



# TOHONO O'ODHAM NATION

OFFICE OF THE CHAIRMAN AND VICE CHAIRMAN

*We:sij T-we:m*

ALL OF US TOGETHER

NED NORRIS JR.  
CHAIRMAN

ISIDRO LOPEZ  
VICE CHAIRMAN

## **PRESS RELEASE** **FOR IMMEDIATE RELEASE**

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### **COURT OF APPEALS OVERTURNS LOWER COURT, RULES IN FAVOR OF THE TOHONO O'ODHAM NATION ON ANNEXATION ISSUE**

*Decision is Another Ruling for the Nation;  
Court Orders Payment of Nation's Attorney Fees and Costs*

SELLS, Ariz. – In a complete reversal, the Arizona Court of Appeals has overturned an earlier trial court decision, ruling that all of the Tohono O'odham Nation's (Nation) lands at 95<sup>th</sup> and Northern avenues are outside of the City of Glendale's boundaries. As a result, the Nation's entire 135-acre parcel is in unincorporated Maricopa County. Both the Department of the Interior and a U.S. Federal District Court previously ruled that a portion of this land (54 acres) fully meets the requirements and must be taken into trust on behalf of the Nation.

In 2002, after attempting to annex land at 95<sup>th</sup> and Northern avenues, the City of Glendale abandoned this attempt after the then-owner sued the city. The Nation later purchased this property and moved to take it into trust under the terms of P.L. 99-503. Glendale argued that even though it had abandoned its annexation, state law required that it be annexed after 30 days.

The Court of Appeals disagreed and recognized that Glendale's contentions would lead to a dangerous and disruptive precedent, in which annexations subsequently overturned by court action would lead to "voiding election results, ordering the return of tax revenue, and overturning criminal violations of now inapplicable city codes and ordinances."

Chairman Ned Norris Jr. of the Tohono O'odham Nation said, "*The Appeals Court ruling validates what the Nation has been saying all along and this is another major step forward in bringing thousands of jobs and economic opportunity to the West Valley.*"

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Chairman Norris went on to say, *“For more than two years all we have asked of the City of Glendale is that they come to the table to work together on this positive economic development project. Despite repeated requests, Glendale has refused and instead continues to try to use the courts in a desperate and expensive attempt to stop job creation and positive economic impacts. This ruling further demonstrates that these misguided attempts must be stopped and it is time to work together to the benefit of all of our communities.”*

Upon completion, the West Valley Resort will draw 1.2 million people to the West Valley each year and have a \$300 million annual economic impact. More than 9,000 jobs will be created during the construction of the facility and the day-to-day operations and the Nation is not asking for any financial offsets from local governments. For additional information on the Tohono O’odham Nation, the West Valley Resort and the history behind this project, please visit <http://www.westvalleyopportunity.com>.

Editor’s Note: A copy of the Court of Appeals ruling is attached.

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