

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

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5/10/04

- WHEREAS, the White Mountain Apache Tribe is a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); and
- WHEREAS, the White Mountain Apache Tribal Council has, pursuant to Resolution No. 06-98-136, adopted on June 29, 1998, appointed the White Mountain Apache Housing Authority as its Tribal Designated Housing Entity (TDHE), under and pursuant to the statutory provisions of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA); and
- WHEREAS, the Housing Authority, as the TDHE for the Tribe, is completing the pre-development of the final phase of the Apache Dawn Development, known as Phase VI, sixteen (16) dwelling units of which are proposed to be located upon certain lots located in McNary, Arizona, as described in Exhibit A attached hereto (Infill Lots); and
- WHEREAS, the Housing Authority also desires to lease two (2) additional lots in McNary, Arizona, as described in Exhibit B attached hereto, for the purpose of constructing thereon improvement and other facilities to accommodate the collections, maintenance, and security staff of the Housing Authority (Service Lots); and
- WHEREAS, the Housing Authority has received support, without objections, from the McNary community members, after having conducted community meetings with such community members, regarding its desire to lease and utilize the Infill Lots and the Service Lots for their intended purposes, as recited above; and
- WHEREAS, the Land Department of the Tribe and other Tribal officials, after detailed record research and lot inspection, have determined (1) that no current or valid leases or assignments exist in the name of any person or entity with respect to any of the Infill Lots or the Service Lots, and (b) that those certain improvements constructed upon five (5) of such Lots are inhabitable, and should, therefore, be considered a nuisance in violation of applicable codes and ordinances of the Tribe; and
- WHEREAS, the Tribal Council has considered this request and believes it to be in the best interests of the Tribe (1) to declare, the interest, if any, of any person or entity in and to the Infill Lots and the Service Lots to be terminated, canceled, and deemed void, either by reason of the absence of valid and current leases or assignments, or by virtue of constructive or actual abandonment of such Lots, with the exception of the Victor Hinton residence, identified as Lot 9 on the attached drawing; and (2) to thereafter lease the Infill Lots and Service Lots to the Housing Authority for its intended purposes of development, in accordance with the terms and conditions hereinafter set forth.

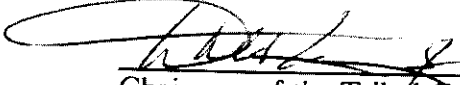
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

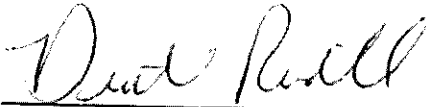
- (a) The interest, if any, of any person or entity in and to the Infill Lots and Service Lots is hereby declared to be terminated, canceled and deemed void, with the exception of the Victor Hinton residence, either by reason of the absence of valid and current leases or assignment in the name of any such person or entity, or by virtue of the constructive or actual abandonment of the Infill Lots and the Service Lots by any such person or entity.
- (b) The Housing Authority is hereby granted a lease in and to the Infill Lots for the purpose of causing the development thereon of sixteen (16) dwelling units to comprise part of Phase VI of the Apache Dawn Development, with the exception of the Victor Hinton residence; such lease to be made as an Addendum to, and in accordance with the terms and conditions of, the Apache Dawn Master Lease entered into by and between the Tribe, as Lessor, and the Housing Authority, as Lessee, dated October 19, 1999, and recorded on November 9, 1999, in the Land Titles & Records Office of the Bureau of Indian Affairs in Albuquerque, New Mexico.
- (c) The Housing Authority is hereby granted a lease in and to the Service Lots, as respectively memorialized in Sections (b) and (c) above, and as part of the leasehold liabilities and obligations of the Housing Authority thereunder, (1) the Housing Authority shall commence and complete the demolition and removal of any and all existing improvements and other remaining personal property presently located upon five (5) of such Lots within sixty (60) days of the date of enactment of this Resolution, or such extended period as may be hereafter granted by the Tribal Council, it being the determination and declaration of the Tribal Council that such existing improvements and other remaining personal property constitute nuisances in violation of applicable codes and ordinances of the Tribe, with the exception of the Victor Hinton residence; and (2) the Housing Authority shall provide public notification of such demolition and removal at least fourteen (14) calendar days prior to its commencement thereof, by appropriate legal publication in *The Fort Apache Scout*.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Tribal Chairman, and such other Tribal personnel as may be designated or directed by him, be authorized and directed to take such actions and to execute such documents, for and on behalf of the Tribe, to carry out and otherwise implement the purpose and intent of the foregoing Resolution.

