

Exempt for Fee per Government Code Sections 27383 and 6103

**RECORDING REQUESTED BY:**

County of San Mateo Department of Housing

**WHEN RECORDED, MAIL TO:**

County of San Mateo Department of Housing

264 Harbor Blvd, Bldg A

Belmont, CA 94002

Attn: M. Yu

Pony # DOH 209

**Declaration of Trust**  
(Midway Village)

**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) Housing Authority of the County of San Mateo  
(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 California, 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) 01/20/1975, (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) 07/01/2010, (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) City of Daly City, County of San Mateo, State of California, which will provide approximately (6) 150 dwelling units; and which lower income housing projects are known as Modernization Project No. (7) CA39PO1450110 and individual projects as follows:  
Project No. (8) Midway Village with approximately 150 dwelling units,  
Project No. (8) with approximately \_\_\_\_\_ dwelling units, and  
Project No. (8) with approximately \_\_\_\_\_ 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)

City of Daly City, County of San Mateo, State of California

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

See attached "Legal Description"

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) \_\_\_\_\_.

(Seal)

(1, see instructions)

By \_\_\_\_\_ Chairperson

Attest \_\_\_\_\_ Secretary

Date (mm/dd/yyyy) \_\_\_\_\_

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of \_\_\_\_\_



On \_\_\_\_\_ before me, \_\_\_\_\_

Date

Here Insert Name and Title of the Officer

personally appeared \_\_\_\_\_

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature \_\_\_\_\_

Signature of Notary Public

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

**RIGHT THUMBPRINT OF SIGNER**

Top of thumb here

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

**RIGHT THUMBPRINT OF SIGNER**

Top of thumb here

Signer Is Representing: \_\_\_\_\_

## LEGAL DESCRIPTION

Real property in the City of Daly City, County of San Mateo, State of California, described as follows:

### PARCEL ONE:

LOTS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39 AND 40,

AS DESIGNATED ON THE MAP ENTITLED, "MIDWAY VILLAGE", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, ON JULY 26, 1976 IN BOOK 91 OF MAPS AT PAGES 44, 45, 46, 47 AND 48, INCLUSIVE.

### PARCEL TWO:

A PERPETUAL EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN AND REPAIR A SEWER LINE OVER A FOLLOWING PARCEL.

BEGINNING AT A POINT ON THE CENTER LINE OF MAIN STREET, DISTANT THEREON SOUTH 70° 25' EAST 840.30 FEET FROM THE POINT OF INTERSECTION OF SAID CENTER LINE WITH THE SOUTHERLY PRODUCTION OF THE EASTERLY LINE OF SCHWERIN STREET, SAID STREETS ARE SHOWN UPON "MAP OF THE PARTRIDGE TRACT, VISITACION VALLEY, SAN MATEO COUNTY", FILED IN BOOK 12 OF MAPS, PAGE 76, IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, RUNNING THENCE SOUTH 70° 25' EAST ALONG SAID CENTER LINE OF MAIN STREET 263 FEET; THENCE SOUTH 15° 46' WEST 10.02 FEET TO A LINE PARALLEL WITH PERPENDICULARLY DISTANT 10 FEET, SOUTHERLY FROM SAID CENTER LINE OF MAIN STREET; THENCE NORTH 70° 25' WEST PARALLEL WITH SAID CENTER LINE 263.67 FEET TO A POINT PERPENDICULARLY DISTANT 840.30 FEET, EASTERLY FROM SAID EASTERLY LINE OF SCHWERIN STREET; THENCE NORTH 19° 35' EAST 10 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL EXISTING EASEMENTS AND SERVITUDES, WHICH ARE NOT TO BE DISTURBED.

### PARCEL THREE:

A PERPETUAL EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN AND REPAIR A SEWER LINE OVER A FOLLOWING PARCEL.

