

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
of the 23rd Navajo Nation Council - Third Year, 2017

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF RIGHT-OF-WAY EASEMENT TO THE NAVAJO TRIBAL UTILITY AUTHORITY TO CONSTRUCT, OPERATE AND MAINTAIN A TWO (2) INCH AND FOUR (4) INCH NATURAL GAS LINE EXTENSION TO THE "JO D" LAUNDROMAT IN KAYENTA TOWNSHIP, NAVAJO NATION, NAVAJO COUNTY, ARIZONA

BE IT ENACTED:

SECTION ONE. AUTHORITY

Pursuant to 2 N.N.C. Section §501 (B)(2), The Resources and Development Committee of the Navajo Nation Council has the authority to grant final approval for all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

SECTION TWO. FINDINGS

A. The Navajo Tribal Utility Authority (NTUA) has submitted a commercial Right-of-Way application to construct, operate and maintain a natural gas system project on, over and across Navajo Nation Trust Lands within the Kayenta Township Project, Navajo County, Arizona. See **Exhibit "A"**

B. The proposed commercial Right-of-Way System on Navajo Nation Trust Lands is 2,000.67 feet long, 30 feet wide consisting of 1.37 acres, (more or less) located in SW $\frac{1}{4}$ of Section 12 and NW $\frac{1}{4}$ of Section 13; the 4-Inch main gas line is 1,431.08 feet long, 30 feet wide, consisting of 0.98 acres, more or less; and the 2-inch gas service line is 569.59 feet long, 30 feet wide, consisting of 0.39 acres, more or less, and located in Township 38 North, Range 19 East, Gila and Salt River Meridian, State of Arizona, B.L.M. Cadastral Survey Township Plat dated 4/08/1999. Maps are attached and incorporated herein at **Exhibit "B"**.

C. The Navajo Land Department has determined that there are no land users (i.e. grazing permittees) and obtained the consent of the Kayenta Township Commission pursuant to Resolution No. KTCA-22-09 dated April 13, 2009. See **Exhibit "C"**

D. The application for the Right-of-Way as submitted by NTUA has been reviewed by the Navajo Land Department; Fish and Wildlife; Historic Preservation; Minerals; Navajo Nation Environmental Protection; Division of Natural Resources and the Department of Justice and found "Sufficient" by all. See **Exhibit "D"**

E. The application for this Right-of-Way as submitted by the NTUA has been subject of the necessary reviews for Cultural Resources - Historic Preservation and Water Quality, such reports being attached at **Exhibit "F"** and made a part hereto.

SECTION THREE. APPROVAL

A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Navajo Tribal Utility Authority to construct, operate and maintain the "Jo D Laundromat Natural Gas Line" within Kayenta Township Project, Navajo County, Arizona. The location is more particularly described on the survey map as found at **Exhibit "B"**.

B. The Resources and Development Committee of the Navajo Nation Council hereby approves the Right-of-Way subject to, but not limited to, the Terms and Conditions incorporate herein and attached as found at **Exhibit "E"**.

C. The Resources and Development Committee hereby waives the requirement for a bond, insurance or alternative form of security on the part of the Grantee, based on the determination that such a waiver is in the best interest of the Navajo Nation, pursuant to Title 25 CFR §169.103 (f)(2).

D. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at TANCR, Twin Arrows, (Navajo Nation) Arizona, at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 1 abstained this 16th day of May, 2017.



**Alton Joe Shepherd, Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council**

**Motion: Honorable Benjamin Bennett
Second: Honorable Davis Filfred**

LEGISLATIVE SUMMARY SHEET

Tracking No. 0132-17

DATE: April 3, 2017

SUBJECT AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;
APPROVING THE GRANT OF RIGHT-OF-WAY EASEMENT TO THE NAVAJO
TRIBAL UTILITY AUTHORITY TO CONSTRUCT, OPERATE AND MAINTAIN A
TWO (2) INCH AND FOUR (4) INCH NATURAL GAS LINE EXTENSION TO THE “JO
D” LAUNDROMAT IN KAYENTA TOWNSHIP, NAVAJO NATION, NAVAJO
COUNTY, ARIZONA

PURPOSE: The purpose of this legislation is to approve a Right-of-Way for NTUA to run a gas
line extension to a laundromat in Kayenta Township.

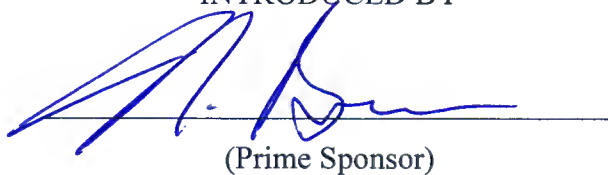
**This written summary does not address recommended amendments as may be provided by
the standing committees. The Office of Legislative Counsel requests each Council Delegate
review the proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 3:05pm 4/11/17
Posting End Date: 4/12/2017
Eligible for Action: 4/13/2017

Resources & Development Committee

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL – Third Year, 2017

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0132-17

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT
OF RIGHT-OF-WAY EASEMENT TO THE NAVAJO TRIBAL UTILITY
AUTHORITY TO CONSTRUCT, OPERATE AND MAINTAIN A TWO (2) INCH
AND FOUR (4) INCH NATURAL GAS LINE EXTENSION TO THE "JO D"
LAUNDROMAT IN KAYENTA TOWNSHIP, NAVAJO NATION, NAVAJO
COUNTY, ARIZONA

BE IT ENACTED:

SECTION ONE. AUTHORITY

Pursuant to 2 N.N.C. Section §501 (B)(2), The Resources and Development Committee of the Navajo Nation Council has the authority to grant final approval for all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

SECTION TWO. FINDINGS

A. The Navajo Tribal Utility Authority (NTUA) has submitted a commercial Right-of-Way application to construct, operate and maintain a natural gas system project on,

1 over and across Navajo Nation Trust Lands within the Kayenta Township Project,
2 Navajo County, Arizona. See Exhibit "A"

3 B. The proposed commercial Right-of-Way system on Navajo Nation Trust Lands is
4 1,992.51 feet long, 30 feet wide consisting of 1.37 acres, (more or less) located in
5 Section 12. The proposed right-of-way is 2,517.94 feet long, 20 feet wide, consisting
6 of 1.162 acres, more or less, and located in NW ¼ of Section 13; Township 38 North,
7 Range 19 East, Gila and Salt River Meridian, State of Arizona B.L.M. Cadastral Survey
8 Township Plat dated 4/08/1999. Maps are attached hereto and incorporated herein at
9 Exhibit "B".