The foregoing resolution was on January 16, 2004, duly adopted by a vote of FIVE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1(a),(h),(i),(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).

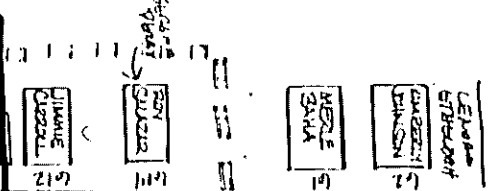
RECEIVED
MAY 10 2004


Chairman of the Tribal Council


(Acting) Secretary of the Tribal Council

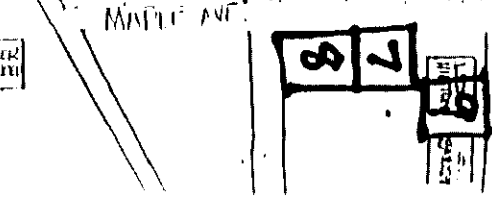
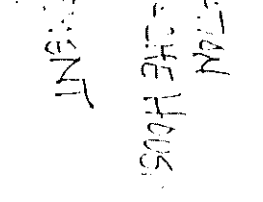
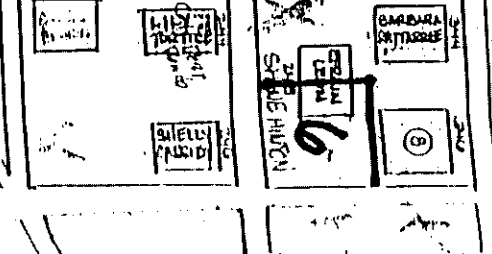
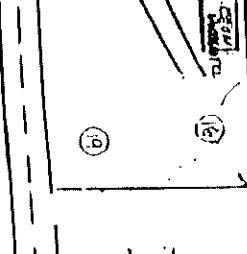
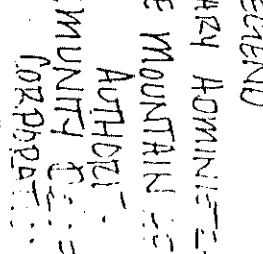
