

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

WHEREAS, Tribal Council Resolution No. 12-90-282, declared a moratorium on the sale of any Hondah Homesite home to a tribal member unless said home was removed by tribal members from the Hondah Homesite area; and

WHEREAS, subsequent to the adoption of Resolution No. 12-90-282, the Tribal Council, on a case-by-case basis has made exceptions to that resolution pursuant to certain conditions outlined by the Tribal Council; and

WHEREAS, exceptions to Resolution No. 12-90-282 have been based upon the Tribal Council's concern about future land use in the area comprising the Hondah Homesite development, deterioration of the homes, housing shortages for tribal members, and the highest and best use for the Hondah Homesite area; and

WHEREAS, in all of the exceptions to Resolution No. 12-90-282, granted by the Tribal Council for the purchase of Hondah Homesite homes by tribal members, the Tribal Council has imposed certain conditions as follows:

1. The home shall not be re-leased or rented without Tribal Council permission in the form of a resolution;
2. Boundaries of said lots shall not exceed the original leased lot size granted to the original lessee;
3. The purchase of said homes must be negotiated within 90 days of the expiration of the lease, otherwise, said house shall become the property of the Community Development Corporation by donation or abandonment by the current lessee, unless said lessee removes said home prior to the expiration of 90 days;
4. The Legal Department must review any buy/sell agreement between the tribal member purchaser and seller prior to execution of those documents by the buyer and seller;
5. Any new addition or construction on the premises must be approved by the Tribal Engineering Department;

6. The Tribal Council must approve the removal of any trees on the property. The tribal member purchaser shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation and safety acceptable to the Tribe, and all electrical wiring, if and when installed, shall conform to underwriters specification;
7. Said premises shall be used for residential purposes only and no purpose that would injure reputation or be in violation of law.
8. No horses or other livestock shall be permitted to be on the premises without the consent of the Tribal Council;
9. Purchaser must obtain written consent of the Tribal Council prior to demolition or removal of the buildings purchased;
10. Purchaser shall, at purchaser's sole cost and expense, keep and maintain all buildings, structures and other improvements on said premises in good order and repair and the whole thereof in a clean, sanitary, neat and attractive condition;
11. The purchaser shall not encumber, assign, or transfer ownership of the premises without the written consent of the Tribe in the form of a Council resolution; and

WHEREAS, the Tribal Council is concerned that the Hondah Homesite Areas A and B maintain their present residential character and that any new construction conform to the residential and fixed home character of the neighborhood, that there be a moratorium on any new construction in Hondah Homesite Area B pending further study by the Tribal Council; and

WHEREAS, in order to ensure that the area retain its residential character, the Tribal Council required the above eleven standards that have been in use for over 25 years for the construction of new homes in Hondah Homesite Areas A and B, and concludes that, in addition to those enumerated in this resolution, the following proscriptions and requirements shall apply:

1. That the Tribal Land Board not approve any new land assignments in Hondah Homesites Areas A or B, unless and until there is certification for water and septic/sewer made by the Tribal Engineering Department and/or IHS Environmental Health, including an environmental impact review.
2. That no commercial businesses can be allowed to take place on the premises.

such as auto repair, nurseries, junk yards, or any other wholesale or retail business that would detract from the residential appearance of the areas.

3. Only permanent homes, including pre-fabricated or manufactured homes, affixed to the lot, shall be allowed, and no recreational vehicles, motor homes, or mobile homes or trailers shall be permitted to be placed as living quarters on the premises; and

WHEREAS, there shall only be leasehold interests and no land assignments in Hondah Homesite Areas A and B; and

WHEREAS, the Tribal Council concludes that there should be a moratorium on any future land assignments in Hondah Homesite Area B, west of Powerline Road, until further notice of the Tribal Council ; and

WHEREAS, there is an existing alternative for those persons who wish to construct new homes or to place prefabricated or manufactured homes, as Hondah Homesite Area A has existing septic tanks and water available, and the Veterans Administration, Revolving Credit, and HUD 184 Program may provide a source of funding for the construction or purchase of new homes on existing vacant lots on Hondah Homesite Area A; and

WHEREAS, the Tribal Council concludes that the Tribal Engineering and Planning Department should establish recommendations for the residential zoning of Hondah Homesite Areas A and B for review and consideration by the Tribal Council, and that such recommendations should discuss environmental impacts, availability of water and septic/sewer facilities for any new construction, and should include aesthetic considerations for maintenance of the neighborhood character of Hondah Homesite Areas A and B.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Land Board not to grant any further land assignments in Hondah Homesite Areas A and B until further notice of the Tribal Council and until such time as the Tribal Engineering and Planning Department makes its zoning recommendations to the Tribal Council as to the future use and development of said areas.

BE IT FURTHER RESOLVED by the Tribal Council that it directs the Tribal Engineering and Planning Department to review the water and sewer/septic facilities available in Hondah Homesite Areas A and B, and report back to the Tribal Council of their availability, including environmental impact from any further construction in Hondah Homesite Areas A and B.

BE IT FURTHER RESOLVED by the Tribal Council that it prohibits any commercial business, such as auto repair, junk yards, nurseries, or anything outside the confines of the home in the Hondah Homesite Areas A and B.

BE IT FURTHER RESOLVED by the Tribal Council that only newly constructed homes, manufactured homes or pre-fabricated homes shall be allowed to be affixed to the land; and mobile homes, trailers and RV's used as permanent living quarters shall be prohibited in Hondah Homesite Areas A and B.

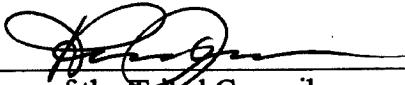
BE IT FURTHER RESOLVED by the Tribal Council that the Tribe shall pay for the removal of the mobile homes already situated in Hondah Homesite Area B to a new location with adequate water and septic/sewer facilities and shall grant a homesite assignment for said persons so affected, but only after further discussion and review with the mobile home owners so affected.

BE IT FURTHER RESOLVED by the Tribal Council that this resolution does not prohibit on a case-by-case basis continuation of the Tribal Council policy of allowing tribal members to purchase existing homes or constructing new homes with Veterans Administration, Revolving Credit, or HUD 184 financing in Hondah Homesite Areas A and B, provided that there is certified water and septic/sewer facilities available from the Tribe or IHS.

BE IT FURTHER RESOLVED by the Tribal Council that, until further notice, it prohibits anyone, tribal or non-tribal, residing in Hondah Homesite Areas A and B, from contracting with off-reservation water companies for water services to Hondah Homesite Areas A and B.

BE IT FURTHER RESOLVED by the Tribal Council that the prohibitions and proscriptions in this resolution are effective immediately.

The foregoing resolution was on August 8, 1996 duly adopted by a vote of seven for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section I (a), (f), (h), (i), (m), (n), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the 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