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AUG 26 1982

FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ

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

- WHEREAS, The Tribal Council of the White Mountain Apache Tribe previously discussed and approved the use of the Cottonwood Wash Area to the Sundt Construction Co. of Tucson for ADOT Project FR - 044-1 (8) per resolution 82-175; and
- WHEREAS, The original assigned area was later found to be inadequate for the needs specified; and,
- WHEREAS, A new aggregate area has been located - Gold Gulch Wash Area : Legal Description SW $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 29 T 6 N, R 23 E and partially within the NW $\frac{1}{4}$, NW $\frac{1}{4}$ Section 32 T 6 N, R 23 E.
- WHEREAS, The Tribal Roads Enterprise request permission to execute a "Letter of Intent" with M.M. Sundt Construction followed by a signed agreement incorporating the terms and conditions specified in the letter of intent; and
- WHEREAS, M.M. Sundt Construction Company will pay the sum of \$500.00 per month rental on the Gold Gulch pit site when in active use for crushing and mixing asphalt and AC FC for said projects; and
- WHEREAS, M.M. Sundt will pay the sum of \$250.00 per month for inactive use of said area for the purpose of storage of materials, stockpiles and equipment providing the project is not completed by December 31, 1982; and,
- WHEREAS, M.M. Sundt Construction Company will pay the White Mountain Apache Tribe 50 cents per ton royalty on materials used on ADOT Project No. FR -044-1 (8); and
- WHEREAS, M.M. Sundt Construction Company will provide, upon request by the Tribe, any and all scale sheets on record in connection with the use of this area; and
- WHEREAS, M.M. Sundt Construction will employ qualified Apache personnel in the various crafts, obtaining union waivers if necessary to accomplish this; and,

WHEREAS, M.M. Sundt will maintain all roads used for hauling during the term of this use, install culverts on the Whiteriver for the use of the landowners, all of which will remain in place and become the property of the White Mountain Apache Tribe after use of the area terminates; and

WHEREAS, All asphalt, oil spills, diesel spills and any other chemical spills foreign to the native environment will be dug out and removed to an accepted garbage dump area and use area will be re-contoured, shaped and seeded to meet ADOT requirements in the ADOT Clean - Up Agreement as well as the standards set by the White Mountain Apache Tribe to restore the site to an acceptable condition; and

WHEREAS, M.M. Sundt Construction Co. will be required to obtain a \$5,000.00 clean-up bond which will be made payable to the White Mountain Apache Tribe in the event the use area is not restored to a condition acceptable to the White Mountain Apache Tribe; and

WHEREAS, The agreement will terminate upon completion of the ADOT project numbered above; and

WHEREAS, M.M. Sundt will lease equipment used in this operation from the White Mountain Apache Tribe at the prevailing rate.

BE IT RESOLVED, by the Tribal Council of the White Mountain Apache Tribe that the new site be appropriated for the use of Sundt Construction Co. for the duration of the ADOT project.

BE IT FURTHER RESOLVED, by the Tribal Council of the White Mountain Apache Tribe that it hereby directs and authorizes the Chairman to send a Letter of Intent, on behalf of the White Mountain Apache Tribe dba Tribal Roads Enterprise, agreeing to the foregoing terms and conditions for use of the Gold Gulch Wash area.

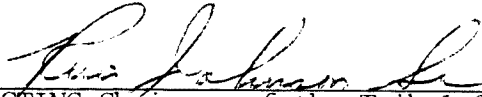
BE IT FURTHER RESOLVED, by the Tribal Council that, upon acceptance of the Letter of Intent by M.M. Sundt Construction Co., it hereby directs the Tribal Attorney to draft and initiate a formal agreement between M.M. Sundt Construction Co. and Tribal Roads Enterprise incorporating all terms and conditions set forth in the afore mentioned Letter of Intent.

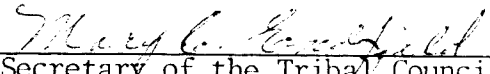
BE IT FURTHER RESOLVED, that the Chairman of the White Mountain Apache Tribe be authorized to sign all documents necessary to effectuate this contract.

BE IT FURTHER RESOLVED, that the Bureau of Indian Affairs be directed to issue a Sand and Gravel Permit to Sundt Construction Company upon approval of this resolution.