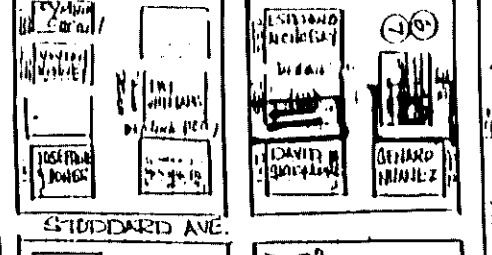
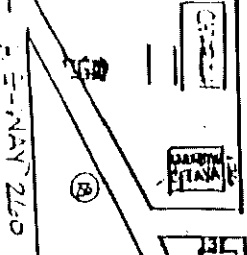
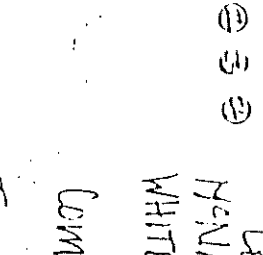
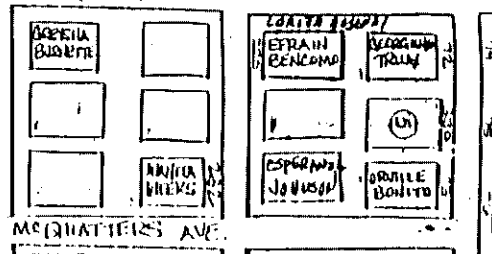
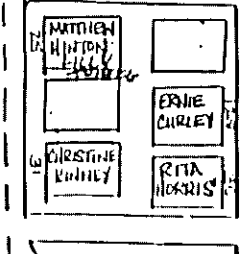
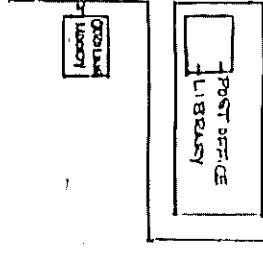
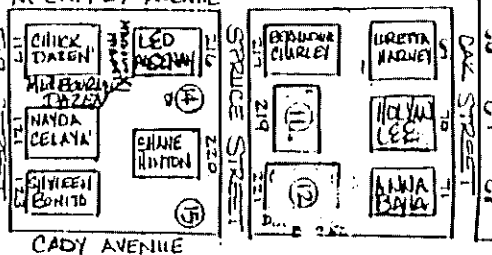
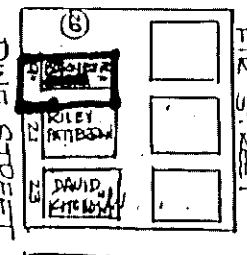
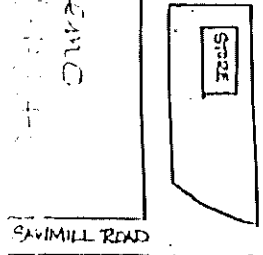
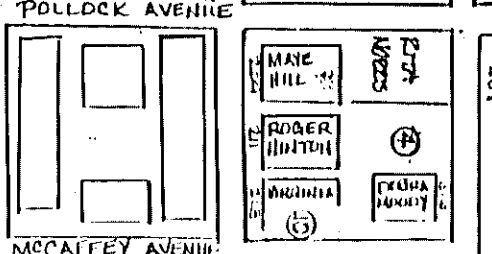
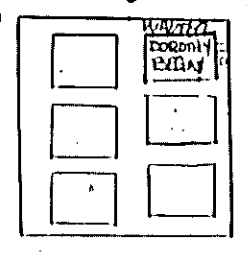
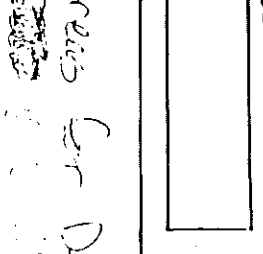
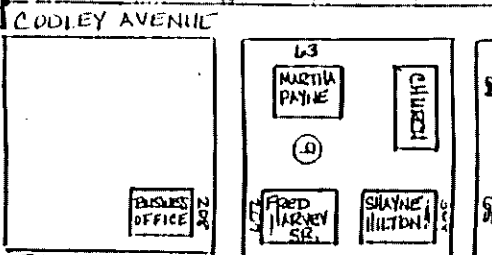
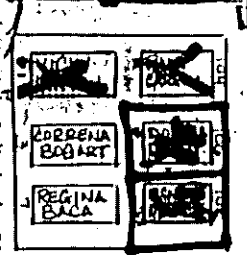
COUNTY LINE