10 C. The Navajo Land Department has determined that there are no land users (i.e. grazing
11 permittees) and obtained the consent of the Kayenta Township Commission pursuant
12 to Resolution No. KTCA-22-09 dated April 13, 2009. See Exhibit "C"

13 D. The application for the Right-of-Way as submitted by NTUA has been reviewed by the
14 Navajo Land Department; Fish and Wildlife; Historic Preservation; Minerals; Navajo
15 Nation Environmental Protection; Division of Natural Resources and the Department
16 of Justice and found "Sufficient" by all. See Exhibit "D"

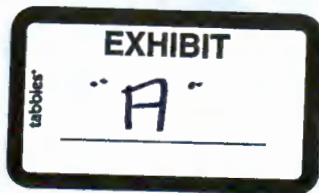
17 18 SECTION THREE. APPROVAL

19 A. The Resources and Development Committee of the Navajo Nation Council hereby
20 approves the Grant of Right-of-Way to Navajo Tribal Utility Authority to construct,
21 operate and maintain the "Jo D Laundromat Natural Gas Line" within Kayenta
22 Township Project, Navajo County, Arizona. The location is more particularly
23 described on the survey map as found at Exhibit "B".

24 B. The Resources and Development Committee of the Navajo Nation Council hereby
25 approves the Right-of-Way subject to, but not limited to, the Terms and Conditions
26 incorporate herein and attached as found at Exhibit "E".

27 C. The Resources and Development Committee hereby waives the requirement for a bond,
28 insurance or alternative form of security on the part of the Grantee, based on the
29 determination that such a waiver is in the best interest of the Navajo Nation, pursuant
30 to Title 25 CFR §169.103 (f)(2).

1 D. The Resources and Development Committee of the Navajo Nation Council hereby
2 authorizes the President of the Navajo Nation to execute any and all documents
3 necessary to affect the intent and purpose of this resolution.
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NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

March 17, 2014

Mike Halona, Department Manager III
Navajo Nation Land Department
Post Office Box 2249
Window Rock, Arizona 86515

Dear Mr. Halona;

The Navajo Tribal Utility Authority (NTUA), Natural Gas Construction Operations Department is hereby filling a Right-of-Way Easement application to construct, operate and maintain a 2" and 4" natural gas line extension to the Jo D Laundromat in Kayenta Township, Navajo County, Arizona. The gas line right of way will consists of a thirty (30) feet utility easement and 1,992.51 feet in total length, and/or 1.37 acres, more or less, across Navajo Nation Trust Lands. The project will serve one commercial business benefitting the Kayenta community with the much needed natural gas facilities.

The Location is NW ¼ of section 13, Township 38 North; Range 19 East, Gila and Salt River Meridian, State of Arizona B.L.M Cadastral Survey Township Plat dated 4/08/1999. Attached plat is entitled, "KAYENTA GAS LINE SURVEY PROPOSED GAS LINE", (1-1), Navajo County, State of Arizona, NTUA Project ID# 261400001."

NTUA will comply with all Tribal and Federal regulations and requirements as stated in Title 25, CFR 169 and the Act of February 5, 1948 (62 Stat. 17), subject to prior valid existing rights or adverse claims. The Authority requests Waiver of Damages, except to those of local improvements such as fences, corrals, homes, crops, animals, and people.

Attached are the pertinent documents for your review and use. Should you have any questions, please contact Ms. Donna Begay, directly at (928) 729-4676. Thank you.

Sincerely,

Rex P. Kontz,
Deputy General Manager

Enclosures

xc: File Project ID # 261400001

Home Office: P.O. BOX 170 FT. DEFIANCE, AZ 86504	KAYENTA P.O. BOX 37 KAYENTA, AZ 86033	TUBA CITY P.O. BOX 398 TUBA CITY, AZ 86045	SHIPROCK P.O. BOX 1749 SHIPROCK, NM 87420	CHINLE P.O. BOX 549 CHINLE, AZ 86503	FORT DEFIANCE P.O. BOX 587 FT. DEFIANCE, AZ 86504	DILCON HC 63 BOX D WINSLOW, AZ 86047	CROWNPOINT P.O. BOX 1825 CROWNPOINT, NM 87313
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CALL 800-528-5011 OR 928-729-5721 FOR ALL OFFICES.



NAVAJO TRIBAL UTILITY AUTHORITY
AN ENTERPRISE OF THE NAVAJO NATION

April 29, 2014



Howard Draper
Program & Project Specialist
Navajo Land Department, Project Review
Window Rock, Arizona 86515

Regarding: DNR #001622; NTUA Project No. 26140001, Natural Gas Extension to Jo D Laundromat, Kayenta, Arizona.

Dear Mr. Draper,

I've received the letter dated April 23, 2014, via "xc", regarding the review process of Document #001622 which questioned the jurisdictionally authority because it could not be determine if the right of way was within the Kayenta Township. Attached are maps showing the location of the project within the Kayenta Township boundary and hopefully it clarifies the confussion.