BE IT FURTHER RESOLVED, that all landowners and individuals be provided a copy of this resolution.

The foregoing resolution was on August 19, 1982 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)


ACTING Chairman of the Tribal Council

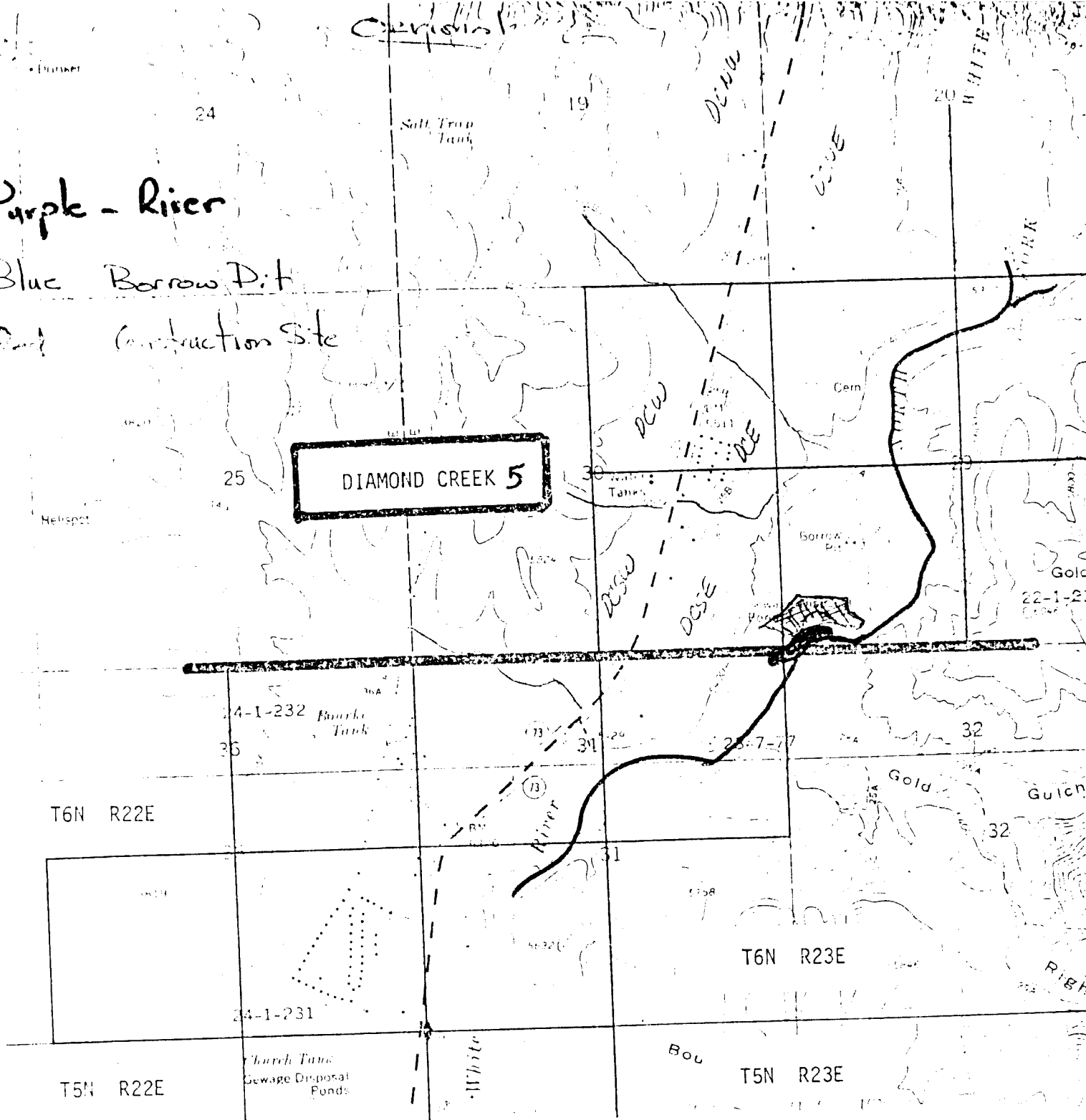

Secretary of the Tribal Council

Purple - River

Blue Borrow Pit

Pond Construction Site

DIAMOND CREEK 5



T6N R22E

T6N R23E

T5N R22E

T5N R23E