ003002 with approximately 70 dwelling units, and
Project No. (8) AZ003004 with approximately 34 dwelling units; and

Whereas, the modernization of each Project will have been financed with grant assistance provided by HUD.

Now Therefore, to assure HUD of the performance by the PHA of the covenants contained in the Modernization Grant Amendment and the Annual Contributions Contract, the PHA does hereby acknowledge and declare that it is possessed of and holds in trust for the benefit of HUD, for the purposes herein stated, the following described real property situated in: (9)

the City of Glendale, County of Maricopa, State of Arizona

To Wit: (Insert legal description for each individual project.)(10)

See Exhibit A, attached

and all buildings and fixtures erected or to be erected thereon or appurtenant thereto.

The PHA hereby declares and acknowledges that during the existence of the trust hereby created, HUD has been granted and is possessed of an interest in the above described Project property, **To Wit:**

The right to require the PHA to remain seized of the title to said property and to refrain from transferring, conveying, assigning, leasing, mortgaging, pledging, or otherwise encumbering or permitting or suffering any transfer, conveyance, assignment, lease, mortgage, pledge or other encumbrance of said property or any part thereof, appurtenances thereto, or any rent, revenues, income, or receipts therefrom or in connection therewith, or any of the benefits or contributions granted to it by or pursuant to the Modernization Grant Amendment and the Annual Contributions Contract, or any interest in any of the same except that the PHA may (1) to the extent and in the manner provided in the Annual Contributions Contract, (a) lease dwellings and other spaces and facilities in any Project, or (b) convey or otherwise dispose of any real or personal property which is determined to be excess to the needs of any Project, or (c) convey or dedicate land for use as streets, alleys, or other public right-of-way, and grant easements for the establishment, operation, and maintenance of public utilities; or (d) enter into and perform contracts for the sale of dwelling units to members of tenant families, as authorized by the United States Housing Act of 1937, or (2) with the approval of HUD, release any Project from the trust hereby created; Provided, That nothing herein contained shall be construed as prohibiting the conveyance of title to or the delivery of possession of any Project to HUD pursuant to the Annual Contributions Contract.

The endorsement by a duly authorized officer of HUD (1) upon any conveyance or transfer made by the PHA of any real or personal property which is determined to be excess to the needs of any Project, or (2) upon any instrument of conveyance or dedication of property, or any interest therein, for use as streets, alleys, or other public right-of-way, or for the establishment, operation and maintenance of public utilities, or (3) upon any instrument transferring or conveying a dwelling unit, or an interest therein, to a member of a tenant family, or (4) upon any instrument of release made by the PHA of any Project shall be effective to release such property from the trust hereby created.

The individual projects covered by the Modernization Grant Amendment shall be subject to this Declaration of Trust for a period of twenty years beginning on the date of the Modernization Grant Amendment. Each individual project shall also be subject to this Declaration of Trust for a period of twenty years after the date of the most recent Modernization Grant Amendment applicable to that project. Upon expiration of the period during which the PHA is obligated to operate the individual projects in accordance with the Annual Contributions Contract, the trust hereby created shall terminate and no longer be effective.

In Witness Whereof, the PHA by its officers thereunto duly authorized has caused these presents to be signed in its name and its corporate seal to be hereunto affixed and attested this date (mm/dd/yyyy) 04/10/2013.

(Seal)

Approved as to form

City Attorney

(1, see instructions)

By _____ Chairperson

Attest _____ Secretary

Date (mm/dd/yyyy) 04/10/13

Instructions for Completing form HUD-52190-B, Declaration of Trust (Public Housing Modernization Grant Projects)

Promptly after execution of an ACC Modernization Grant Amendment, HUD Counsel shall prepare and transfer to the PHA, form HUD-52190-B, Declaration of Trust (Public Housing Modernization Grant Projects), which shall cover all of the individual projects included in the modernization grant project. The letter transmitting the Declaration of Trust shall instruct the PHA to complete, execute, and record the Declaration of Trust and provide HUD Counsel with a copy as soon as it has been recorded. (Counsel for the PHA will be responsible for providing the legal description for the individual projects if HUD Counsel does not have this information in his/her files.)

The following instructions pertain to the use of the blank spaces in form HUD-52190-B:

1. Insert the name of the Public Housing Agency as it appears in the Modernization Grant Amendment.

2. Insert the name of the general governmental unit, indicating whether it is a State or Commonwealth.

3. Insert the date of the Annual Contributions Contract which has been amended by addition of the Modernization Grant Amendment.

4. Insert the effective date of the Modernization Grant Amendment.

5. Insert the names of the political subdivisions in which the housing projects covered by the Modernization Grant Amendment are located, e.g., City of _____, County of _____, State of _____.

6. Insert the approximate total number of units included in the modernization grant project.

7. Insert the modernization project number.

8. Insert the individual project number and approximate number of units for each individual project included in the modernization grant project. If more than three projects are included, add additional entries.

9. Same as Item 5.

10. Insert legal description for each individual project or of each individual unit comprising a project (e.g., single-family detached or semi-detached units operated in accordance with the Turnkey III or other Homeownership Program.)

Exhibit A

Project No. AZ003001

Declaration of Trust

REAL PROPERTY DESCRIPTION

LOT 1, BLOCK 5, ORCHARD ADDITION TO GLENDALE; AND THE SOUTH 424.64 FEET OF LOT 2, BLOCK 5, ORCHARD ADDITION TO GLENDALE, EXCEPT THE WEST 30 FEET THEREOF; AND EXCEPT THE NORTH 85 FEET OF THE SOUTH 259.03 FEET OF LOTS 1 AND 2, BLOCK 5; AND EXCEPT THAT PART OF LOT 1, BLOCK 5, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, THENCE SOUTH ALONG THE WEST LINE OF LOT 1 A DISTANCE OF 12 FEET, THENCE EAST TO A POINT 10 FEET WEST OF THE EAST LINE OF LOT 1, THENCE SOUTHEAST TO A POINT ON THE EAST LINE OF LOT 1, SAID POINT BEING 22 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 1, THENCE NORTH TO THE NORTHEAST CORNER, THENCE WEST TO THE POINT OF BEGINNING.

(SOUTHWEST CORNER OF 61ST AVENUE AND GLENDALE AVENUE)

144-09-012A

Project No. AZ003002

The West half of Lot One (1), Block Two (2) WOODFORD ADDITION to Glendale, according to the plat thereof of record in the office of the County Recorder of Maricopa County, Arizona, in Book 2 of Maps, at page 54 thereof.

The East half of Lot Two (2), Block Two (2), in WOODFORD ADDITION, to Glendale, according to the plat thereof of record in the office of the County Recorder of Maricopa County, Arizona, in Book 2 of Maps, at page 54, thereof.

Project No. AZ003004

The South half of the West half of the West half of Lot 9, Block 2, WOODFORD ADDITION, per map recorded in Book 2, Page 54 of Maps, and the South 20 feet of the North half of the West half of the West half of said Lot 9, Block 2, also that part of Block 16, SUGAR ADDITION AMENED. per map recorded in Book 8, Page 19 of Maps, lying South of the Westerly extention of the East and West center line of said Lot 9, Block 2; also the South 20 feet of that part of said Block 16 situated North of said center line; said center line being defined as located midway between the North line of said Lot 9, Block 2 and the South line of the Northeast quarter of Section Eight (8), Township Two (2) North, Range Two (2) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.