

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION**Approving Utility Rights-Of-Way For the Northwest Quadrant Development and Authorizing The Town Manager to Administratively Execute Rights-Of-Way Documents On Behalf of the Kayenta Township Commission.****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, lease renewals, assignments, transfers, permits, easements, Rights-of-Way (ROW) and encumbrances; and
3. Through the Northwest Quadrant master planning process, the Kayenta Township Commission identified and mapped all existing utility lines within the Township. The process also delineated and located all utilities planned throughout the site. The Kayenta Township Commission reviewed and approved, by KTCAP-010-99, April 18, 1999 the master plan document, Master Plan Study: Kayenta Township Northwest Quadrant Residential & Commercial Development; and
4. The KTC, as a township governing body and pursuant to the KTC Retail Sales Tax Ordinance, assumes the design, development, and operation & maintenance of all streets within the Kayenta Township; accordingly the street Rights-Of-Way will be held by the KTC; and
5. The above KTC approval, cited at Paragraph 3, includes requirements for underground utilities throughout the master planned area. The street Rights-Of-Way will also serve as utility Rights-Of-Way, which will include underground electrical utility, constructed in accordance with NTUA's specification for "joint use utility trench;" and
6. NTUA, represented by Mr. Rex J. Kontz, agreed to the manner in which utility Rights-Of-Way applications would be granted by KTC to NTUA on November 18, 1999; and
7. There is need to authorize the Town Manager to administratively execute Rights-Of-Way documents (electrical, water and sewer, gas, communication, and cable TV facilities) on behalf of the Kayenta Township Commission to expedite the purpose of this resolution.

NOW THEREFORE BE IT RESOLVED:

1. The Kayenta Township Commission hereby approves and grants all utility Rights-Of-Way coinciding with street Rights-Of-Way within the Northwest Quadrant development; and
2. The Kayenta Township Commission hereby authorizes the Town Manager to administratively execute Rights-Of-Way application documents on behalf of the Kayenta Township Commission; and

3. All utilities within the master planned Northwest Quadrant Development will be constructed according to NTUA specifications for underground utilities and in accordance with the approved master plan document, Master Plan Study; Kayenta Township Northwest Quadrant Residential & Commercial Development.

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 roll call vote of 4 in favor, 1 opposed, and 0 abstained, this 19th day of **March, 2000.**

Motion: Richard P. Mike
Second: Jimmie Austin, Jr.



Chairperson
Kayenta Township Commission



The Kayenta Township Commission

P.O. Box 1490

Kayenta, Arizona 86033

Phone: (520) 697-8451 Fax: (520) 697-8461

March 9, 2000

Ms. Patricia Sonny
NTUA - Kayenta District
POB 37
Kayenta, AZ 86033

RE: TCAFA Lease-Site Permanent Utility Service

Dear Ms. Sonny,

This is to relate to you and all concerned the Kayenta Township Commission's decision requiring underground utilities for the Northwest Quadrant development. Further, this should provide guidance as to the manner all utility services are to be provided for all improvements planned within the Northwest Quadrant, including the lease-site of Todenasshai Committee Against Family Abuse (TCAFA).

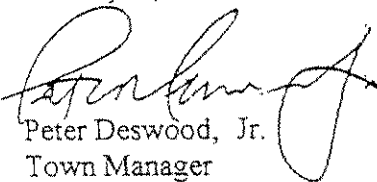
1. The Northwest Quadrant Master Plan process was authorized by the Kayenta Township Commission on November 22, 1998, through the approval of a contract with Rising Sun Engineering, Inc..
2. The planning area encompasses 174-acre land parcel bounded by the existing leases (Teeh-In-Deeh Shopping Center, Burger King, Hampton Inn), the north US160 ROW, the Kayenta Township boundary, the west US163 ROW, and the Kayenta Fire Station site.
3. The Kayenta Township Commission decided and specified early during the planning process that all utilities will be constructed underground to lend to the aesthetics of the overall development.
4. The master plan drawings are presented with the following features accommodating the KTC decision for underground utilities:
 - No alleyways (utility easements) are drawn in on the backside of residential lots.
 - Planter boxes are drawn in at residential lot fronts to accommodate utility placement.
5. The master plan document, Master Plan Study: Kayenta Township Northwest Quadrant Residential & Commercial Development, was reviewed and approved by the Kayenta Township Commission, April 18, 1999, KTC resolution KTCAP-010-99.