BEGINNING AT A POINT ON THE CENTER LINE OF MAIN STREET, DISTANT THEREON SOUTH 70° 25' EAST 730 FEET FROM THE POINT OF INTERSECTION OF SAID CENTER LINE WITH THE SOUTHERLY PRODUCTION OF THE EASTERLY LINE OF SCHWERIN STREET AS SAID STREETS ARE SHOWN UPON "MAP OF THE PARTITION OF THE PARTRIDGE TRACT, VISITACION VALLEY, SAN MATEO COUNTY", FILED IN BOOK 12 OF MAPS AT PAGE 76, IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA; RUNNING THENCE NORTH 19° 35' EAST PARALLEL WITH SAID EASTERLY LINE OF SCHWERIN STREET 10 FEET; THENCE SOUTH 70° 25' EAST PARALLEL WITH SAID CENTER LINE OF MAIN STREET 422.63 FEET; THENCE SOUTH 15° 46' WEST 20.04 FEET TO A POINT PERPENDICULARLY DISTANT 10 FEET SOUTHERLY FROM SAID CENTER LINE OF MAIN STREET; THENCE NORTH 70° 25' WEST 50 FEET; THENCE NORTH 15° 46' EAST 10.02 FEET TO THE CENTER LINE OF MAIN STREET; THENCE NORTH 70° 25' WEST ALONG SAID CENTER LINE 373.30 FEET TO THE POINT OF

BEGINNING.

EXCEPT ALL EXISTING EASEMENTS AND SERVITUDES, WHICH ARE NOT TO BE DISTURBED.

PARCEL FOUR:

A PERPETUAL EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN AND REPAIR A SEWER LINE OVER A FOLLOWING PARCEL.

BEGINNING AT A POINT ON THE CENTER LINE OF MAIN STREET, DISTANT THEREON SOUTH 70° 25' EAST 1153.30 FEET FROM THE POINT OF INTERSECTION OF SAID CENTER LINE WITH THE SOUTHERLY PRODUCTION OF THE EASTERLY LINE OF SCHWERIN STREET AS SAID STREETS ARE SHOWN UPON "MAP OF THE PARTITION OF THE PARTRIDGE TRACT, VISITACION VALLEY, SAN MATEO COUNTY", FILED IN BOOK 12 OF MAPS, PAGE 76, IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA; RUNNING THENCE NORTH 15° 46' EAST 10.02 FEET TO A POINT PERPENDICULARLY DISTANT 10 FEET NORTHERLY FROM SAID CENTER LINE OF MAIN STREET; THENCE SOUTH 70° 25' EAST 226.34 FEET; THENCE SOUTH 55° 42' EAST 406.24 FEET TO THE NORTHERLY PRODUCTION OF THE EASTERLY LINE OF THE LANDS DESCRIBED IN THE DEED FROM ANNA KENNEL TO PACIFIC BONE, COAL AND FERTILIZING COMPANY, DATED JANUARY 28, 1929, RECORDED FEBRUARY 19, 1929, IN BOOK 395, PAGE 282, OFFICIAL RECORDS; THENCE SOUTH 19° 35' WEST ALONG SAID EASTERLY LINE SO PRODUCED, 10.34 FEET TO THE CENTER LINE OF MAIN STREET; THENCE ALONG SAID CENTER LINE NORTH 55° 42' WEST 407.58 FEET AND NORTH 70° 25' WEST 222.68 FEET; THENCE SOUTH 19° 35' WEST 10 FEET; THENCE NORTH 70° 25' WEST 1.33 FEET; THENCE NORTH 15° 46' EAST 10.02 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL EXISTING EASEMENTS AND SERVITUDES, WHICH ARE NOT TO BE DISTURBED.

PARCEL FIVE:

A PERPETUAL EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN AND REPAIR A SEWER LINE OVER A FOLLOWING PARCEL.

BEGINNING AT A POINT ON THE CENTER LINE OF MAIN STREET, AS SHOWN UPON THE MAP ABOVE REFERRED TO; DISTANT THEREON SOUTH 70° 25' EAST 1155.30 FEET FROM ITS INTERSECTION WITH THE EASTERLY LINE OF SCHWERIN STREET; RUNNING THENCE SOUTH 70° 25' EAST ALONG SAID CENTER LINE OF MAIN STREET 170 FEET; THENCE SOUTH 19° 35' WEST 10 FEET; THENCE NORTH 70° 25' WEST 170 FEET; THENCE NORTH 19° 35' EAST 10 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL EXISTING EASEMENTS AND SERVITUDES, WHICH ARE NOT TO BE DISTURBED.