We appreciate your consideration on this request and should you have any questions, please call me (928) 729-4676.

Sincerely,

Donna Begay
Engineering Technician
NTUA Natural Gas Construction

Enclosures

Cc: Lodonna Begay, Assistant Manager, Construction Operations Department, NTUA
Jason Corral, Sr. Civil Engineer, Construction Operations Department, NTUA

Home Office: P.O. BOX 170 FT. DEFIANCE, AZ 86504 (928) 729-5721

KAYENTA P.O. BOX 37 KAYENTA, AZ 86033 (928) 697-3574

TUBA CITY P.O. BOX 398 TUBA CITY, AZ 86045 (928) 283-5421

SHIPROCK P.O. BOX 1749 SHIPROCK, NM 87420 (505) 368-4639

CHINLE P.O. BOX 549 CHINLE, AZ 86503 (928) 674-5470

FORT DEFIANCE P.O. BOX 587 FT. DEFIANCE, AZ 86504 (928) 729-5727

DILCON HC 63 BOX D WINSLOW, AZ 86047 (928) 657-3258

CROWNPOINT P.O. BOX 1825 CROWNPOINT, NM 87313 (505) 786-5566

5721

Ed McCool

From: Howard Draper <howarddraper@frontiernet.net>
Sent: Wednesday, March 29, 2017 11:35 AM
To: Ed McCool
Subject: KTP boundary map

Dear Mr. McCool:

Please see map provided by NTUA showing the Kayenta Township Project (KTP) boundary as I previously requested NTUA to provide. Sincerely, H.P. Draper

K-5746

Kayenta Township Boundary

Black Rock Standing

Laguna

Sewage Disposal Ponds

Cem

Monument Valley High Sch

PIPELINE

As-Built 3-Phase Power Line
w/Fiber Optic Cable & Jo D Laundromat

Field Landing

Kayenta

Kayenta (BM 5641)

Water Tank

Well 5663

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KTCA-22-09

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Supporting and Approving Navajo Tribal Utility Authority to Obtain Rights-Of-Way to Install, Operate and Maintain Four-Inch Natural Gas Distribution Lines, One and Two-Inch Service Lines Within the Kayenta Township Borders, Navajo County, Arizona.

WHEREAS:

1. The Kayenta Township Commission has the general authority and responsibility to govern for the welfare of the Kayenta Township and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township; and
2. In 2007, Navajo Tribal Utility Authority successfully completed the "Kayenta Four. Inch Gas Line Project"; and
3. NTUA has received requests from numerous commercial businesses, schools, and entities within the Kayenta Township borders, attached is a list which NTUA is currently reviewing and preparing the necessary documents required to extend the requested natural gas services; and
4. The natural gas system will be most beneficial to the community as natural gas services are used for cooking, heating; is very economical, safe, reliable, and environmentally clean; and
5. Navajo Tribal Utility Authority will complete all the necessary environmental and cultural resource inventions and obtain right-of-way clearances for the proposed natural gas service undertakings; and
6. The Kayenta Township Commission requests that waiver of consideration be granted because the four-inch natural gas distribution lines, one-inch and two-inch service lines will provide reliable and adequate natural gas services within the Township borders and future developments; and
7. That the gas easements also include utility easements shown on Exhibit C for the proposed Kayenta Headstart, Kayenta Office Complex, Kayenta Public Safety Facility, and future and existing businesses, shown on Exhibits B and C; and
8. The Kayenta Township Commission finds it is in their best interest that Navajo Tribal Utility Authority obtains the rights-of-way to install, operate and maintain four-inch natural gas distribution lines, one and two-inch service lines within the Township borders.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Kayenta Township Commission hereby supports and approves the Navajo Tribal Utility Authority to obtain rights-of-way for the four-inch natural gas distribution lines, one and two-

inch service lines within the Township borders to provide reliable and adequate natural gas services to the community and future developments that include utility easements for the aforementioned locations.

2. Prior to any gas lines construction, drawings must be reviewed and approved by the Township.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting at Kayenta (Arizona), Navajo Nation, at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, and 0 abstained, this 13th day of April, 2009.

Motion: Commissioner Mike
Second: Commissioner Todecheene

Helen Bonnah
Helen Bonnah, Chairperson

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Amending the Kayenta Township Building Regulations to Establish Licensure Requirements, Civil Assessments, and a Board of Appeals and Appeals Procedures

WHEREAS:

1. The Kayenta Township Commission ("Commission") has the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township; and

2. Pursuant to Resolution KTCAU-67-11 (August 8, 2011), the Commission approved the enactment of the Kayenta Township Building Codes as Chapter 11 to the Kayenta Township Code of Ordinances, with accompanying regulations ("Building Regulations"), and which regulate all construction activities within the Kayenta Township; and

4. Management, upon discussion with its staff and legal counsel, recommends that the Building Regulations be amended as provided in underline and strikeout in Exhibit A, attached hereto; and

6. Upon its review of the proposed amendments and an explanation of their need and purpose by Management, the Commission deems it in the best interest of the Kayenta Township to amend the Building Regulations as provided in underline and strikeout in Exhibit A, attached hereto.

NOW THEREFORE BE IT RESOLVED THAT:

A. The Kayenta Township Commission hereby amends the Building Regulations as provided in underline and strikeout in Exhibit A, attached hereto.

CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation (AZ), at which a quorum was present and that the same was passed by a vote of 4 in favor, 0 opposed, and 0 abstained, this 9th day of December, 2013.

Motion: Greyeyes

Second: Grey


Chairperson
Kayenta Township Commission

Chapter 11

Regulations for the Kayenta Township Building Codes

Section 11-1: Title

This Chapter shall be cited as the Regulations for the Kayenta Township Building Codes.

