

**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. Highway 60 from Show Low to Salt River Canyon; and

WHEREAS, ADOT plans to remove rock and debris as part of an extensive plan to repair the rockslide at milepost 295 on Highway 60 in Salt River Canyon. This work will be constructed in phases and is expected to be completed in the winter of 2001 and summer of 2002 or until construction activities are completed; and

WHEREAS, ADOT is requesting a Temporary Construction Easement to work within the rockslide area. The work will include blasting, scaling and construction of wire fences and other miscellaneous work to insure that the safety of the Tribe and public is maintained on a high level. The TCE is described and shown in Exhibit A attached hereto; and

WHEREAS, construction will commence immediately upon receipt of a signed White Mountain Apache Tribal Resolution; and

WHEREAS, ADOT will comply with all Tribal laws and enforce all laws as part of this agreement.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby grants one temporary construction easement located on tribal lands, 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 milepost 295 on Highway 60 in Salt River Canyon.

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 be terminated at the completion of the project.

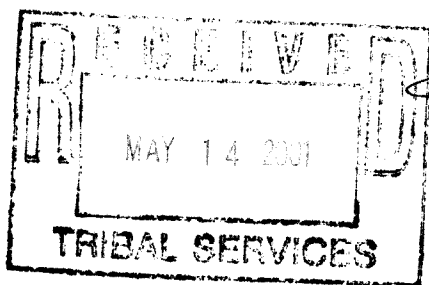
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that compensation for the temporary construction easement shall be waived in lieu of the mutual benefits of the Tribe and the traveling public.

Resolution No. 04-2001-112

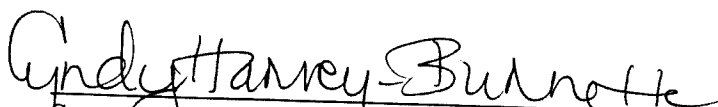
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that nothing in this Resolution shall be construed to constitute a waiver of the Tribe's sovereign immunity for any purpose, nor as a diminution of the Tribe's jurisdiction over the subject matter of the temporary construction 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 April 30, 2001 duly adopted by a vote of FIVE 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), (e), (h), (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