

**SANTA FE COUNTY**

*Resolution No. 2010 125*

**A RESOLUTION APPROVING A DECLARATION OF TRUST FOR UNITS BUILT UTILIZING DEVELOPMENT PROJECT GRANT FUNDS FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**WHEREAS**, in March, 1995, the Santa Fe County Housing Authority received a Development Project Grant in the amount of \$5,945,010.00; and

**WHEREAS**, with these funds, the Santa Fe County Housing Authority built forty (40) new units; and

**WHEREAS**, the following homes were built in Santa Fe County with said funds; twenty (20) homes were built in the Vista Verde Sub-division, twelve (12) homes were built in the Valle Vista Public Housing Neighborhood, and eight (8) units were built in the Santa Cruz Public Housing Neighborhood; and

**WHEREAS**, thirty-two (32) of these homes have since been sold to qualifying low-income families; and

**WHEREAS**, the Annual Contributions Contract (ACC) and the Development Project Grant Amendment to Consolidated Annual Contributions Contract between the Santa Fe County Housing Authority and the Department of Housing and Urban Development states that the Housing Authority shall execute and file for record a Declaration of Trust upon the acquisition of the site of any project, as provided for under Section 8 of the ACC; and

**WHEREAS**, a Declaration of Trust does not need to be prepared for the thirty-two (32) units that have previously been sold to qualifying low-income families; and

**WHEREAS**, a Declaration of Trust has not yet been prepared, approved or adopted for the remaining eight (8) units for this project;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of County Commissioners of Santa Fe County hereby approves and adopts this resolution approving a Declaration of Trust for the herein named 8 units built utilizing a Development Project Grant from the Department of Housing and Urban Development.

SFC CLERK RECORDED 07/20/2010

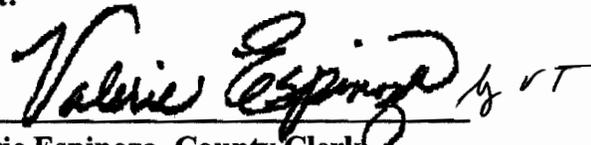
**BE IT FURTHER RESOLVED** that the Chairman is authorized to sign all necessary documents to effectuate the setting in place these Declarations of Trust.

**APPROVED, ADOPTED, AND PASSED** this 27th day of July, 2010.

**Santa Fe County Board of Commissioners**

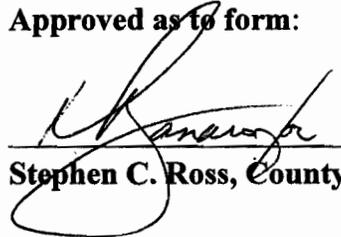
  
\_\_\_\_\_  
**Harry B. Montoya, Chairman**

**Attest:**

  
\_\_\_\_\_  
**Valerie Espinoza, County Clerk**



**Approved as to form:**

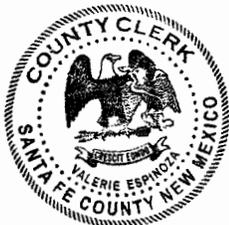
  
\_\_\_\_\_  
**Stephen C. Ross, County Attorney**

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC RESOLUTIONS  
PAGES: 3

I Hereby Certify That This Instrument Was Filed for Record On The 28TH Day Of July, 2010 at 09:38:25 AM And Was Duly Recorded as Instrument # 1606217 Of The Records Of Santa Fe County

  
Deputy \_\_\_\_\_  
Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM



REC CLERK RECORDED 27 JUL 2010 10:14 AM

**Declaration of Trust**  
(Development Grant Projects \*)

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

**Whereas**, (1, see instructions) The Santa Fe County Housing Authority  
(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) County of Santa Fe, 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) 01/24/1977, (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) 03/31/1995, 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 County of Santa Fe, New Mexico

which will provide approximately (6) 8 dwelling units; and which lower income housing project will be known as:  
Project No. (7) NM02-P050-007; 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 County of Santa Fe, New Mexico

**To Wit:** (Insert legal description for the project.) (9)

See 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 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) 7/27/10.

(Seal)



(1, see instructions)

Santa Fe County Housing Authority

By [Signature] Chairperson

Attest [Signature] Secretary

Date (mm/dd/yyyy) 7/27/10

REC'D CLERK RECORDED 7/29/2010