PARCEL SIX:

A PERPETUAL EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN AND REPAIR A SEWER LINE OVER A FOLLOWING PARCEL.

BEGINNING AT A POINT ON THE CENTER LINE OF MAIN STREET, DISTANT THEREON SOUTH 70° 25' EAST 1325.30 FEET FROM THE POINT OF INTERSECTION OF SAID CENTER LINE WITH THE SOUTHERLY PRODUCTION OF THE EASTERLY LINE OF SCHWERIN STREET, SAID STREETS ARE SHOWN UPON "MAP OF THE PARTRIDGE TRACT, VISITACION VALLEY, SAN MATEO COUNTY", FILED IN BOOK 12 OF MAPS, PAGE 76, IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA; RUNNING THENCE SOUTH 70° 25' EAST ALONG SAID CENTER LINE OF MAIN STREET 52.68 FEET AND SOUTH 55° 42' EAST 407.58 FEET

TO THE MOST EASTERLY CORNER OF LANDS DESCRIBED IN DEED FROM ANNA KENNEL, ALSO KNOWN AS MRS. JOSEPH KENNEL, A WIDOW, TO PACIFIC BONE, COAL AND FERTILIZING COMPANY, A CORPORATION, DATED JANUARY 28, 1929 AND RECORDED FEBRUARY 19, 1929 IN BOOK 395, PAGE 282, OFFICIAL RECORDS; THENCE SOUTH 19° 35' WEST 10.34 FEET TO A POINT PERPENDICULARLY DISTANT 10 FEET SOUTHERLY FROM SAID CENTER LINE OF MAIN STREET; THENCE PARALLEL WITH SAID CENTER LINE NORTH 55° 42' WEST 408.92 FEET AND NORTH 70° 25' WEST 51.39 FEET TO A POINT PERPENDICULARLY DISTANT 1325.30 FEET EASTERLY FROM SAID EASTERLY LINE OF SCHWERIN STREET; THENCE NORTH 19° 35' EAST 10 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL EXISTING EASEMENTS AND SERVITUDES, WHICH ARE NOT TO BE DISTURBED.

PARCEL SEVEN:

A PERPETUAL EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN AND REPAIR A SEWER LINE OVER A FOLLOWING PARCEL.

BEGINNING AT A POINT ON THE CENTER LINE OF MAIN STREET, DISTANT THEREON SOUTH 55° 42' EAST 407.58 FEET FROM THE FIRST ANGLE POINT IN THE CENTER OF MAIN STREET EASTERLY FROM SCHWERIN STREET (SAID POINT OF BEGINNING ALSO BEING AT THE MOST EASTERLY CORNER OF LANDS, DESCRIBED IN DEED FROM ANNA KENNEL, ALSO KNOWN AS MRS. JOSEPH KENNEL, A WIDOW TO PACIFIC BONE, COAL AND FERTILIZING COMPANY, A CORPORATION, DATED JANUARY 28, 1929 AND RECORDED FEBRUARY 19, 1929 IN BOOK 395, PAGE 282, OFFICIAL RECORDS; RUNNING THENCE NORTH 19° 35' EAST ALONG THE NORTHERLY PRODUCTION OF THE EASTERLY LINE OF SAID PROPERTY DESCRIBED IN THE DEED ABOVE REFERRED TO, A DISTANCE OF 10.34 FEET TO A POINT PERPENDICULARLY DISTANT 10 FEET NORTHERLY FROM SAID CENTER LINE OF MAIN STREET; THENCE SOUTH 55° 42' EAST PARALLEL WITH SAID CENTER LINE 186.12 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BAY SHORE HIGHWAY (ROUTE 68, STATE HIGHWAY); THENCE SOUTHERLY ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF SAID BAY SHORE HIGHWAY ALONG THE ARC OF A CURVE TO THE LEFT, THE CENTER OF WHICH BEARS NORTH 78° 52' 28" EAST 1485 FEET FROM THE LAST MENTIONED POINT, WITH A RADIUS OF 1485 FEET, A CENTRAL ANGLE OF 1° 06' 38", A DISTANCE OF 28.783 FEET TO A LINE PARALLEL WITH AND PERPENDICULARLY DISTANT 10 FEET SOUTHWESTERLY FROM THE CENTER LINE OF SAID MAIN STREET; THENCE NORTH 55° 42' WEST PARALLEL WITH SAID CENTER LINE OF MAIN STREET 201.56 FEET TO SAID EASTERLY LINE OF THE LANDS DESCRIBED IN THE DEED ABOVE REFERRED TO; THENCE NORTH 19° 35' EAST ALONG SAID EASTERLY LINE 10.34 FEET TO THE POINT OF BEGINNING;