6. The TCAFA lease is located interior to the master plan area, bounded by and interior to the streets which serves to provide all utilities. An 8-acre "restricted traditional architectural zone" parcel is located south of the TCAFA lease, west of the Teeh-In-Deeh Shopping Center lease, and north of the Burger King and Hampton Inn lease sites.
7. All utility services are being designed to be provided through the streets. The TCAFA lease-site will access all of its utilities from the street where service line conduits (raceways) will be built in, if not with service lines installed in the conduits. This design is in accordance with NTUA's specification for "joint use utility trench."
8. David N. Sloan & Associates, architect for TCAFA, needs to coordinate with Fort Defiance Housing Corporation with regard to infrastructure cost-sharing and service capacity requirements for the Day Care and Women's Shelter facilities.

Coordination of the highest order is most necessary on the part of the TCAFA architect, David N. Sloan & Associates, to facilitate provision of all the necessary utilities to service the Day Care and Women Shelter facilities. Plans and specifications for both facilities need to be submitted as promised over a month and a half ago.

Your understanding and cooperation is appreciated. For coordination do not hesitate to call on us at the above address and telephone numbers.

Thank you,



Peter Deswood, Jr.
Town Manager

xc: David N. Sloan & Associates, AIA
Jimmie Bitsui, FDHC
Bill Aubrey, FDHC
Arnold Dohi, NTUA
Rex Kontz, NTUA
Chrys Uhlig, NTUA
Gene Wilson, NTUA
Freddie Bowsley, NTUA
Gary Claussen, NCC
file

Enclosures



The Kayenta Township Commission

P.O. Box 1490

Kayenta, Arizona 86033

Phone: (520) 697-8451 Fax: (520) 697-8461.

November 29, 1999

Mr. Rex P. Kontz, Superintendent
Utility Construction Department
NTUA - Headquarters
FOB 170
Ft. Defiance, AZ 86504

RE. Kayenta Township Easements and ROW

Dear Mr. Kontz,

Reference our discussion and conclusions arrived at during our afternoon meeting November 18, 1999. The following is to summarize our discussion.

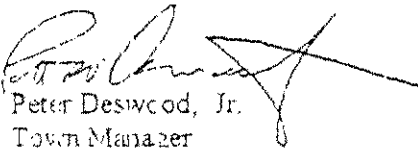
1. The NTUA Management Board agree that the Kayenta Township Commission is the governing body of the 3,606.43 acre Kayenta Township site, and delegated yourself to take care of the details.
2. NTUA needed support documentation to assist with processing Kayenta Township ROW through the KTC as opposed to the Section 164 Navajo Nation process.
3. You were provided a copy of a bound compendium of supporting documents based upon which the Navajo Nation Attorney General, Mr. Herb Yazzie, issued an opinion and subsequently the Legislative Counsel, Mr. Steve Boos, issued a second supporting opinion.
4. You were provided documents from the Navajo Nation Department of Justice relating to the exercise of KTC's authority to approve leases as the USPS Post Office land lease was processed through the Navajo Nation President's Office to secure President Begaye's signature, and finally the Bureau of Indian Affairs Area Realty Office with the delegated official's, Jennie Denetsone, signature approving the lease.
5. You were provided a more recent document referring the Todenasshai Committee Against Family Abuse land lease for approval with specific waivers by the appropriate approving body, KTC.
6. You were informed and provided a copy of the approved FONSI for the 3,606.43 acre Kayenta Township site.

7. You were informed of the approved Archaeological Clearance of the 3,606.43 acre Kayenta Township site.
8. You were provided a copy of the Northwest Quad Master Plan maps. The Kayenta Township Commission through the Kayenta Comprehensive Land Use Plan delineated land uses and zoned these uses specifically. KTC further subdivided the zoned areas into lots. i.e. residential lots, commercial lots as shown on the master plan documents.
9. We reached agreement on the process that would be followed by NTUA to secure a ROW within the Kayenta Township site. KTC will coordinate with and involve NTUA in the design development process of all development projects. NTUA will identify, survey with a legal description utility ROW lines, and submit to KTC a proposal requesting granting of a ROW.
10. To expedite utility ROW on the Kayenta Post Office construction, you advised that the Town Manager be delegated the authority to grant ROW.
11. You agreed and committed NTUA to begin the engineering survey on the Post Office project right away for a legal description to submit requests to KTC for granting of utility (electric, water and sewer) ROW.

