

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

- WHEREAS, the Tribal Council by prior Resolution No. 83-257 gave its approval a reappraised rate for a Right-of-Way for the American Telegraph & Telephone Company to utilize Cooley Mountain for a microwave station, and
- WHEREAS, Resolution No. 83-257 designated the Right-of-Way as a lease renewal rather than a Right-of-Way renewal, and
- WHEREAS, the Bureau of Indian Affairs has advised the Tribal Attorney that a new resolution must be passed with the proper reference to a Right-of-Way rather than a lease, and
- WHEREAS, all references to "lease" should be deleted and the words, "Right-of-Way" should be substituted, and
- WHEREAS, the Tribal Council concludes that the rental rate per annum for use of Cooley Mountain as a microwave site by American Telegraph & Telephone Company should be \$900.00 per year plus an annual rental adjustment based upon the Consumer Price Index, such Right-of-Way to continue to August 6, 1994 and to be reappraised at the end of ten (10) years, said ten-year period to commence to run upon the date of this resolution, and
- WHEREAS, American Telegraph & Telephone Company has agreed to accept the proposed new rate for the Right-of-Way offered by the Tribal Council for a \$900.00 annual rent plus an annual rental adjustment based upon the Consumer Price Index for urban wage earners and clerical workers (CPI-W), but in no event to exceed an increase of 8% in any given year, and
- WHEREAS, the Tribal Council is agreeable to these terms and has concluded that the new Right-of-Way rate should be granted pursuant to the above conditions.
- BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the new rate for use of the Right-of-Way on Cooley Mountain by American Telegraph & Telephone Company as a microwave site pursuant to the following conditions:
1. That the term of the Right-of-Way based upon the annual rent as agreed upon herein shall be for a period of ten (10) years, upon termination of which, a reappraisal shall be initiated to determine the annual rent;

2. That the annual rent be \$900.00 per year with an annual rental adjustment tied to the CPI-W for urban wage earners and clerical workers with a ceiling of not to exceed an 8% increase in any given year.

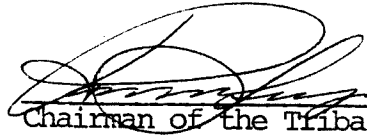
BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the Tribal Attorney to meet with the Realty Officer of the Bureau of Indian Affairs for purposes of completing any necessary Right-of-Way papers to carry out the purposes of this resolution.


The foregoing resolution was on September 07, 1983 duly adopted by a vote of 7 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  
WHITERIVER, ARIZ

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council