Section 11-2: Authority (Intent)

The Kayenta Township Commission deems it necessary to protect public health, safety and welfare and public and property by adopting certain rules and regulations controlling the design, construction, quality of materials, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance or heating, cooling, ventilating, process piping, refrigeration systems, plumbing systems, electrical systems and equipment and to regulate the construction, enlargement, alteration, repair, moving, removal, and demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and or structures within the boundaries of the Kayenta Township.

Section 11-3: Codes Adopted

The following listed publications, collectively referred to as the "Kayenta Township Building Codes" or "Codes", are hereby adopted by reference and declared to be public records, as fully set out at length in the Chapter 11 of the Kayenta Township Code of Ordinances. The Codes containing amendments are noted within each section. Three copies of each publication are on file and are available for public use and inspection during normal business hours in the Kayenta Township Records Office..

- A. Subchapter 1 - International Building Code, 2006 edition, amended as the 2006 Kayenta Township Building Code.
- B. Subchapter 2 - International Residential Code, 2006 edition, amended as the 2006 Kayenta Township Residential Code.
- C. Subchapter 3 - International Mechanical Code, 2006 edition, amended as the 2006 Kayenta Township Mechanical Code.
- D. Subchapter 4 - International Plumbing Code, 2006 edition, amended as the 2006 Kayenta Township Plumbing Code.
- E. Subchapter 5 - National Electric Code, 2005 edition, amended as the Kayenta Township Electrical Code.
- F. Subchapter 6 - International Existing Building Code, 2006 edition, as amended.
- G. Subchapter 7 - International Fuel Gas Code, 2006 edition, as amended.
- H. Subchapter 8 - International Energy Conservation Code, 2009 edition, as amended.
- I. Subchapter 9 - International Green Construction Code, 2010 edition, Public Version 2.0, as amended.

Section 11-4: Manufactured Housing

Manufactured homes shall be regulated by the following standards unless indicated by the manufacturer that the building be regulated by a more restrictive code.

A. Title 24: Housing and Urban Development:

1. Part 3280-Manufactured Home Construction and Safety Standards.
2. Part 3282-Manufactured Home Procedural and Enforcement Regulations.
3. Part 3285-Model Manufactured Home Installations Standards.
4. Part 3286-Manufactured Home Installation Program.

Section 11-5: Permit Fees

A Construction Permit Fee of one percent (1%) will be collected for all construction projects within the Kayenta Township. Such Construction Permit Fee shall be due and payable to the Kayenta Township in advance of the commencement date of construction of each project. The legal incidence of the Construction Fee is on the construction contractor. Nonetheless, the owner of the construction project shall be responsible for collecting the Construction Fee from the construction contractor and remitting such fee to the Kayenta Township. In the event the owner fails to collect such Construction Fee, the construction contractor must remit the Construction Fee to the Kayenta Township before beginning construction on the project. The Building Official, in his sole discretion, shall not permit construction to begin or proceed until the Construction Fee is paid.

Section 11-6: Code Update Cycles

The Codes adopted by this rule shall be updated in intervals not to exceed (8) eight years from previous edition adopted.

Section 11-7: Board of Appeals and Appeals Procedures

A. The three member Board of Appeals shall be comprised of two members appointed from the Kayenta Township Commission by majority vote of the Commission and the Town Manager.

B. Any appeal of a notice of violation or civil assessment under the Codes and Regulations shall be in accordance with the following:

1. Any person, entity, business, firm or corporation who receives notice of a violation and/or a civil assessment under the Codes and Regulations may appeal such notice and/or civil assessment by filing a notice of appeal to the Board of Appeals, Kayenta Township Building and Safety Department, within fifteen (15) days of the date such notice and/or assessment was served on such person, entity, business, firm or corporation. Filing of a notice of appeal shall not stay enforcement by the Kayenta Township Building Inspector.

2. The notice of appeal shall be in writing and shall identify the person, entity, business, firm or corporation who received the notice and/or assessment, attach a copy of the notice and/or assessment being appealed, specify the legal basis for the appeal, and include a statement of facts upon which the appellant relies in support of the appeal and such argument as appellant may care to make in support of the appeal.

3. Service and Notice of a violation of the Codes or Regulations and any civil assessment shall be effective on posting of the notice at the construction site. Failure to file a notice of appeal within the fifteen (15) days permitted under this section shall waive any further right to challenge the notice and/or assessment and which shall remain final and binding on such person, entity, business, firm or corporation.

4. The Board of Appeals shall hear the appeal within thirty (30) days of receipt of the notice of appeal by the Kayenta Township Building and Safety Department, upon at least ten (10) days' notice to the appellant and the Building Inspector of the date, time and place of the hearing. Upon request by either the Building Inspector or the appellant, or upon their agreement, and for good cause shown, the Board of Appeals may grant a continuance of not more than forty-five (45) days for the hearing. Parties may be represented by counsel and shall have the opportunity to present evidence and examine witnesses. After the hearing, each party shall have ten (10) days to submit in writing proposed findings of fact and conclusions of law.

5. The Board of Appeals shall review the decision of the Kayenta Township Building Inspector *de novo*, and may uphold, reverse, or modify the decision of the Building Inspector. The decision of the Board of Appeals shall include written findings of fact and conclusions of law and shall be final for the Township.

Section 11-8: Violations

It shall be a civil violation of the Codes and the Regulations for any person, entity, business, firm or corporation to erect, construct, enlarge, alter, repair, convert, demolish, equip, use or maintain any building and/or structure without the proper permit(s) and/or permission that is required by the Codes and Regulations or to otherwise violate any provision of the Codes or Regulations.

