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MEMORANDUM COMMUNITY & NEIGHBORHOOD SERVICES DEPARTMENT CNS16-134

DATE: MAY 12, 2016

TO: MAYOR AND COUNCIL

THRU: MARSHA REED, CITY MANAGER MR
NACHIE MARQUEZ, ASSISTANT CITY MANAGER NM

FROM: LEAH POWELL, ACTING HOUSING AND REDEVELOPMENT MANAGER

SUBJECT: RESOLUTION NO. 4953 AUTHORIZING THE EXECUTION AND RECORDATION OF A DECLARATION OF TRUST FOR PUBLIC HOUSING PROPERTY IN FAVOR OF THE UNITED STATES OF AMERICA

RECOMMENDATION: Staff recommends City Council pass and adopt Resolution No. 4953 authorizing and approving the execution and recordation of a Declaration of Trust for Public Housing property in favor of the United States of America.

SUMMARY: The Department of Housing and Urban Development (HUD) requires Public Housing Authorities to record Declarations of Trust against all Public Housing property that is acquired, developed, and maintained with HUD funds. This requirement ensures the accuracy of HUD subsidy calculations and payments under the Operating Fund and Capital Fund as well as expedites HUD's processing and approvals of other federal public housing programs.

BACKGROUND: As Resolution No. 4953 indicates, the Housing and Redevelopment Division is requesting to authorize and record a Declaration of Trust for Project No. AZ20P028011. In 1996, the City acquired a number of parcels of varying sizes and constructed 25 units of Public Housing on those parcels. Recently, staff worked to have those parcels subdivided so each housing unit would have its own lot and parcel number.

The City of Chandler is in compliance with the requirement for Declarations of Trust for all Public Housing properties with the exception of the 25 properties referenced above. Staff would recommend moving forward with recording each parcel as soon as possible to bring Chandler into full compliance.

This item was approved by the Housing and Human Services Commission at their May 4, 2016, meeting and is scheduled for approval by the Public Housing Authority Commission on May 9, 2016.

FINANCIAL IMPLICATIONS: All costs associated with the recording of the Declaration of Trust are funded by HUD.

PROPOSED MOTION: Move City Council pass and adopt Resolution No. 4953 authorizing the execution and recordation of a Declaration of Trust for Public Housing property in favor of the United States of America.

Attachments: Resolution No. 4953
Declaration of Trust
Project No. AZ20P028011

RESOLUTION NO. 4953

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE EXECUTION AND RECORDATION OF A DECLARATION OF TRUST FOR PUBLIC HOUSING PROPERTY IN FAVOR OF THE UNITED STATES OF AMERICA

WHEREAS, the City of Chandler (hereinafter called the "Local Authority") and the United States of America, heretofore entered into an Annual Contributions Contract dated March 29, 1971, which [as amended] includes funding for a Low-Rent Housing Project known as Project No. AZ20P028011; and

WHEREAS, under the provision of said Annual Contributions Contract, it is provided that the Local Authority shall execute, record and deliver to Declaration of Trust in the favor of the United States of America;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Arizona, as follows:

SECTION ONE. The Declaration of Trust pertaining to said Project is hereby approved and accepted, both to form and substance and the Mayor is hereby authorized and directed to execute said Declaration of Trust, the City Clerk is hereby authorized to attest and impress the seal thereon, and thereafter the instrument shall be recorded in the manner required by the laws of the State of Arizona.

SECTION TWO. This Resolution shall take effect immediately.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, the _____ day of _____, 2016.

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. _____ was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on ___ day of _____, 2016 and that a quorum was present thereat.

APPROVED AS TO FORM:

_____ _____

CITY ATTORNEY GAO MAYOR

_____

CITY CLERK

Declaration of Trust
(Development Grant Projects *)

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

OMB No.2577-0075
exp. 10/31/2017

Whereas, (1, see instructions) the City of Chandler, Housing and Redevelopment Division (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 or ordinances 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 effective date as of (mm/dd/yyyy) (3) 03/29/1971, (herein called the Annual Contributions Contract) and a certain Development Project Grant Amendment to the Annual Contributions Contract with the effective date as of (mm/dd/yyyy) (4) 12/05/1995, providing for a grant to be made by HUD to assist the PHA in financing a lower income housing project; and

Whereas, as of the date of the execution of this Declaration of Trust, the Development Project Grant Amendment and the Annual Contributions Contract cover the lower income housing project located in: (5) the State of Arizona, County of Maricopa, City of Chandler,

which will provide approximately (6) 25 dwelling units; and which lower income housing project will be known as: Project No. (7) AZ20P028011; and

Whereas, the Project and acquisition of the site or sites thereof 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 Development Project Grant Amendment and 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 hereinafter stated, the following described real property situated in: (8) the State of Arizona, County of Maricopa, City of Chandler

To Wit: (Insert legal description for the project.) (9) See Exhibit "A" (25 single-family detached homes)

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 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 the Project, or (b) convey or otherwise dispose of any real or personal property which is determined to be excess to the needs of the 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, 42 U.S.C. 1437, et seq., or (2), with the approval of HUD, release the 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 the 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 the 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 the Project shall be effective to release such property from the trust hereby created.

