

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

- WHEREAS, the Arizona Department of Transportation (ADOT) has a current right-of-way through the Fort Apache Indian Reservation, along U.S. Highway 60 (Globe-Show Low); and
- WHEREAS, previous Tribal Council Resolution No. 02-92-053 acknowledged the number of serious and fatal accidents which have occurred on a portion of U.S. Highway 60 on the Fort Apache Indian Reservation, known as Hagen Hill; and
- WHEREAS, Resolution No. 02-92-053 further advised the Arizona Department of Transportation (ADOT) of the Tribe's preference for alternative solutions to reduce these dangers and improve traffic flow; and
- WHEREAS, the previous Tribal Council Resolution No. 02-2000-46 outlined this proposed project, but was later rescinded through Resolution No. 02-2000-06, pending further discussion with ADOT; and
- WHEREAS, ADOT has confirmed its application to obtain a Right of Way easement, without limitation as to term of years, comprising an area of 3.18 acres, which will be used to reconstruct portions of U.S. Highway 60 on the Fort Apache Indian Reservation, known as Hagen Hill; and
- WHEREAS, in consideration for the Right of Way, ADOT is offering a payment to the Tribe in the amount of the appraised value of the premises, which is \$19,700.00, and further advises that other compensation to be considered is the safety to those traveling this portion of U.S. 60; and
- WHEREAS, the Tribe has considered this matter and believes it would be in the best interest of the Tribe to consent to ADOT's request for a Right of Way easement along U.S. 60, known as Hagen Hill, provided the terms and conditions of said Right of Way remain subject to renegotiation at any future date should circumstances warrant, subject to agreement of the parties; and
- WHEREAS, the Tribal Roads Committee recommends the creation of a Special Escrow Account in which all future revenues from rights-of-way granted across the Fort Apache Indian Reservation be deposited, for future use to be determined by the Tribal Council.

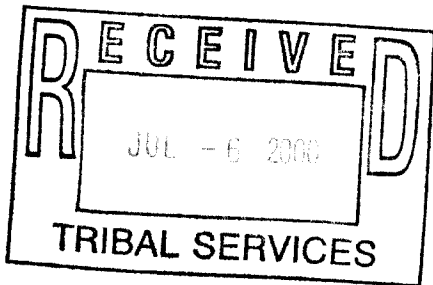
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby consents to ADOT's request for a Right of Way easement, comprising an area of 3.18 acres along U.S. Highway 60 on the Fort Apache Indian Reservation, known as Hagen Hill, for the purpose of reconstructing said roadway to reduce current safety hazards and improve traffic flow, and provided said Right of Way is used for a public roadway, and further, shall be subject to renegotiation of the terms and conditions at any future date, upon the mutual consent of the parties.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in consideration for the Right of Way, it hereby accepts ADOT's initial payment in the amount of \$19,700.00, provided that said Right of Way shall be subject to renegotiation at any future date should conditions warrant, upon the mutual consent of the parties.

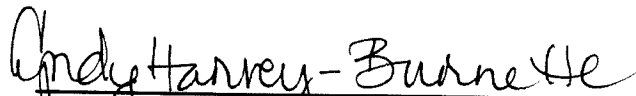
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Controller to establish a Special Account in which all future revenues from rights-of-way granted across the Fort Apache Indian Reservation will be deposited, for use at the discretion of the Tribal Council.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the BIA Superintendent to grant the necessary Right of Way documents to ADOT for this portion of U.S. Highway 60, known as Hagen Hill, in the form attached hereto and incorporated herein.

The foregoing resolution was on June 27, 2000, duly adopted by a vote of SIX for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1(a), (b), (h), (i), (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).



  
ACTING Chairman of the Tribal Council

  
Secretary of the Tribal Council