Section 11-9: Penalties

Any person, entity, business, firm, or corporation determined by the Kayenta Township Building Inspector to be in violation of Section 11-8 of the Regulations or any other provision of the Codes or Regulations shall be subject after written notice of such violation to a civil assessment by the Kayenta Township not to exceed \$1,000 per violation, per day.

Section 11-10: Licensure of Architects, Engineers, and Contractors; Construction Plans

Until such time as the Kayenta Township or the Navajo Nation adopts its own licensure requirements for contractors, any construction activities within the scope of the Building Codes and Regulations shall only be carried out by a contractor licensed and in good standing in one of the States of Utah, Arizona, Colorado or New Mexico, and proof of such licensure shall be provided to the Kayenta Township as part of the building permit application; provided, such licensure shall not be required if the construction activities and any buildings or structures built thereby are intended solely for the use of the owner or lessee of the property, are not ordinarily occupied by more than ten people, are not for sale to, rental to, or use by the public, and are otherwise in conformity with the Codes and Regulations. Until such time as the Kayenta Township or the Navajo Nation adopts its own licensure requirements for architects and engineers, all construction plans shall be submitted as part of the building permit application, shall

require the seal and signature of a Utah, Arizona, Colorado or New Mexico State licensed professional engineer or architect, and shall be dated by such engineer or architect.

Section 11-11: Savings Clause

Nothing in this Chapter or in the adopted Codes shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance replaced hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by the Codes.

**RESOLUTION OF THE
KAYENTA TOWNSHIP COMMISSION**

Supporting and Approving Navajo Tribal Utility Authority (NTUA) to Obtain Rights-of-Way Easement to install, operate, and maintain a four inch gas distribution line and a two inch gas service line to the Jo D Laundromat

WHEREAS:

1. The Kayenta Township Commission (KTC) has the general authority and responsibility to govern for the welfare of the Kayenta Township (Township) and its residents including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township; and,
2. The letter of request by NTUA for an easement is attached hereto as Exhibit A; and
3. NTUA has provided the site designation showing the general project location of the gas utility line upgrade, located on the Jo D Laundromat business site, map attached hereto as Exhibit B; and,
4. Township Administration staff recommends supporting and approving Navajo Tribal Utility Authority's request for this gas utility easement.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Kayenta Township Commission hereby supports and approves Navajo Tribal Utility Authority to obtain a utility easement for its gas line upgrade as shown on Exhibits A & B.
2. NTUA will comply with all necessary planning, design, construction and operation and maintenance requirements/specification.
3. Support and approval is given for any additional surveying required and for road encroachment on this project.
4. NTUA will also accommodate to safety guidelines within the business district during all construction activities.
5. The KTC hereby authorizes the Chairperson to approve this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, and 1 abstained, on this 16th day of January, 2014.

Motion: Grey

Second: Seaton

KAYENTA TOWNSHIP COMMISSION



Carol Todecheene, Chairperson

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Approving Amendment 3 to the Kayenta Township Commission; Chapter 9, Lease Ordinance By Adding SubChapter 5: ROW and Easement.

WHEREAS:

1. The Kayenta Township Commission (KTC) was established and authorized by the Navajo Nation Council by resolutions CJA-3-96 and CN-76-96, more specifically cited in the Plan of Operation, Section III, Jurisdiction, B. "The KTC shall have the jurisdiction over all planning and control of that area authorized and designated by the Navajo Nation Council in November 1985 (Resolution CN-86-85) and the official Survey Plat filed with Navajo County and submitted to Bureau of Indian Affairs (incorporated by reference herein) hereinafter referred to as the Township area."; and
2. The KTC enacted on October 16, 1998 the "Kayenta Township Commission; Chapter 9, Lease Ordinance" to iterate policy and procedures to exercise its authority "to control activities" by approving leases; and
3. Amendment 3 of the "Kayenta Township Commission; Chapter 9, Lease Ordinance," was reviewed which includes Subchapter 5; ROW and Easement. Subchapter 5 iterates policy and procedures for ROW and Easements. Subchapter 5 is herein attached as Exhibit A.

NOW THEREFORE BE IT RESOLVED:

The Kayenta Township Commission hereby approves Amendment 3 to the "Kayenta Township Commission; Chapter 9, Lease Ordinance" by adding Subchapter 5; ROW and Easement, herein attached as Exhibit A.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation, (Arizona), at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, and 0 abstained, this 16th day of July, 2000.

Motion: Richard P. Mike
Second: Charles Young


Chairperson
Kayenta Township Commission

SUBCHAPTER 5. ROW and EASEMENTS

Section 9501. Granting of ROW and Easements

Section 9502. Applicability

Section 9503. Documents

Section 9504. Definition

Section 9505. Provisions

Section 9506. Procedures

Section 9501. Granting of ROW and Easements (Service Line Agreements).

Granting of Rights of Way (ROW) and Easements of lands within the Kayenta Township site will include the following:

1. The Kayenta Township Commission will approve a cover resolution as the approving body granting the ROW or easement document. In a master planned development, the Kayenta Township Commission may authorize the Town Manager to grant ROW or easements for the planned area where the site utilities and thoroughfares are delineated and platted.
2. The Town Manager of the Kayenta Township Commission will sign to the ROW or easement Documents on behalf of the Kayenta Township Commission, Navajo Nation, lessor.
3. The Navajo Region Director of the Bureau of Indian Affairs, or his designee, will sign to the Lease Document on behalf of the Secretary of Interior as the trustee.

Section 9502. Applicability

These procedures apply to new requests for ROW or easements executed on or after November 21, 1999. This will also apply to existing ROW or easements where an existing development is redesigned or relocated with upgraded public facilities. i.e. streets, utility lines (electric power, communication, sewer, water and gas).