Upon expiration of the period during which the PHA is obligated to operate the Project 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)__.

(Seal)
(1, see instructions)

By_____Chairperson/Mayor

Attest_____Secretary/City Clerk

Date (mm/dd/yyyy) _____

APPROVED AS TO FORM
CITY ATTORNEY GAB

Project No. AZ20P028011		
25 Single-Family Detached Homes	**Maricopa County Parcel number**	**Legal Description**
401 S. Colorado St	303-18-081	**Lots 52, 83 and 84, DOBSON ADDITION, according to Book 36 of Maps, page 18, records of Maricopa County, Arizona. Affidavit of value exempt per ARS 42-1614 (A) (3).** Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, warrants the title against all persons whomsoever.
402 S. Colorado St	303-18-050	**Lots 52, 83 and 84, DOBSON ADDITION, according to Book 36 of Maps, page 18, records of Maricopa County, Arizona. Affidavit of value exempt per ARS 42-1614 (A) (3).** Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, warrants the title against all persons whomsoever.
454 S. Colorado St	303-18-062	**Lot 64, DOBSON ADDITION, according to Book 36 of Maps, page 18, records of Maricopa County, Arizona. Exempt per ARS 42-1614-A3.** Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, warrants the title against all persons whomsoever.
455 S. Colorado St	303-18-093	**Lot 95, DOBSON ADDITION, according to Book 36 of Maps, Page 18, records of Maricopa County, Arizona.** Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, warrants the title against all persons whomsoever.
701 S. Colorado St	303-17-150	**Lot 15 and the East 35 feet of Lot 16, KESLER ADDITION, according to Book 27 of Maps, Page 24, records of Maricopa County Arizona; EXCEPT the East 45 feet of the South 150 feet of Lot 15.** Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, warrants the title against all persons whomsoever.
721 S. Colorado St	303-17-149	**Description: KESLER ADDITION LOTS 14 THRU 16 AMD LOT 5** **Parcel No. 1:** **The West Half of Lot 14, Lot 15 And the East 35 Feet of Lot 16, Kesler Addition, According to Book 27 of Maps, Page 24, Records of Maricopa County, Arizona;** **Parcel No. 2:** **That Part of Kesler Lans as Shown on the Plat of Kesler Addition, accroding to Book 27 of Maps, Page 24, Records of Maricopa County, Arizona, More Particularly Described as follows: That Portion Lying Between the Southerly Prolongation of the Easterly Line of the West Half of the Lot 14 of Said Kesler Addition and the Southerly Prolongation of the Westerly Line of the West 30 Feet of the East 65 Feet of Lot 16 of Said Kesler Addition.** **Parcel No.3:** **The West 30 Feet of The East 65 Feet of Lot 16, Kesler Addition, According to Book 27 of Maps, Page 24, Records of Maricopa County, Arizona, as Conveyed in Docket 2014, Page 119, Records of Maricopa County, Arizona.**
741 S. Colorado St	303-17-148	**Description: KESLER ADDITION LOTS 14 THRU 16 AMD LOT 4** **Parcel No. 1:** **The West Half of Lot 14, Lot 15 And the East 35 Feet of Lot 16, Kesler Addition, According to Book 27 of Maps, Page 24, Records of Maricopa County, Arizona;** **Parcel No. 2:** **That Part of Kesler Lans as Shown on the Plat of Kesler Addition, accroding to Book 27 of Maps, Page 24, Records of Maricopa County, Arizona, More Particularly Described as follows: That Portion Lying Between the Southerly Prolongation of the Easterly Line of the West Half of the Lot 14 of Said Kesler Addition and the Southerly Prolongation of the Westerly Line of the West 30 Feet of the East 65 Feet of Lot 16 of Said Kesler Addition.** **Parcel No.3:** **The West 30 Feet of The East 65 Feet of Lot 16, Kesler Addition, According to Book 27 of Maps, Page 24, Records of Maricopa County, Arizona, as Conveyed in Docket 2014, Page 119, Records of Maricopa County, Arizona.**