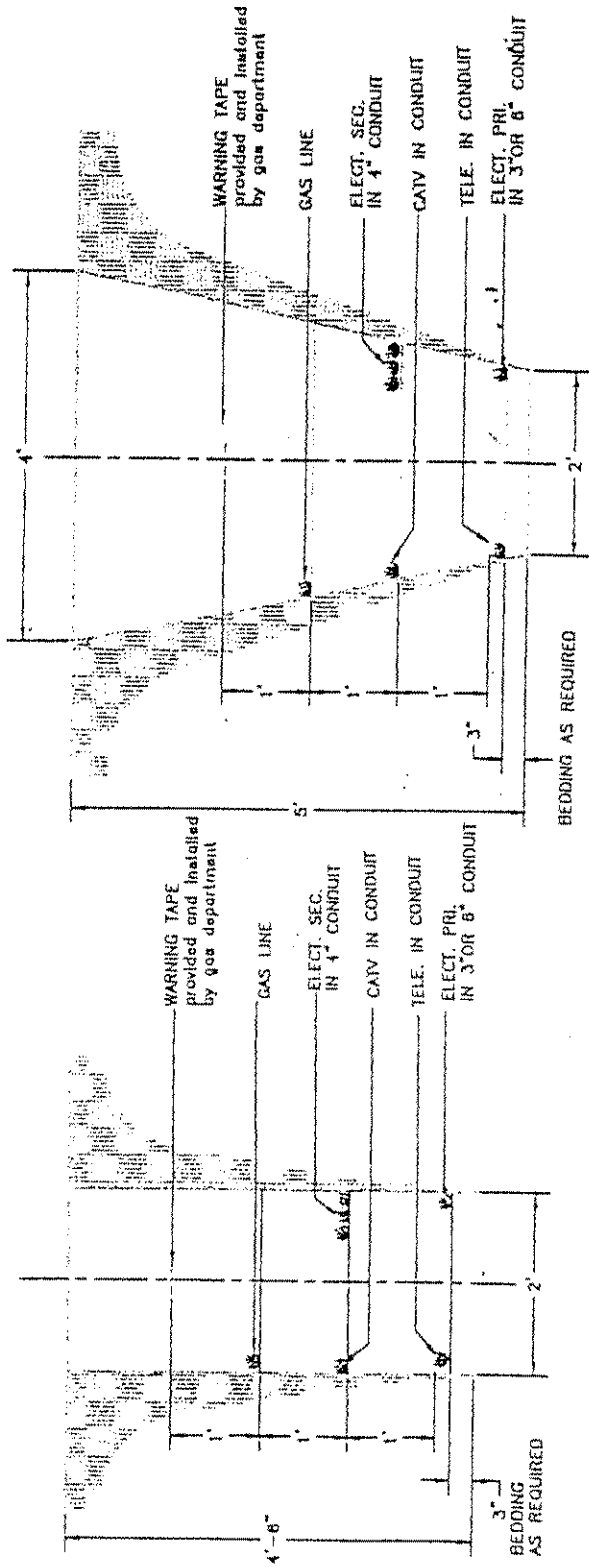
Transmitted with this letter is a resolution approved by the Kayenta Township Commission at their special meeting, November 28, 1999, delegating the Town Manager a conditional authority to grant ROW specifically for the Kayenta Post Office construction.

On behalf of the Kayenta Township Commission I would like to thank the NTUA Management Board, General Manager, Legal Counsel and yourself for recognizing the Kayenta Township Commission as the governing body within the Kayenta Township. If you need our assistance do not hesitate to call on us at the above address and telephone number.

Thank you,


Peter Deswood, Jr.
Town Manager

cc: Randall Medicine Bear, General Manager
Arnold Dohi, District Manager
Patricia Sonny, Kayenta District
file



JOINT USE UTILITY TRENCH

TITLE:

APPR. ELECT. ENGR.

APPR. GAS ENGR.

APPR. CITIZENS

APPR. CATV





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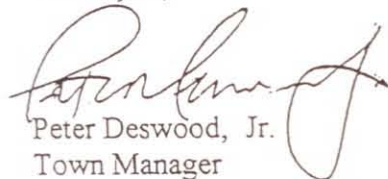
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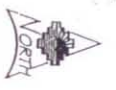
Enclosures



KAYENTA TOWNSHIP
NORTHWEST QUADRANT



RSING SUN ENGINEERING INC.



- SEWER LOADING
- EXISTING SEWER
- NEW 8" SEWER
- NEW 10" SEWER
- FLOW
- NEW MANHOLE
- EXISTING MANHOLE