These procedures are intended to apply to all ROW and easements involving surface occupancy and use of Navajo lands within the Kayenta Township site for public use including utility purposes and streets (except for major utility facilities that traverse through the Kayenta Township).

Section 9503. Documents

1. Standard document forms as developed and already in use by the Navajo Tribal Utility Authority and the Navajo Communications Company that comply with federal and Navajo Nation requirements will be used for Kayenta Township site ROW and easements.

2. The utility purveyor (requestor) shall be responsible for and include a legal survey plat with the Standard document forms of the ROW or easement requested

Section 9504. Definitions

"Navajo Tribal Utility Authority" means the operating Navajo Nation enterprise established to purvey electric power, water, sewer, and natural gas utilities in the Kayenta Township.

"Navajo Communications Company" means the Navajo owned private entity with the exclusive right to purvey telephone communications and television cable and transmitter services within the Navajo Reservation.

"Improvements" means a valuable addition made to property or an amelioration in its condition, amounting to more than mere repairs or replacement, costing labor or capital, and intended to enhance its value, beauty or utility or to adapt it for new or further purposes.

Section 9505. ROW and Easement Provisions

1) Duration of ROW or easement

It is the policy of the Kayenta Township Commission, Navajo Nation, that ROW or easements granted or approved shall be commensurate with the purpose of the ROW or easements that will allow the applicant to provide operation and maintenance of the utility.

2) Insurance and Bonding Requirements; Waiver

The Kayenta Township Commission, Navajo Nation, requires appropriate insurance be provided by the utility purveyor in an amount adequate to protect any improvements on the ROW or easement premises; the lessee may also be required to furnish appropriate liability insurance, and such other insurance as may be necessary to protect the Kayenta Township Commission's, Navajo Nation's, interest.

3) Ownership of Improvements; Transfer.

(a) Improvements placed on the ROW or easement premises shall be dedicated as a public use facility, become and remain the property of the purveyor of the utility through a transfer from the Kayenta Township Commission.

(b) A business/development lessee(s) shall have the right to recoup a pro rata share of the development costs of a utility from other lessees, who come on line later, where lessee undertakes development, or a share in the development.

4) Termination of ROW or easement

ROW and easements and all rights and privileges thereunder may be terminated in one of the following ways:

(a) On Change in Alignment: Upon realignment of a utility system or relocation of a utility service and its alignment.

(b) On Abandonment of Utility: When a development area is abandoned and the utility system is also abandoned.

5) Disposition of Possessory Right

(a) In event of termination of the ROW or easement, the disposition of possessory rights shall be relinquished back to the Kayenta Township Commission.

Section 9506. Procedures

The Kayenta Township Commission will develop procedures for the initiation, development, negotiation, and cover resolution approval of a ROW or easement for lands within the Kayenta Township site.

Document No. 001622

Date Issued: 03/27/2014

EXECUTIVE OFFICIAL REVIEW

Title of Document: NTUA Nat.gas line ext.Jo D Laundromat

Contact Name: DRAPER, HOWARD

Program/Division: DIVISION OF NATURAL RESOURCES

Email: howarddraper@frontiernet.net

Phone Number: 928 871-6401

☐ **Business Site Lease**

Sufficient Insufficient

- | | | | | |
|---|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Controller: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| (only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review) | | | | |
| 3. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Business and Industrial Development Financing, Veteran Loans, (I.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

- | | | | | |
|-------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Office of Management and Budget: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Controller: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Navajo Housing Authority Request for Release of Funds**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. NNEPA: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Lease Purchase Agreements**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Office of the Controller: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| (recommendation only) | _____ | | | |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Grant Applications**

- | | | | | |
|-------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Office of Management and Budget: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Controller: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Relinquishment of Navajo Membership**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Land Department: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Elections: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |



NAVAJO NATION DEPARTMENT OF JUSTICE

2 of 2

DOCUMENT REVIEW REQUEST FORM



DOJ	
10/08/14	1034a
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	001622
SAS #:	
UNIT:	NM

☒ RESUBMITTAL
(July 2014)

FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED.

CLIENT TO COMPLETE

DATE OF REQUEST:	10/8/2014	DIVISION:	Of Natural Resources
CONTACT NAME:	Howard or Vera	DEPARTMENT:	Land Dept. - Project Review
PHONE NUMBER:	X6447 or 6409	E-MAIL:	

TITLE OF DOCUMENT: NTUA ROW for Jo D Laundromat Gas Line within Kayenta Township

DOJ SECRETARY TO COMPLETE

DATE:	10/8/14	REVIEWING ATTORNEY/ADVOCATE:	Kevin Chee
TIME:	11:20	DATE:	10-17-14

DOJ ATTORNEY / ADVOCATE COMMENTS

* PR. Acknowledged & indicated in their 10/9/14 that the Project is w/in Kayenta Township jurisdiction. It had changed from insufficient to sufficient.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Kevin Chee	10/9/14	Baler	10/13/14 11:15 AM

DOJ Secretary Called for Document Pick Up on at By

PICKED UP BY: (Print)	DATE / TIME:
Donna Begay	10/15/14 11:20am

NNDJ/DRRF-July 2013

COMPLETED

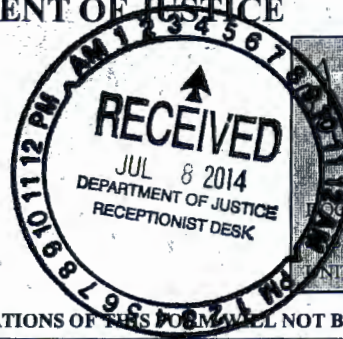
* Document is now legally sufficient.

