TITLE: An Action Relating to Resources and Development; Approving the Assignment of Business Site Lease No. FD-88-134 from Bashas' Inc. to Raley's, Arizona LLC

Date posted: November 18, 2021 at 4:40PM

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DATE: November 16, 2021

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE ASSIGNMENT OF BUSINESS SITE LEASE NO. FD-88-134 FROM BASHAS’ INC. TO RALEY’S, ARIZONA LLC

PURPOSE: The purpose of the resolution is to approve the assignment of the BASHAS’ INC., an Arizona Corporation, Lease No. FD-88-134 to RALEY’S, ARIZONA, LLC, an Arizona limited liability company.

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 to review each proposed resolution in detail.
PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL -- Third Year, 2021

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0245-21

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE
ASSIGNMENT OF BUSINESS SITE LEASE NO. FD-88-134 FROM BASHAS’ INC.
TO Raley’s, Arizona LLC

BE IT ENACTED:

Section One. Authority

A. Pursuant to 2 N.N.C. §§ 500, the Resources and Development Committee is hereby
   established as a standing committee of the Navajo Nation Council.

B. Pursuant to 2 N.N.C. §501 (B)(2)(a), the Resources and Development Committee
   grants final approval for all non-mineral leases including modifications and
   assignments.

Section Two. Findings

A. The Regional Business Development Office Executive Summary states that “[t]his
   Legislation is requesting Assignment of Business Site Lease No. FD-88-134 from
   BASHAS’ INC, an Arizona Corporation to Raley’s ARIZONA LLC, an Arizona
   limited liability company.” The Executive Summary further states that “Business Site
   Lease No. FD-88-134 was approved by U.S. Department of the Interior, Bureau of
   Indian Affairs on September 8, 1988 for a term of 40 years to G.B. Investment
   Company and Basha’s Inc. for the purpose of operating a General Food Market
   business. Said business is located in Window Rock, Arizona. By letter dated
November 1, 2021, the Purchase and Sale Agreement has been executed between the parties and are seeking Lease Assignment approval from the Navajo Nation, Lessor and U.S. Department of Interior, Bureau of Indian Affairs. BASHAS INC. is in compliance with the Navajo Nation Laws: ....” The Regional Business Development Office Executive Summary is attached as Exhibit 2.

B. Memorandum dated November 1, 2021 from Basha’s Inc, regarding “Basha’s Inc.: Request for Department of Economic Development Assistance in processing Consent to Assignments” and BASHAS, INC, Navajo Nation Corporation Code Certificate of Good Standing are attached as Exhibit 3.


D. The Assignment of Lease No. FD-88-134 from BASHAS’ INC., an Arizona Corporation, to RALEY’S, ARIZONA, LLC, an Arizona limited liability company attached hereto as Exhibit 1.

E. The Executive Official Review Document No. 017608 is attached as Exhibit 5. Executive Official Review Document No. 017608 includes reviews by the Division of Economic Development and the Office of the Attorney General dated November 8, 2021 and November 9, 2021, respectively, in which each office found the review “Sufficient.”

Section Three. Approval of Assignment

A. The Navajo Nation hereby approves the assignment of the BASHAS’ INC., an Arizona Corporation, Lease No. FD-88-134 to RALEY’S, ARIZONA, LLC, an Arizona limited liability company. The ASSIGNMENT OF BUSINESS SITE LEASE, NAVAJO NATION, Lease Number FD-88-132 is attached hereto as Exhibit 1.

B. 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.