

**Navajo Land Department
Land Acquisition Program
Requirements and Procedures**

I. PRIVATE LAND ACQUISITION

A. Information Required:

1. Offer for sale submitted to the Navajo Nation/Navajo Land Department.
2. Record and open file by:
 - a) Determine feasibility of the offer and accept or decline the offer.
 - b) Respond in writing or via electronic mail to seller(s) on the decision to accept or decline. If accepted, request for documents listed under item #3 below. If the seller(s) do not respond within 30 days of the letter, file will be placed as inactive and closed.
3. Upon acceptance of the offer, seller(s) provides:
 - Legal Land Description
 - Maps / Survey Plats
 - Copy of Deed(s)
 - Inform the seller that abstract of title will be required at a later time depending on decision to buy the land.
 - List of Improvements
 - Documentation of Water Permits or Claims
 - Tax Assessment & Valuation Information
 - Statement of Present Land Use
 - Statement describing any occupancy or use rights on the land/improvements (leases, agreements, etc.)
 - Statement and Document(s) from seller disclosing any recorded and unrecorded deeds, mortgages, liens, leases, easements, encroachments, deed restrictions, contracts or other instrument known to the seller affecting the land.
 - Written authorization for inspection - Navajo Land Department to inspect
 - Appraisal Report
 - Phase I Environmental Site Assessment
 - Other Requirements as needed

B. Navajo Land Department Responsibilities/Due Diligences

- 1. Obtain the required data from seller(s)**
- 2. Verification of data provided**
- 3. Conduct physical inspection of the land and any improvements**
- 4. Determine ingress and egress to the land**
- 5. Prepare a map of land(s) on a 7.5 minute USGS quad map including adjacent land status**
- 6. Determine potential use(s)**
- 7. Prepare amortization in accordance with 16 N.T.C. § 8, if necessary**
- 8. Obtain availability of funds from Office of Controller**
- 9. Secure an appraisal report from a licensed certified appraiser(s) & Phase I ESA.**
- 10. Department Manager of the Navajo Land Department and members of the negotiation team negotiates and agree to a purchase price with the seller(s), which may require several counter-offers.**
- 11. If land(s) recommended for purchase:**
 - a. Both parties agree to a firm purchase price in writing.**
 - b. The Navajo Land Department shall meet with seller to discuss terms/process of proposed purchase. Seller(s) must understand that they have the option to sell to others until the Navajo Nation Council approves the proposed purchase.**
 - c. Request from seller(s) the following:**
 - 1. Commitment for Title Insurance**
 - 2. Disclosure Statement, if necessary**
- 12. Prepare an Evaluation Report and the report shall include but not be limited to the following:**
 - a) Determine whether lands and possible uses thereof conform to the major purposes of Land Acquisition in 16 N.T.C. § 1**
 - b) Report of present and potential uses of the land**

- c) Amortization report, if necessary
- d) Appraised value of the property
- e) Availability of funds
- f) Provide a general land use plan with letter(s) of support from interested party(ies) or potential land users. If acquisition is for economic development purpose, the requesting entity shall provide a comprehensive business plan with a feasibility study.
- g) Information acquired from seller under (A) (3) above

13. If land(s) recommended for purchase:

- a. Prepare a memorandum of recommendation and draft resolution for review and consideration by the Resources & Development Committee of the Navajo Nation Council.
- b. Draft a real estate purchase agreement. The purchase agreement will be finalized upon all reviews and approvals.
- c. Submit acquisition proposal for administrative review through the ~~Signature Approval Sheet (SAS)~~ 164 Review process. Time is of essence, reviewing of the proposed acquisition should be no longer than two weeks for each reviewing department.
- d. Upon the ~~SAS administrative~~ 164 review, NLD will designate a sponsor to take the proposed legislation through the Legislative process. The designated sponsor is responsible for the proposed purchase to work with all parties to get the packet through the legislative approval process in a timely matter.

C. Legislative Approval Process/Responsibilities

- 1. Consideration by the Resources & Development Committee of the Navajo Nation Council and may include other standing committee(s). The designated sponsor is responsible to notify NLD, seller(s) and/or interested party(ies) of the meetings, including any issues or concerns regarding the proposed acquisition.
- 2. Consideration by the Navajo Nation Council, if approved by the Resources & Development Committee

3. **Consideration by the President of the Navajo Nation for final approval of the legislation or veto. If vetoed, Navajo Nation Council has the option to override the veto.**
4. **The Navajo Land Department responsibilities after approval by the Navajo Nation President are as follows:**
 - a. **Obtain and review abstract of title from seller or title company. Title Insurance Policy may also be required.**
 - b. **Re-inspect property and prepare certificate of inspection and possession.**
 - c. **Work with Division of Natural Resources Principal Attorney and/or real estate broker or attorney to finalize the real estate purchase agreement.**
 - d. **Request for funds from Land Acquisition Trust Fund, Office of Controller.**
 - e. **Schedule closing with the designated Title Company**
 - f. **Other requirements as needed**

D. Close of Escrow & Post Purchase:

1. **Division of Natural Resources and Navajo Land Department reviews purchase agreement and other documents on acquisition**
2. **Upon approval, purchase agreement is executed by the President or Vice President**
3. **NLD notifies seller of encumbrances to be corrected prior to closing**
4. **Upon compliance with terms of the purchase agreement, the purchase is consummated in a closing through an escrow agent**
5. **Deeds to the Navajo Nation are filed in county and tribal records**
6. **Following acquisition, appropriate Navajo Nation departments will be notified of the purchase to insure all transfers are handled correctly, which includes identifying the subject property as a Navajo Nation property, transfer of any leases and/or water rights.**