

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

WHEREAS, the Tribal Council is advised that pursuant to Resolution No. 01-2001-28, tribal member Mark Altaha was authorized to lease Lots A-118 and A-119 in the Hondah Homesites for residential purposes; and

WHEREAS, the Tribal Council is further advised that recent soil testing conducted by the IHS Office of Environmental Health indicated the lots were unsuitable for septic services; and

WHEREAS, Mr. Altaha is requesting that he be allowed to relinquish Lots A-118 and A-119 to the Tribe, in exchange for Lots A-86 and A-87, which have recently passed soil tests conducted by the IHS Office of Environmental Health; and

WHEREAS, according to Tribal Realty records, Lots A-86 and A-87 in the Hondah Homesites Community are vacant and have not been assigned to any tribal member; and

WHEREAS, after consideration of this matter, the Tribal Council concludes that permission should be granted to tribal member Mark Altaha to lease Lots A-86 and A-87 in the Hondah Homesites Community, in exchange for his relinquishment of Lots A-118 and A-119 back to the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves a 25-year residential lease, with an automatic 25-year renewal, for the premises described as Hondah Homesites Lot A-86 and A-87, to tribal member Mark Altaha, pursuant to the following conditions:


1. Construction of the home shall commence within ninety (90) days, weather permitting, and shall be completed within two years of the date of this resolution;
2. The premises shall not be re-leased or rented without the written consent of the Tribe in the form of a Tribal Council resolution;
3. Boundaries of the leased premises shall not exceed the original land assignment described herein;
4. Any new addition or construction of the premises must be approved by the Tribal Engineering Department;
5. The Tribal Council must approve the removal of any trees on the property. Said premises shall be used for residential purposes only and no purpose that would injure reputation or be in violation of law;
6. No horses or other livestock shall be permitted to be on the premises without the consent of the Tribal Council;

7. Lessee shall, at Lessee's sole cost and expense, keep and maintain all building structures and other improvements on said premises in good order and repair and shall keep the whole thereof in a clean, sanitary, neat and attractive condition;
8. The Lessee shall not encumber, assign or transfer ownership of the premises without the written consent of the Tribe in the form of a Tribal Council resolution;
9. No commercial business is allowed to take place on the premises, which includes, but is not limited to, auto repair, nurseries, junk yards, or any other wholesale or retail business that would detract from a residential appearance;
10. Lessee shall obtain certification that water and septic/sewer facilities are available from the Tribe or IHS.

BE IT FURTHER RESOLVED by the Tribal Council that violation of any of the foregoing conditions shall make this authorization for a lease null and void.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby 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, including the documents necessary to terminate, upon mutual agreement, any existing lease held by Mr. Altaha in exchange for the new lease agreement authorized herein.

The foregoing resolution was on NOVEMBER 30, 2001, 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).


Chairman of the Tribal Council


Secretary of the Tribal Council