

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

WHEREAS, the Arizona Department of Transportation (ADOT) has an existing right of way through the Fort Apache Indian Reservation along U.S. 73, from Hondah Junction to Carrizo Junction; and

WHEREAS, ADOT has plans to improve an area along Highway 73, in the Cedar Creek Bridge area, which will include the widening of one turnout and reconstruction of Cedar Creek Bridge, which is identified as Project No. 900-0-700/073 GI 319 H5551 01R, and more fully described in Exhibit A attached hereto; and

WHEREAS, ADOT is requesting a Temporary Construction Easement in the Cedar Creek stream bed, also in the turn-out locations as shown in the attached maps, which is located adjacent to ADOT's existing right of way, near the Cedar Creek Bridge; and

WHEREAS, Construction of the road improvements will be accomplished in two (2) phases to facilitate traffic control needs and ADOT is requesting the temporary construction easements for a period beginning June 2001 to August 2002, or until construction activities are completed; and

WHEREAS, the Tribal Council has considered this request and believes it would be in the best interest of the Tribe to grant ADOT's request pursuant to the terms and conditions identified in the attached Exhibit A.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby grants one temporary construction easement located on tribal land, to the Arizona Department of Transportation (ADOT), which area is more fully described in Exhibit A attached hereto and incorporated by reference herein, for the purpose of constructing road improvements in the vicinity of the Cedar Creek Bridge.

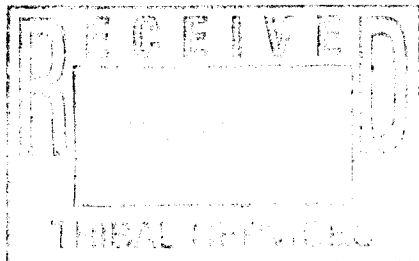
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the temporary construction easement are granted in consideration of the terms and conditions set forth in Exhibit A, with the understanding that the temporary construction easement will terminate at the completion of the project.

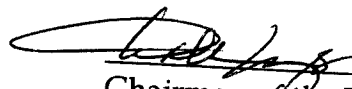
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that compensation for the temporary construction easement shall be waived in lieu of the mutual benefits to the Tribe and the traveling public.

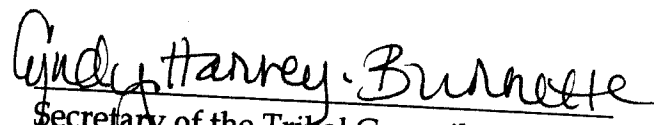
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that nothing in this Resolution shall be construed to constitute a waiver of the Tribe's sovereign immunity for any purpose, nor as a diminution of the Tribe's jurisdiction over the subject matter of the temporary construction easement lands as described herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it authorizes the Tribal Chairman, or in his absence the Vice Chairman or other duly authorized representative, to execute any and all documents necessary to carry out the intent of this resolution.

The foregoing resolution was on JANUARY 9, 2001 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).




Chairman of the Tribal Council


Secretary of the Tribal Council