10f2



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
8/14 @ 349p
DATE / TIME
7 Day Deadline
001622
UNIT: *One*

☒ RESUBMITTAL

*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST: 7/5/2014 ENTITY/DIVISION: Natural Resources
CONTACT NAME: Howard W. Nera DEPARTMENT: Land - P.R.
PHONE NUMBER: 86447 or 6409 E-MAIL: _____

TITLE OF DOCUMENT: NTUA - Right of Way for So D Laumbrecht
Gas Line within Kayenta Township

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: RECEIVED JUL - 8 2014 4:30 pm REVIEWING ATTORNEY/ADVOCATE: Irvin
DATE/TIME OUT OF UNIT: _____

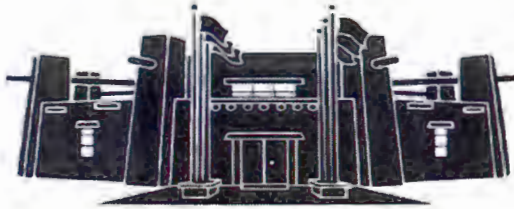
DOJ ATTORNEY / ADVOCATE COMMENTS

*Rtd doc. to RR etc. to acknowledge & indicate the packet to be legally sufficient since
x map & memo. does indicate & show that the proposed area for the project is w/in Kayenta
Township jurisdiction.*

REVIEWED BY: (PRINT) IRVIN CHES DATE / TIME 8/10/14 SURNAMED BY: (PRINT) _____ DATE / TIME _____

DOJ Secretary Called: _____ for Document Pick Up on _____ at _____ By: _____

PICKED UP BY: (PRINT) _____ DATE / TIME: _____

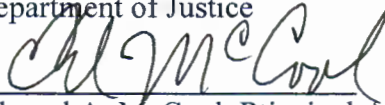


MEMORANDUM

TO:

Veronica Blackhat,
Assistant Attorney General
Department of Justice

FROM:


Edward A. McCool, Principal Attorney
Office of Legislative Counsel

DATE:

March 14, 2017

SUBJECT: Leg. Request 17-208-1 NTUA 164 DOJ Review

As we discussed, attached is the package from NTUA for a natural gas line extension. You will note the 164 does not have the DOJ sign off indicating review for sufficiency. Appreciate your help on this matter; let me know when we can proceed with legislation and retrieve the package.

DUPLICATEDocument No. 001622Date Issued: 03/27/2014**EXECUTIVE OFFICIAL REVIEW**Title of Document: NTUA Nat.gas line ext.Jo D LaundromatContact Name: DRAPER, HOWARDProgram/Division: DIVISION OF NATURAL RESOURCESEmail: howarddraper@frontiernet.netPhone Number: 928 871-6401

			Sufficient	Insufficient
<input type="checkbox"/>	Business Site Lease			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)			
	3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications			
	1. Office of Management and Budget: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Navajo Housing Authority Request for Release of Funds			
	1. NNEPA: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Lease Purchase Agreements			
	1. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(recommendation only)			
	2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Grant Applications			
	1. Office of Management and Budget: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Relinquishment of Navajo Membership			
	1. Land Department: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Elections: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS:

Navajo Tribal Utility Authority (GRANTEE)

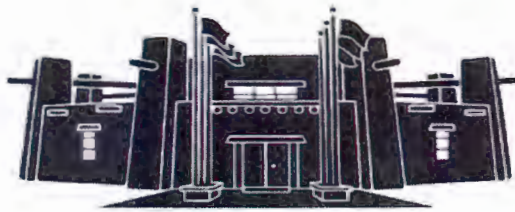
Natural Gas Line Project and Jo D Laundromat at Kayenta, Arizona NTUA Project No. 26140001

1. The term of the right-of-way shall be for twenty (20) years, beginning on the date the right-of-way is granted by the Secretary of the Interior.
2. Consideration for the use of land covered by this Delegation is assessed at \$18,084.00, which shall be paid the Navajo Nation within ten (10) days of approval of the right-of-way by the Navajo Nation.
3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of and will not allow others to use or occupy the right-of-way for any other. The Grantee may not develop, use or occupy the right-of-way for any other purpose without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Grantee may not develop, use or occupy the right-of-way for any unlawful purpose.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 169;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery, all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices;
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq., and
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq.. Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.
6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and revegetation plan, which shall be approved by NNEPA prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and revegetation plan

and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection can be made.

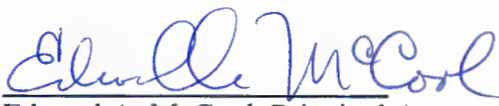
8. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
11. The Grantee shall indemnify and hold harmless the Navajo Nation and the Secretary of the Interior and their respective authorized agents, employees, landusers and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of right-of-way by the Grantee.
12. The Grantee shall not sublet, assign, convey or transfer, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation.
13. The Navajo Nation may terminate the right-of-way for violation of any of the terms and conditions stated herein. In addition, the right-of-way shall be terminable in whole or in part by the Navajo Nation for any of the following causes:
 - a. Failure to comply with any terms and conditions of the grant or of applicable laws or regulations;
 - b. A non-use of the right-of-way for the purpose for which it is granted for a consecutive two year period;
 - c. An abandonment of the right-of-way;
 - d. The use of the land subject to the right-of-way for any purpose inconsistent with the purpose for which the right-of-way is granted.
14. At the termination of this right-of-way, the Grantee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of the said premises.
15. Holding over by the Grantee after the termination of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in or to the land subject to the right-of-way or to any improvements located thereon.
16. The Navajo Nation and the Secretary shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.

