

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Purchase and Appropriating \$2,000,000 from the P.L. 99-503 Funds
for Purchase of Approximately 1,166 Acres in Maricopa County)

RESOLUTION NO. 02-364

1 **WHEREAS, in Resolutions No. 02-234 and 02-347 the Tohono O'odham Legislative Council**
2 **approved the purchase of a 2,600 acre parcel in Maricopa County as replacement**
3 **lands for San Lucy District under the Gila Bend Indian Reservation Lands**
4 **Replacement Act, Public Law 99-503, which purchase has been completed; and**

5 **WHEREAS, San Lucy District has requested that the Tohono O'odham Nation ("Nation") approve**
6 **the purchase of an adjacent parcel which has a common boundary with the 2,600 acre**
7 **parcel and consists of a parcel of approximately 1,166 acres ("the 1,166 acre parcel")**
8 **to be acquired by the Nation using P.L. 99-503 funds and a parcel of approximately**
9 **9,200 acres ("the 9,200 acre parcel") to be acquired by Kimblewick Land, L.L.C., a**
10 **wholly owned subsidiary of Vi-ikam Doag Industries, using corporate funds that are**
11 **not P.L. 99-503 funds; and**

12 **WHEREAS, the majority of the 1,166 acre parcel, which is located in portions of Sections 4, 9, 16,**
13 **and 21 in Township 5 South, Range 7 West, is outside of the flood plain created by the**
14 **Painted Rock Dam and Reservoir (the "flood plain") and is suitable for housing and**
15 **community and economic development, and is therefore desirable for acquisition**
16 **and placement into trust status as replacement lands under P.L. 99-503, whereas the**
17 **majority of the 9,200 acre parcel is within the flood plain and is not suitable for**
18 **housing but may be suitable for some forms of community and economic**
19 **development; and**

20 **WHEREAS, the seller (Painted Rock Springs Ranch) is unwilling to sell the 1,166 acre parcel**
21 **separately and requires the purchaser (Arizona Desert Shrimp, L.L.C.) to purchase the**
22 **1,166 acre parcel and the 9,200 acre parcel as one parcel for a purchase price of**
23 **\$1,950,000; and**

24 **WHEREAS, the purchaser (Arizona Desert Shrimp, L.L.C.) is willing to split the parcel into two**
25 **parcels in a sale to Kimblewick Land, L.L.C. or its Nominee, which sale is intended to**
26 **be simultaneous with the sale from Painted Rock Springs Ranch to Arizona Desert**
27 **Shrimp, L.L.C., with the understanding that the split into two parcels is for the benefit**
28 **of San Lucy District and the Nation; and**

29 **WHEREAS, the Nation and San Lucy District intend that the 1,166 acre parcel will be joined with**
30 **the 2,600 acre parcel previously purchased to be held in trust by the United States for**

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1 **the benefit of San Lucy District and the Nation, and that the 9,200 acre parcel be held**
2 **in fee simple by Kimblewick Land, L.L.C. for an indefinite period while plans for use**
3 **or disposition of the 9,200 acre parcel are developed; and**

4 **WHEREAS, because of the benefit realized by San Lucy District and the Nation by joining the 1,166**
5 **acre parcel to the 2,600 acre parcel and placing that entire joined parcel into trust,**
6 **the Nation is willing to pay approximately \$1,665 per acre for the 1,166 acre parcel for**
7 **a total purchase price of \$1,940,800 and to allow Kimblewick Land, L.L.C. to acquire**
8 **the 9,200 acre parcel for approximately \$1.00 per acre for a total purchase price of**
9 **\$9,200; and**

10 **WHEREAS, a Phase 1 environmental site assessment has been performed on the 1,166 acre**
11 **parcel and the 9,200 acre parcel together, and no "recognized environmental**
12 **conditions" or "potential recognized environmental conditions" have been found on**
13 **the 1,166 acre parcel; and**

14 **WHEREAS, the Investment Committee of the Nation and the Natural Resources Committee of the**
15 **Legislative Council have reviewed this purchase proposal; and**

