

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

WHEREAS, The Arizona Department of Transportation has responded to a Tribal proposal to install lighting at the intersection of U.S. 60 and State Route 73 at Carrizo Junction; and

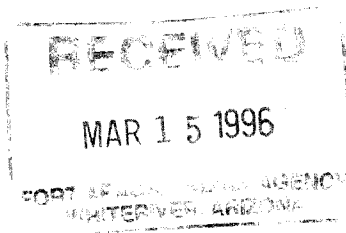
WHEREAS, A copy of the proposed Intergovernmental Agreement between the State of Arizona and the White Mountain Apache Tribe provides that the Arizona Department of Transportation will install the lights as part of an upcoming project and that the Tribe will agree to assume maintenance of lights and pay the power bills; and

WHEREAS, The Tribal Council approves of the agreement attached to this Resolution and incorporated by reference herein.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Intergovernmental Agreement between the State of Arizona and the White Mountain Apache Tribe for project H360601C in the form and content attached hereto.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby authorizes and direct Chairman Ronnie Lupe to execute the attached Intergovernmental Agreement for the purposes contained therein to provide for new highway lighting at the intersection of S.R. 73 and U.S. 60 at Carrizo Junction for the safety and benefit of the motoring public.

The foregoing resolution was on January 23, 1996, duly adopted by a vote of eight for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section (a), (b), (h), (I), (j), (k), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).




Chairman of the Tribal Council


Secretary of the Tribal Council

AG Contract No. KR95 2683TRN
ADOT ECS File No. JPA 95-214
Project: H3606 01C
Section: Jct. US-60 MP 324

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE WHITE MOUNTAIN APACHE TRIBE**

THIS AGREEMENT is entered into _____, 1996, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and WHITE MOUNTAIN APACHE TRIBE, acting by and through its TRIBAL COUNCIL (the "Tribe").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Tribe is empowered by Council Resolution to enter into this agreement, a copy of which is attached hereto and made a part hereof, and has authorized the undersigned to execute this agreement on behalf of the Tribe.

3. The State and the Tribe desire to construct, operate and maintain new highway lighting warranted on US-60 at the intersection of SR-73 at Carrizo Junction, hereinafter referred to as the Project, for the safety and benefit of the motoring public.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Provide to State standards design plans, specifications and such other documents and services required for construction bidding and construction.

b. Call for bids and award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Be responsible for the cost of the Project. Be responsible for any contractor claims for extra compensation.

c. Upon completion, approve and accept the Project.

2. The Tribe will:

Upon completion and acceptance of the Project by the State, provide highway lighting maintenance and electrical energy to operate the highway lighting.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. Applicable laws of the State, Federal and Tribal government shall govern the rights of the parties with respect to the performance of this agreement. The parties hereto shall select a process for the resolution of claims or disputes relating to this agreement, compliant with applicable laws and regulations of the State, Federal and Tribal government, and acceptable to the State and the Tribe.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007


White Mountain Apache Tribe
Chairman
Box 700
Whiteriver, AZ 85941

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this State and the Tribe to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

WHITE MOUNTAIN APACHE TRIBE

STATE OF ARIZONA
Department of Transportation


By  _____
RONNIE LUPE, Chairman

By _____
CHARLES K. EATON
State Traffic Engineer

RESOLUTION

BE IT RESOLVED on this 12th day of January 1996, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the White Mountain Apache Tribe, for the purpose of defining responsibilities for the design, construction and maintenance of highway lighting on US-60 at the intersection of SR-73 at Carrizo Junction.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.



for LARRY S. BONINE
Director

APPROVAL OF

THE WHITE MOUNTAIN APACHE TRIBE ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the WHITE MOUNTAIN APACHE TRIBE and declare this agreement to be in proper form and within the powers and authority granted to the Tribe under the laws of the Tribe.

DATED this _____ day of _____, 1996.

Tribal Attorney