MOBILE COUNTY



Areas for Demo

EAST McNARY



FORMER SOUTH SIDE HOUSING
INDIVIDUAL TRACT MEMBER
INDIVIDUAL HOME OWNERSHIP

LEGEND
McNARY ADMINISTRATION
WHITE MOUNTAIN SECURE HOUSE
AUTOHOLD
COMMUNITY DEVELOPMENT
CORPORATE

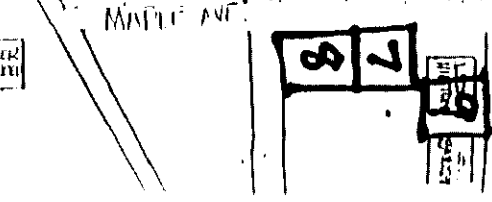
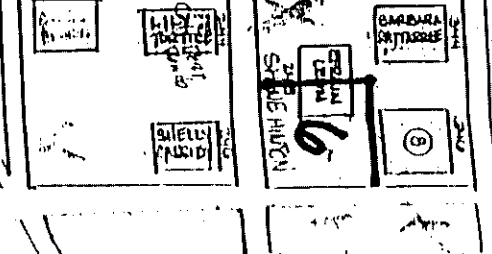
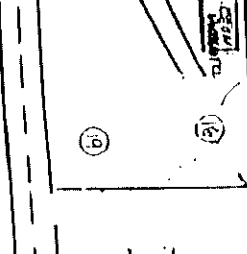
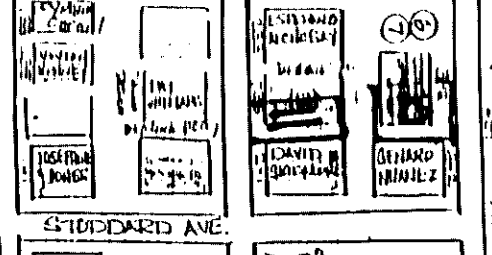
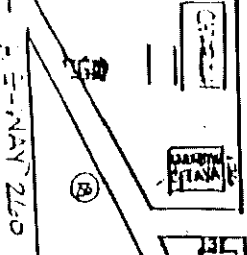
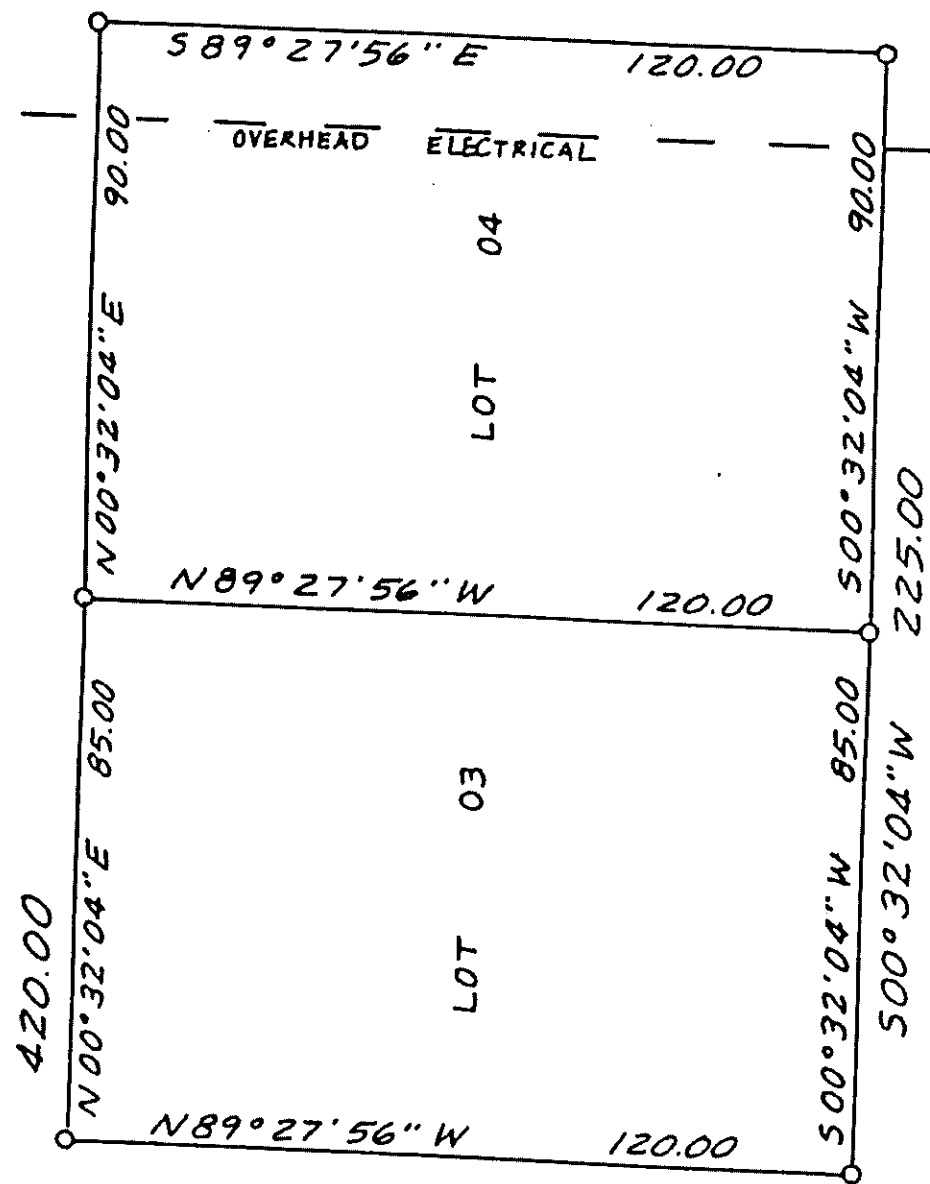


EXHIBIT A

(Infill Lots)