17. By acceptance of the grant of right-of-way, the Grantee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction to levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Grantee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.
18. By acceptance of the grant of right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare of the Navajo people) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to negate or impair the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.
19. Any action or claim brought against the Navajo Nation arising out of the injury to person or property (tort) shall only be heard in the Courts of the Navajo Nation and not in any state court.
20. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
21. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Grantee, and the term "Grantee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
22. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.
23. The Navajo Nation reserves the right to grant rights-of-way within the right-of-way referenced herein for utilities, provided that such rights-of-ways do not unreasonably interfere with the Grantee's use of the right-of-way.



MEMORANDUM

TO: Honorable Nathaniel Brown
Navajo Nation Council

FROM: 
Edward A. McCool, Principal Attorney
Office of Legislative Counsel

DATE: April 5, 2017

SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;
APPROVING THE GRANT OF RIGHT-OF-WAY EASEMENT TO THE NAVAJO
TRIBAL UTILITY AUTHORITY TO CONSTRUCT, OPERATE AND MAINTAIN A
TWO (2) INCH AND FOUR (4) INCH NATURAL GAS LINE EXTENSION TO THE "JO
D" LAUNDROMAT IN KAYENTA TOWNSHIP, NAVAJO NATION, NAVAJO
COUNTY, ARIZONA

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0132-17_____

SPONSOR: Nathaniel Brown

TITLE: An Action Relating To Resources And Development; Approving The Grant Of Right-Of-Way Easement To The Navajo Tribal Utility Authority To Construct, Operate And Maintain A Two (2) Inch And Four (4) Inch Natural Gas Line Extension To The "Jo D" Laundromat In Kayenta Township, Navajo Nation, Navajo County, Arizona

Date posted: April 7, 2017 at 3:05pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590**

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0132-17

SPONSOR: Honorable Nathaniel Brown

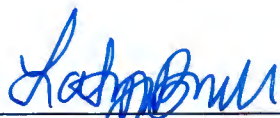
TITLE: An Action Relating To Resources And Development; Approving The Grant Of Right-Of-Way Easement To The Navajo Tribal Utility Authority To Construct, Operate And Maintain A Two (2) Inch And Four (4) Inch Natural Gas Line Extension To The "Jo D" Laundromat In Kayenta Township, Navajo Nation, Navajo County, Arizona

Posted: April 7, 2017 at 3:05 PM

5 DAY Comment Period Ended: April 12, 2017

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<i>None</i>



**Policy Analyst
Office of Legislative Services**

4/13/17 9:15am

Date/Time

**RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL**

THIRD YEAR 2017

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

Legislation # 0132-17: An Action Relating to Resources and Development; Approving the Grant of Right-of-Way Easement to the Navajo Tribal Utility Authority to Construct, Operate and Maintain a Two (2) Inch and Four (4) Inch Natural Gas Line Extension to the Jo D" Laundromat in Kayenta Township, Navajo Nation, Navajo County, Arizona. *Sponsor: Honorable Nathaniel Brown*

Has had it under consideration and report the matter was **TABLED** due to legislation was incomplete and not properly copied. Sponsor and Agent requested the matter be tabled to May 9th, 2017. Office of Legislative Services to ensure a proper and complete copy be made available for presentation to RDC.

And thereafter respectfully the matter was tabled to next regular meeting..

Respectfully submitted,



Alton Joe Shepherd, Chairperson
Resources and Development Committee of
the 23rd Navajo Nation Council

Date: May 4, 2017
Main Motion: Honorable Walter Phelps
Second: Honorable Benjamin Bennett
Vote:

TABLING MOTION:

Motion: Benjamin Bennett
Second: Leonard Pete
Vote: 4-0-1 (CNV)

**RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL**

THIRD YEAR 2017

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

Legislation # 0132-17: An Action Relating to Resources and Development; Approving the Grant of Right-of-Way Easement to the Navajo Tribal Utility Authority to Construct, Operate and Maintain a Two (2) Inch and Four (4) Inch Natural Gas Line Extension to the Jo D" Laundromat in Kayenta Township, Navajo Nation, Navajo County, Arizona. *Sponsor: Honorable Nathaniel Brown*

Has had it under consideration and report a DO PASS with the following amendment:

Page 2 of 3, Paragraph B should read as follow:

- B. The proposed commercial Right-of-Way System on Navajo Nation Trust Lands is 2,000.67 feet long, 30 feet wide, consisting of 1.37 acres, (more or less) located in SW1/4 of Section 12, and NW1/4 of Section 13; the 4-inch main gas line is 1,431.08 feet long, 30 feet wide, consisting of 0.98 acres, more or less; and the 2-inch gas service line is 569.59 feet long, 30 feet wide, consisting of 0.39 acres, more or less, and located in Township 38 North, Range 19, East, Gila and Salt River Meridian, State of Arizona, B.L.M. Cadastral Survey Township Plat dated 04/08/1999. Maps are attached and incorporated herein at Exhibit "B".

Page 2, Line 17, incorporate a new Paragraph E as follow:

- E. The application for this Right of Way as submitted by the NTUA has been the subject of the necessary reviews for cultural Resources – Historic Preservation and Water Quality, such reports being attached at Exhibit "F" and made a part hereto.

**(AMENDMENT # 1: Motion: Davis Filfred Second: Jonathan Perry Vote:
4-0-1 (CNV)**

Legislation # 0132-17

Page Two

And thereafter approved the legislation.

Respectfully submitted

A handwritten signature in blue ink, appearing to read 'Alton Lee Shepherd', with a large circular flourish at the beginning and a long horizontal stroke extending to the right.

Alton Lee Shepherd, Chairperson
Resources and Development Committee of
the 23rd Navajo Nation Council

Date: May 16, 2017
Main Motion: Honorable Benjamin Bennett
Second: Honorable Davis Filfred
Vote: 4-0-1 (CNV)