25 Single-Family Detached Homes	Maricopa County Parcel number	Legal Description
761 S. Colorado St	303-17-147	**Description: KESLER ADDITION LOTS 14 THRU 16 AMD LOT 3** **Parcel No. 1:** **The West Half of Lot 14, Lot 15 And the East 35 Feet of Lot 16, Kesler Addition, According to Book 27 of Maps, Page 24, Records of Maricopa County, Arizona;** **Parcel No. 2:** **That Part of Kesler Lans as Shown on the Plat of Kesler Addition, accroding to Book 27 of Maps, Page 24, Records of Maricopa County, Arizona, More Particularly Described as follows: That Portion Lying Between the Southerly Prolongation of the Easterly Line of the West Half of the Lot 14 of Said Kesler Addition and the Southerly Prolongation of the Westerly Line of the West 30 Feet of the East 65 Feet of Lot 16 of Said Kesler Addition.** **Parcel No.3:** **The West 30 Feet of The East 65 Feet of Lot 16, Kesler Addition, According to Book 27 of Maps, Page 24, Records of Maricopa County, Arizona, as Conveyed in Docket 2014, Page 119, Records of Maricopa County, Arizona.**
781 S. Colorado St	303-17-146	**Description: KESLER ADDITION LOTS 14 THRU 16 AMD LOT 2** **Parcel No. 1:** **The West Half of Lot 14, Lot 15 And the East 35 Feet of Lot 16, Kesler Addition, According to Book 27 of Maps, Page 24, Records of Maricopa County, Arizona;** **Parcel No. 2:** **That Part of Kesler Lans as Shown on the Plat of Kesler Addition, accroding to Book 27 of Maps, Page 24, Records of Maricopa County, Arizona, More Particularly Described as follows: That Portion Lying Between the Southerly Prolongation of the Easterly Line of the West Half of the Lot 14 of Said Kesler Addition and the Southerly Prolongation of the Westerly Line of the West 30 Feet of the East 65 Feet of Lot 16 of Said Kesler Addition.** **Parcel No.3:** **The West 30 Feet of The East 65 Feet of Lot 16, Kesler Addition, According to Book 27 of Maps, Page 24, Records of Maricopa County, Arizona, as Conveyed in Docket 2014, Page 119, Records of Maricopa County, Arizona.**
801 S. Colorado St /	303-17-145	**Description: KESLER ADDITION LOTS 14 THRU 16 AMD LOT 1** **Parcel No. 1:** **The West Half of Lot 14, Lot 15 And the East 35 Feet of Lot 16, Kesler Addition, According to Book 27 of Maps, Page 24, Records of Maricopa County, Arizona;** **Parcel No. 2:** **That Part of Kesler Lans as Shown on the Plat of Kesler Addition, accroding to Book 27 of Maps, Page 24, Records of Maricopa County, Arizona, More Particularly Described as follows: That Portion Lying Between the Southerly Prolongation of the Easterly Line of the West Half of the Lot 14 of Said Kesler Addition and the Southerly Prolongation of the Westerly Line of the West 30 Feet of the East 65 Feet of Lot 16 of Said Kesler Addition.** **Parcel No.3:** **The West 30 Feet of The East 65 Feet of Lot 16, Kesler Addition, According to Book 27 of Maps, Page 24, Records of Maricopa County, Arizona, as Conveyed in Docket 2014, Page 119, Records of Maricopa County, Arizona.**
130 S. Dakota St	303-09-077	**Lot 562, TOWNSITE OF CHANDLER, according to Book 5 of Maps, page 34, records of Maricopa, County Arizona. Exempt from Affidavit under 42-1614 A3** Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, warrants the title against all persons whomsoever.
400 S. Delaware St	303-18-082	**Lot 52, 83 and 84, DOBSON ADDITION, according to Book 36 of Maps, page 18, records of Maricopa County, Arizona. Affidavit of value exempt per ARS 42-1614 (A) (3).** Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, warrants the title against all persons whomsoever.
3 S. Hamilton St	303-04-092	**Description: HAMILTON PARCEL MCR 1140-36, Lot 6**