EXCEPT ALL EXISTING EASEMENTS OR SERVITUDES, WHICH ARE NOT TO BE DISTURBED.

PARCEL EIGHT:

A PERPETUAL EASEMENT FOR DRAINAGE PURPOSES OVER THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT A POINT WHICH IS PERPENDICULARLY DISTANT 730 FEET EASTERLY FROM THE EASTERLY LINE OF SCHWERIN STREET AND ALSO PERPENDICULARLY 344.45 FEET NORTHERLY FROM THE NORTHERLY LINE OF MAIN STREET, AS SAID SCHWERIN AND MAIN STREETS ARE SHOWN ON "MAP OF THE PARTRIDGE TRACT, VISITACION VALLEY, SAN MATEO COUNTY", FILED IN BOOK 12 OF MAPS, PAGE 76, IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA; RUNNING THENCE NORTH 19° 35' EAST PARALLEL WITH SAID EASTERLY LINE OF SCHWERIN STREET 50 FEET; THENCE SOUTH 70° 25' EAST PARALLEL WITH SAID NORTHERLY LINE OF MAIN STREET 236 FEET; THENCE SOUTH 19°

35' WEST PARALLEL WITH SAID EASTERLY LINE OF SCHWERIN STREET 50 FEET; THENCE NORTH 70° 25' WEST 236 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL EXISTING EASEMENT AND SERVITUDES, WHICH ARE NOT TO BE DISTURBED, AND THE RIGHT OF PACIFIC GAS AND ELECTRIC COMPANY TO MAINTAIN AND OPERATE THE EXISTING RAILWAY SPUR TRACT, AND APPURTENANCES THERETO, INCLUDING THE UNDERGROUND CONTROL CABLE AND 2-INCH WATER LINE.

APN: 005-330-020	JPN: 091-044-000-0002
005-330-030	091-044-000-0003
005-330-040	091-044-000-0004
005-330-050	091-444-000-0005
005-330-060	091-444-000-0006
005-330-070	091-444-000-0007
005-330-080	091-444-000-0008
005-330-090	091-444-000-0009
005-330-100	091-444-000-0010
005-330-110	091-444-000-0011
005-330-120	091-444-000-0012
005-330-130	091-444-000-0013
005-330-140	091-444-000-0014
005-330-150	091-444-000-0015
005-330-160	091-444-000-0016
005-330-170	091-444-000-0017
005-330-180	091-444-000-0018
005-330-190	091-444-000-0019
005-330-200	091-444-000-0020
005-330-210	091-444-000-0021
005-330-220	091-444-000-0022
005-330-230	091-444-000-0023
005-330-240	091-444-000-0024
005-330-250	091-444-000-0025
005-330-260	091-444-000-0026
005-330-270	091-444-000-0027
005-330-280	091-444-000-0028
005-330-290	091-444-000-0029
005-330-300	091-444-000-0030
005-330-310	091-444-000-0031
005-330-340	091-444-000-0034
005-330-350	091-444-000-0035
005-330-360	091-444-000-0036
005-330-370	091-444-000-0037
005-330-380	091-444-000-0038
005-330-400	091-444-000-0040