



Pueblo of Isleta

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# ORDINANCE GOVERNING LAND TRANSACTIONS

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**PUEBLO OF ISLETA**  
**ORDINANCE GOVERNING LAND TRANSACTIONS**

I. Purpose of Ordinance

- A. This Ordinance is enacted for the purpose of recording Pueblo of Isleta practices governing land transactions of tribal lands, and ensuring that land transactions are conducted in a uniform manner and recorded in a uniform and consistent manner for the benefit of the Pueblo of Isleta and its tribal members.
- B. This Ordinance affirms customary authorities of the Governor and Lieutenant Governors and various departments of the Pueblo of Isleta government authorized by the Tribal Council. Specifically, this Ordinance authorizes the Pueblo of Isleta (“POI”) Surveying and Mapping Department to develop policies, processes and forms for land transactions and recording in a uniform manner.
- C. This Ordinance is not intended to supersede customary and traditional powers and authorities of the traditional government of the Pueblo of Isleta, and shall not be interpreted as such.

II. Definitions

As used in this Ordinance, the following definitions shall mean:

- A. Governor – refers to the Governor of the Pueblo of Isleta.
- B. Land Assignment – refers to a transfer of an interest in tribal lands to a tribal member in accordance with the laws of the Tribe. It typically refers to the land conveyance document used by the Tribe to give tribal members an indefinite possessory interest in tribal lands.
- C. Lease – refers to an agreement for the use of land, including Trust Land or Restricted Land, or other real property.
- D. Lieutenant Governors – refers to the first and second Lieutenant Governors of the Pueblo of Isleta.
- E. SM Department– refers to the Pueblo of Isleta Surveying and Mapping Department, or other departments created to carry out the purposes of this Ordinance.
- F. Restricted Land – refers to land within the jurisdiction of the Tribe that is subject to restrictions against alienation imposed by federal treaty, statute, Executive Order, or the Tribe.
- G. Tribal community property – refers to tribal lands that have not been assigned to a tribal member or tribal entity, or tribal lands that have not been leased to a tribal member or other person or entity, or tribal lands that have reverted back to the Tribe.
- H. Tribal Council – refers to the Tribal Council of the Pueblo of Isleta.
- I. Tribal lands – refers to the lands owned by the Tribe, including Restricted and Trust land.
- J. Tribal member – refers to any person recognized as being an Isleta tribal member by the laws of the Tribe.
- K. Tribe – refers to the Pueblo of Isleta.

- L. Trust Land – refers to land within the jurisdiction of the Pueblo, title to which is held by the United States for the benefit of the Tribe or an individual tribal member.

### III. Authorities

- A. The SM Department is hereby delegated authority to develop land conveyance policies and procedures to ensure that land transactions are governed uniformly and standard practices are adopted for the uniform recording of land transactions.
- B. The Governor and Lieutenant Governors have authority to develop a process for reviewing and approving leases authorized under the POI Leasing Law.
- C. The Governor and Lieutenant Governors have authority to create, establish, and confirm easements, including ditch easements and road easements, through tribal lands to ensure that any land holding is not landlocked, having proper ingress and egress, in coordination with the SM Department.
- D. The delegation of authorities under this Ordinance shall not be interpreted as a new authority but rather an affirmation of said authorities.

### IV. Land Transactions

- A. The SM Department shall develop policies governing land transactions.
- B. No land transaction of tribal lands, including a Land Assignment, shall be valid unless said document has the signature of the Governor or one of the Lieutenant Governors.
  - 1. Exception – No land transaction of tribal community property shall be valid except with the approval of the Tribal Council and signed by the Governor or one of the Lieutenant Governors.
- C. No land lease from the Tribe shall be valid unless said lease is approved by the Tribal Council and signed by the Governor or one of the Lieutenant Governors.
- D. Tribal lands shall not be transferred to non tribal members.

### V. Effect of Recording

The recording of a land transaction at the SM Department shall be evidence of valid title to a land interest, such as a Lease or Land Assignment.

[Legislative History]

This Ordinance Governing Land Transactions was adopted by Tribal Council Resolution No. 2020 - 038, effective July 9, 2020.