OVERHEAD ELECTRICAL

LOT 04

LOT 03

COOLEY AVENUE

FIR STREET

FIR

32.04" E

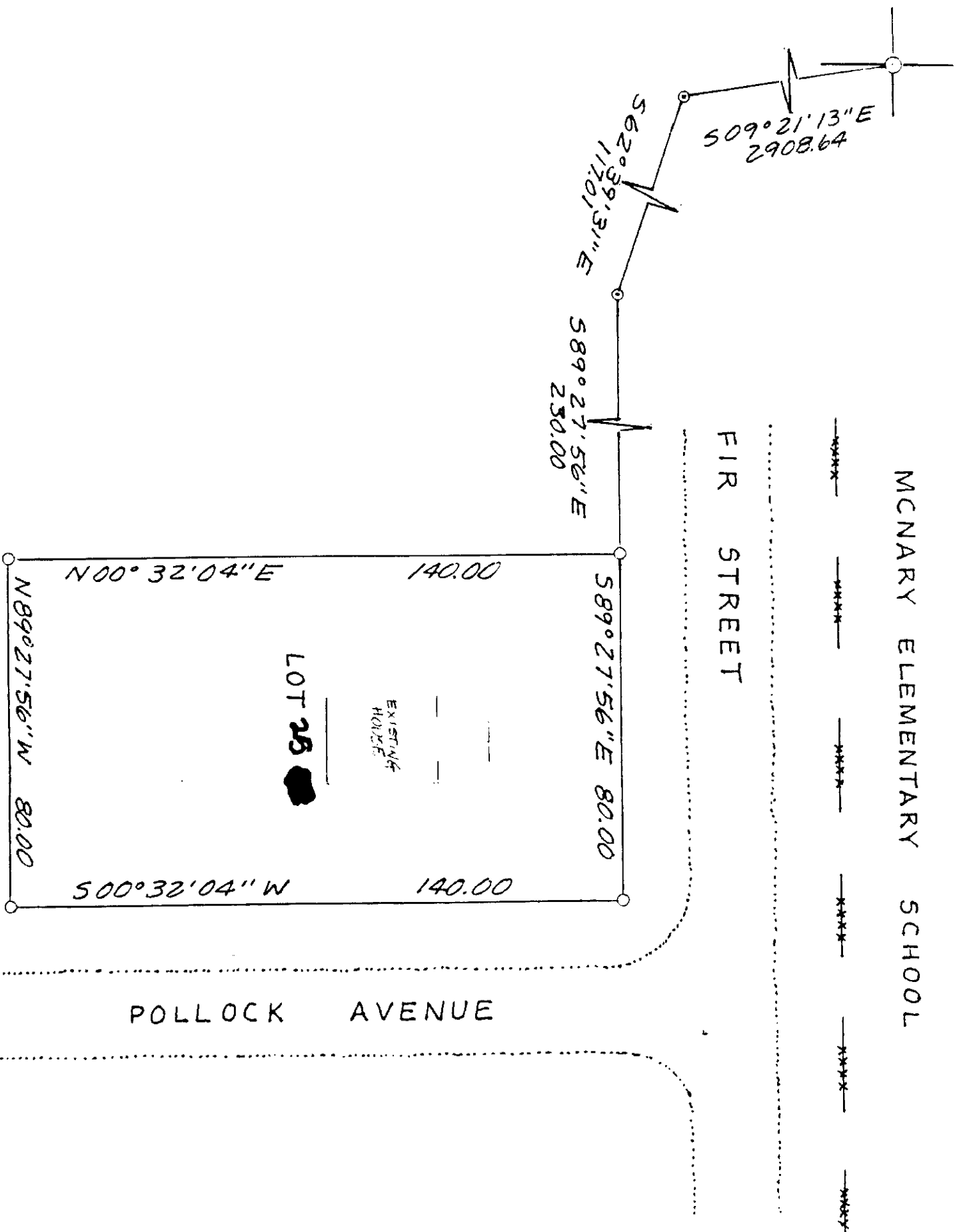
S89°27'56" E

S89°27'56" E
50.00

MCNARY ELEMENTARY SCHOOL

FIR STREET

POLLOCK AVENUE

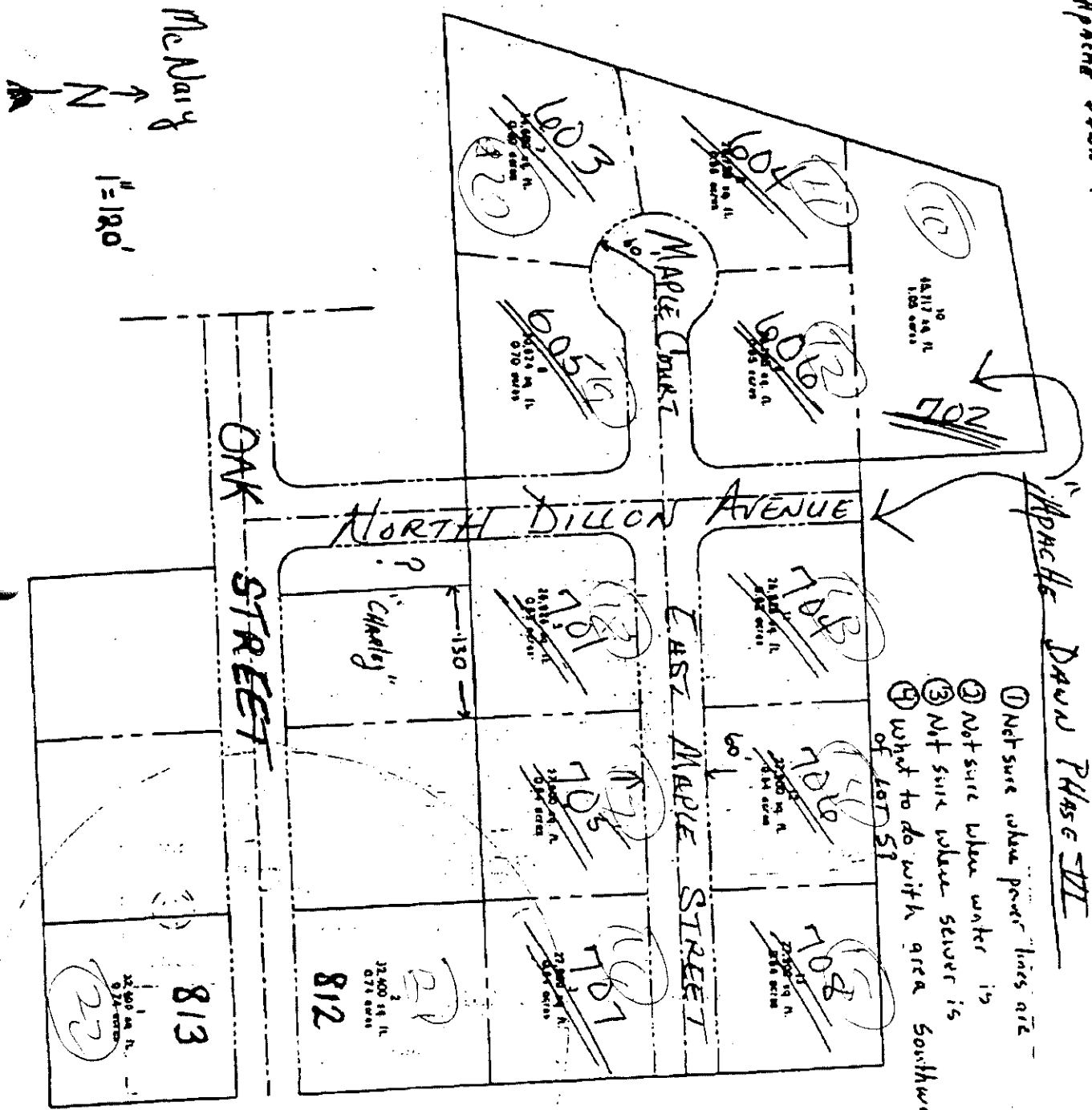


OLD Football Field

Apache Down Phase I

Apache Down Phase III

- ① Not sure where power lines are
- ② Not sure where water is
- ③ Not sure where sewer is
- ④ What to do with area Southwest of lot 51



PAVED ROAD

FOOTBALL FIELD

