

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the Tribal Council of the White Mountain Apache Tribe has been advised that the Arizona Department of Transportation has verbally requested of the Bureau of Indian Affairs, Real Property Management Section, that two revocable permits covering highway maintenance camps on the Reservation be renewed; and

WHEREAS, one of these camps is the Indian Pine Maintenance Camp located across the highway from the Hondah Service Station, which expired October 31, 1981, and the second being the Flying V Maintenance Camp, located on the west side of U.S. Highway 60, about 10 miles north of Salt River Canyon, which expired on June 30, 1981; and

WHEREAS, these two sites have recently been appraised by the area branch of appraisals as follows:

Indian Pine site appraised at \$6,500 per annum;
Flying V site appraised at \$300 per annum; and

WHEREAS, in September 1974, the Indian Pine site was appraised at \$440 and on April 8, 1975, the Tribal Council, by Resolution No. 75-66, approved the rate of \$880 for the site; and

WHEREAS, the Arizona Department of Transportation thought the rate was excessive, and after approximately two years of negotiations, the rental rate of \$736 was agreed upon and approved by Tribal Resolution No. 77-52 on February 2, 1977; and

WHEREAS, the Tribal Council has been made aware by the Bureau of Indian Affairs that in case the Arizona Department of Transportation again requests that rental rate for the Indian Pine Maintenance Camp be negotiated, Title 25, Part 131.5(2) provides that in the discretion of the Secretary, tribal land may be leased at a nominal rental (below the appraisal rate) to federal, state or local governments for purposes of subsidization for the benefit of the Tribe; and

WHEREAS, on July 7, 1976, the Tribal Council increased the rental rate of the Flying V Maintenance Camp from \$100 to \$300 which the Arizona Department of Transportation accepted; and

WHEREAS, the BIA appraiser valued the property comprising the Flying V area by the market approach for the 5.75 acres and arrived at a fair annual rental of \$300 per year for the next five years which is exactly the same annual rent paid by the Department of Transportation of the State of Arizona from July 7, 1976, through November 1, 1981; and

WHEREAS, the Tribal Council is of the opinion that the annual rent should be increased to reflect a proper economic level and rate of return; and

WHEREAS, the Council is of the opinion that sale number 112 is most comparable to the Flying V Maintenance area and was used as comparison by the appraiser and that a fair return would be 12% of the fair market value of the property and that a current value of \$600 per acre would be proper at this time resulting in an annual rent for the Flying V Maintenance Yard in the amount of \$396 per year, rounded off to \$400 per year; and

WHEREAS, the market data approach was also utilized by the BIA appraiser to determine the rental value of the Indian Pine Highway Maintenance Camp; and

WHEREAS, applying said market data formula, the appraisal report recommends a fair annual rental of \$6,500 per year based on an appraisal made as of August 20, 1981, and the Council being satisfied that said rental value is equitable.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby renews the revocable permit on the Indian Pine Maintenance Camp granted to the Arizona Department of Transportation for a period of five (5) years to be effective December 1, 1981, and to expire on October 31, 1986, at the rate of \$6,500 per year.

BE IT FURTHER RESOLVED that the Tribal Council hereby renews the revocable permit for the Flying V Maintenance Camp for the Arizona Department of Transportation at a fee of \$400 per year to commence on December 1, 1981, and to expire on October 31, 1986.

BE IT FURTHER RESOLVED by the Council of the White Mountain Apache Tribe that the Chairman of the Tribal Council and the Superintendent of the Fort Apache Agency are authorized and directed to issue new revocable permits for the Indian Pine Maintenance Camp and Flying V Maintenance Camp for a period of five (5) years pursuant to the annual rent set forth herein.

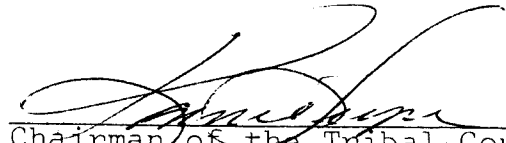
BE IT FURTHER RESOLVED that the Tribe requires that the State
Highway employees will not trespass beyond the boundaries
of the permit area.

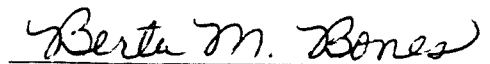
The foregoing resolution was on November 5, 1981, duly adopted
by a vote of 10 for and 0 against by the Tribal Council
of the White Mountain Apache Tribe, pursuant to authority vested
in it by Article V, Section 1 (i) of the Amended Constitution
and By-Laws of the Tribe, ratified by the Tribe June 27, 1958,
and approved by the Secretary of the Interior on May 29, 1958,
pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.
984).

RECEIVED

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FORT APACHE INDIAN
AGENCY (ACTING)
WHITERIVER, ARIZ.


Chairman of the Tribal Council


Secretary of the Tribal Council