16 **WHEREAS, the purchase of the 1,166 acre parcel by the Nation is in the best interests of San Lucy**
17 **District and the Nation.**

18 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:**

19 **1. Approves the purchase by the Tohono O'odham Nation of the 1,166 acre parcel**
20 **described above for San Lucy District under the provisions of P.L. 99-503 for the**
21 **purchase price of \$1,940,800 to be used for housing and economic and community**
22 **development, with no current intention of utilizing such lands for farming.**

23 **2. Appropriates \$2,000,000 from the P.L. 99-503 account for the purchase price plus**
24 **closing costs and any related costs for the 1,166 acre parcel.**

25 **3. Agrees that the Tohono O'odham Nation shall be named the Nominee of**
26 **Kimblewick Land, L.L.C., in the purchase documents for the 1,166 acre parcel and**
27 **agrees to assume all the obligations of Kimblewick Land, L.L.C., under those**
28 **purchase documents, provided that nothing in the Nation's assumption of**
29 **obligations shall be construed as a waiver of the sovereign immunity of the**
30 **Nation.**

31 **4. Authorizes and directs the Chairman of the Nation to execute and deliver the**

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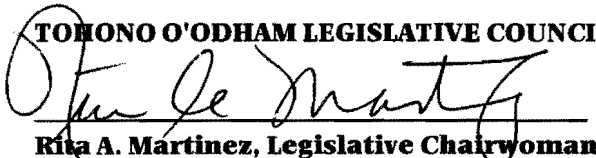
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purchase documents, to transfer funds, and to take all necessary and reasonable steps to implement the purchase approved in this Resolution.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 29TH Day of AUGUST, 2002 at a meeting at which a quorum was present with a vote of 1,434.7 FOR; 719.45 AGAINST; 263.35 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1(i)(3) of Article VI and Section 9 of Article XVI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Rita A. Martinez, Legislative Chairwoman

30th day of August, 20 02

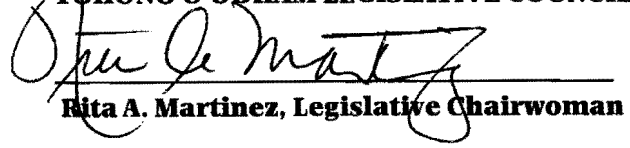
ATTEST:


Julianna Saraficio, Acting Legislative Secretary

29 day of August, 20 02.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 30th day of August, 20 02 at 3:55 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

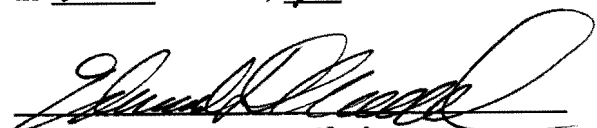

Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 4th day of September, 20 02

DISAPPROVED

at 3:10 o'clock, P.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 04th day of

September, 20 02, at 3:27 o'clock, P.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING PURCHASE AND APPROPRIATING \$2,000,000 FROM THE P.L. 99-503 FUNDS FOR PURCHASE OF APPROXIMATELY 1,166 ACRES IN MARICOPA COUNTY

Moved: COUNCILMAN ALBERT MANUEL, JR.

SECOND: COUNCILMAN DAVID GARCIA

DATE: AUGUST 29, 2002

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85		X		
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. ALEX J. RAMON (Jerome Joaquin)	115.35	X			X
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65			X	
	2. SANDRA ORTEGA ()	83.65	X			
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35			X	
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			
	2. GLORIA RAMIREZ ()	80.35	X			
SAN XAVIER 184.7	1. FELICIA NUÑEZ ** ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25		X		X
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25		X		
SELLS 416.1	1. DENNIS E. JOSE ** ()	208.05		X		
	2. EVELYN JUAN ()	208.05		X		
SIF Oidak 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35			X	
TOTAL		2,417.5	1,434.7	719.45	263.35	[02]

**PASSED VOTES