25 Single-Family Detached Homes	Maricopa County Parcel number	Legal Description
13 S. Hamilton St	303-04-091	**Description : HAMILTON PARCEL MCR 1140-36, Lot 5**
23 S. Hamilton St	303-04-090	**Description: HAMILTON PARCEL MCR 1140-36, Lot 4**
33 S. Hamilton St	303-04-089	**Description: HAMILTON PARCEL MCR 1140-36, Lot 3**
43 S. Hamilton St	303-04-088	**Description: HAMILTON PARCEL MCR 1140-36, Lot 2**
53 S. Hamilton St	303-04-087	**Description: HAMILTON PARCEL MCR 1140-36, Lot 1**
328 S. Oregon St	303-19-014A	**Legal Description - "Exhibit A"** **BEGINNING at a point 408.48 feet West and 181.82 feet South of the Northeast corner of the Southeast quarter of Section 33, Township 1 South, Range 5 East, of the Gila and Salt River Base and Meridian;** **thence South 148.82 feet;** **thence West 126.00 feet;** **thence East 126.00 feet to the POINT OF BEGINNING;** **EXCEPT the South 100.00 feet thereof; and** **EXCEPT the East 26.00 feet.** **Affidavit of value exempt per ARS 42-1614 (A) (3).** Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, warrants the title against all persons whomsoever.
338 S. Oregon St	303-19-014B	**Legal Description - "Exhibit A"** **The South 50 feet of the following described property:** **BEGINNING at a point 408.48 feet West and 181.82 feet South of the Northeast corner of the Southeast** **quarter of Section 33, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian;** **thence West 126 feet;** **thence North 148.82 feet;** **thence East 126 feet to the POINT OF NO BEGINNING;** **EXCEPT the South 50 feet thereof; and** **EXCEPT the East 26 feet.** Affidavit of value exempt per ARS 42-1614 (A) (3). Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, warrants the title against all persons whomsoever.
354 S. Oregon St	303-19-073	**BEGINNING at the Northeast corner of the Northeast quarter of the Southeast quarter of Section 33, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;** **thence West 668.96 feet;** **thence South 330.62 feet;** **thence East 132 feet to the Point of Beginnings;** **thence South 50 feet;** **thence East 133 feet;** **thence North 50 feet;** **thence West 133 feet to the Point of Beginning;** **EXCEPT the East 33 feet thereof.** **Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances,** **liens, covenants, conditions, warrants the title against all persons whomsoever.**

25 Single-Family Detached Homes	Maricopa County Parcel number	Legal Description
388 S. Oregon St	303-19-067	**BEGINNING at the Northeast corner of the Southeast quarter of Section 33, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian;** **thence South 661.32 feet;** **thence West 402 feet;** **thence North 180 feet to the TRUE POINT OF BEGINNING;** **thence West 132 feet;** **thence Sourth 47 feet;** **thence East 132 feet;** **thence North 47 feet to the TRUE POINT OF BEGINNING;** **Except the East 33 feet thereof.** Exempt per ARS 42-1614 (A) (3). Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, warrants the title against all persons whomsoever.
401 S. Palm Ln	303-19-162	**Lot 1, of that portion of the Southwest quarter of the Northwest quarter of the Southeast quarter of Section 33, Township 1 South, Range 5 East of the Gila and Salt River Base and Merdian, Maricopa County, Arizona, described as follows: Beginning at the point 33 feet South and 33 feet East of the Northwest corner of said Southwest quarter of the Northeast quarter of the Southeast quarter of Section 33; Thence South 121 feet; Thence East 85 feet; Thence North 121 feet; Thence West 85 feet to the point of Beginning; Except a one half interest in all oil, gas and minerals on, in and under the above described property as reserved in instrument recorded in Book 368 of Deed, page 412**
411 S. Palm Ln	303-19-163	**Lot 2, of that portion of the Southwest quarter of the Northwest quarter of the Southeast quarter of Section 33, Township 1 South, Range 5 East of the Gila and Salt River Base and Merdian, Maricopa County, Arizona, described as follows: Beginning at the point 33 feet South and 33 feet East of the Northwest corner of said Southwest quarter of the Northeast quarter of the Southeast quarter of Section 33; Thence South 121 feet; Thence East 85 feet; Thence North 121 feet; Thence West 85 feet to the point of Beginning; Except a one half interest in all oil, gas and minerals on, in and under the above described property as reserved in instrument recorded in Book 368 of Deed, page 412**
489 S. Washington St	303-18-069	**Lot 71, DOBSON ADDITION TO THE TOWN OF CHANDLER, according to the Book 36 of Maps, Page 18, records of Maricopa County, Arizona.** **EXEMPT PER ARS 42-1614 A-3** **Herein descrived parcel is being conveyed subject to those certain restrictions contained in RESOLUTION NO. 2199, a certified copy of which is recorded in Instrument No. 94-700090 records of Marcicopa County, Arizona.** Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, warrants the title against all persons whomsoever