

Sells Community Land Assignment Policy

ARTICLE I Authority

The Sells Community Land Assignment Policy is adopted pursuant to Article XVI, Section 3 Sub-Section (a) Land Policy of the Constitution and By-Laws of the Tohono O'odham Nation of Arizona and codifies the customary regulations of the Sells Community, Sells District Governing assignment of the land for beneficial use and occupancy.

ARTICLE II Purpose

The purpose is to establish and define procedures in assigning & registering land for members of the Tohono O'odham Nation who are registered voters of Sells Community. The Sells Community will formulate uniform control procedures for community lands hereafter assigned to eligible registered voters of Sells Community.

ARTICLE III Coordinator of Land Assignment

The Chairperson of the Sells Community will serve as Coordinator of Land Assignments to process the assignment forms that will be filled out by new applicants for land assignment.

ARTICLE IV Land Committee

1. The Sells Community Representatives & Alternates shall appoint (3) Representatives & (2) Alternates to be designated as the Sells Community Land Committee. Interested individuals will submit a letter of interest for consideration of appointment.
2. The Sells Community Land Committee shall consult and seek information from the Sells Representatives and Elders within the Community and other consultants as needed, concerning assignment of new request for land in the Sells Community (T.O.U.A., I.H.S., Planning ETC.).
3. The Sells Community Land Committee shall be responsible for reviewing all applications. If application is not complete it will not be considered for review.
4. The Sells Community Land Committee shall be responsible for making all investigations affecting the application for assignment and occupancy.

5. The Sells Community Land Committee shall either accept or reject an application.
 - A. The applicant requesting a land assignment will be present at a Sells Community Land Committee Meeting.
 - B. When an application has been rejected the Sells Community Land Committee it shall be final.

ARTICLE V
Land Assignment/Existing Home Sites

1. The Sells Community Land Assignment, will designate certain areas within the Sells Community to be utilized for assignment to new land assignment request
2. The maximum allotment shall be comprised of a tract of land **not to exceed 150' feet by 150' feet (22,500 square feet)** for registered Sells Community members.
3. No person shall be entitled to more than one assignment for residential use
4. An assignee is to use his assignment for residential purposes only.
5. All non-residential land requests will be reviewed by the Sells Community Land Committee. All non-residential land requests will be presented at a Sells Community Meeting for comment prior to the approval.
6. Any home site assignment made under previous resolution or action of the Sells Community and the Sells District Council existing on the effective date of this policy shall remain valid. However, the continued use of such home sites shall be subject to the provisions of this policy.

ARTICLE VI
Qualifications of Applicant and Assignees of Land Assignment

1. Applicant shall be a member of the Tohono O'odham Nation as described in Section 1, Article II – Membership – of the Constitution and By-Laws of the Tohono O'odham Nation.
2. Applicant shall be a registered member of the Sells District/Sells Community.
3. Applicant must be 18 years of age

4. Applicant shall be head of the family, if a female member of the community marries a person who is not a member of the community. the female shall be considered as the head of the family.
5. Applicant shall abide by the provisions set forth in this Land Policy, Constitution and By-Laws of the Tohono O'odham Nation, Sells District Council and any other provisions enacted hereafter regarding land occupancy and development of property.
6. Applicant shall demonstrate sincere interest in acquiring land for development of property for residential purpose.
7. Applicant shall furnish all information required by the Sells Community Land Committee and consent to a background investigation concerning his/her family.
8. No Non-Tohono O'odham or Non-Sells Community member shall own or inherit land in the Sells Community.

ARTICLE VII Land Registration

1. The person who claims an assignment of land will fill out a prepared form available at the Sells District Office.
 - A. The tract of land is illustrated to the claimant on a map and aerial photograph, which show boundaries, location, and dimensions of the area.
 - B. In the event the claimant disagrees or is doubtful of the boundary, location or dimensions, a physical inspection will be made by a member of the Sells Community Land Committee.
 - C. If the claimant remains in disagreement or doubt, the matter will be referred to the Sells Community Land Committee. Together with all the facts available, so a decision will be made.
 - D. In the event that two or more claimants have conflicting boundaries or recordings in the same area, all facts will be gathered and presented to all parties involved in order to resolve each assignee's boundaries. If resolved resolution cannot be reached then it will be referred to the Sells Community Land Committee for a final decision to be made.

- E. After an assignee's boundaries have been determined, the information will be recorded appropriately and filed at the Sells District Office by the Sells Land Committee Chairperson.

ARTICLE VIII
Process of Land Registration

1. Land Registration will be processed by the Sells Community Land Committee Chairperson.
2. The registration form will be prepared in duplicate, lot numbers assigned consecutively and dated: one copy for file and one copy for the claimant.

ARTICLE IX
Improvements on Assigned Land

1. The Sells District Council reserves the right-of-way on, over, under, or across assigned land within the District for construction of roads, streets, utility facilities and any other necessary or incidental improvement for the community's health, comfort, and welfare. Consent for the construction shall not be required from the assignee. However, compensation for any damage of personal property will be paid the assignee that resulted from said construction. Land surface damage shall not be construed as damage of personal property, as long as land is left in its original form, as much as possible.
2. All mineral rights on assigned land shall be retained by the Tohono O'odham Nation
3. Buildings and other improvements constructed on the assigned land shall be recognized as personal property.
4. Minimum standards of sanitary facilities shall be met by the claimant as established by the Sells Community Land Committee based upon recommendations of the Indian Health Services.
5. By registering land, assignee agrees to protect the health and safety of the public and other public concerns.

ARTICLE X
Repossession of Assignment

1. Each person who has been assigned a tract of land shall have one year in which to develop property. If no development has been made, it is subject to repossession by the Sells Community Land Committee.

2. In the event repossession action is intended, the assignee will be given written notice stating reasons and give thirty (30) day to appeal, in writing, to the Sells Community Land Committee from the date of notice.

3. Such repossession of assigned land shall become available for reassignment.

4. Notwithstanding any other provision of this Article, the assigned land of any individual who relinquishes his or her membership in the Tohono O'odham Nation, or who is otherwise no longer a member of the Sells Community, shall be subject to immediate repossession and reassignment.

ARTICLE XI
Effective Date

The effective date of this policy shall be the date of an approving resolution of the Sells District Council after being enacted by the Sells Community.

ARTICLE XII
Amendments To The Policy

This policy may be amended or supplemented with review and approval of the Sells Community, and final approval by the Sells District Council.