7

6

5

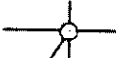
$N 20^{\circ}15'40'' E$

550.60

$S 89^{\circ}28'30'' W$
 $S 87^{\circ}28'30'' W$

$N 82^{\circ}02'40'' E$
260.47

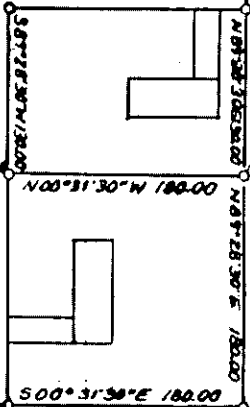
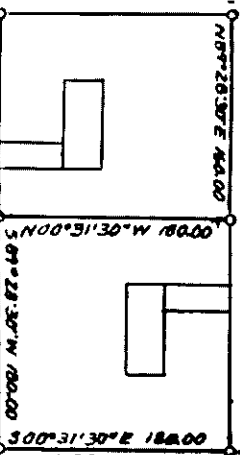
$S 00^{\circ}31'30'' E$
145.82



$S 57^{\circ}02'12'' R$
332.762

$N 89^{\circ}28'30'' E$

594.58



865.53

$S 00^{\circ}31'30'' E$

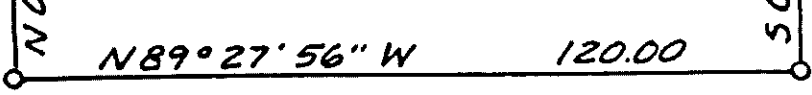
790.00

$N 00^{\circ}31'30'' W$

$S 00^{\circ}31'30'' E$

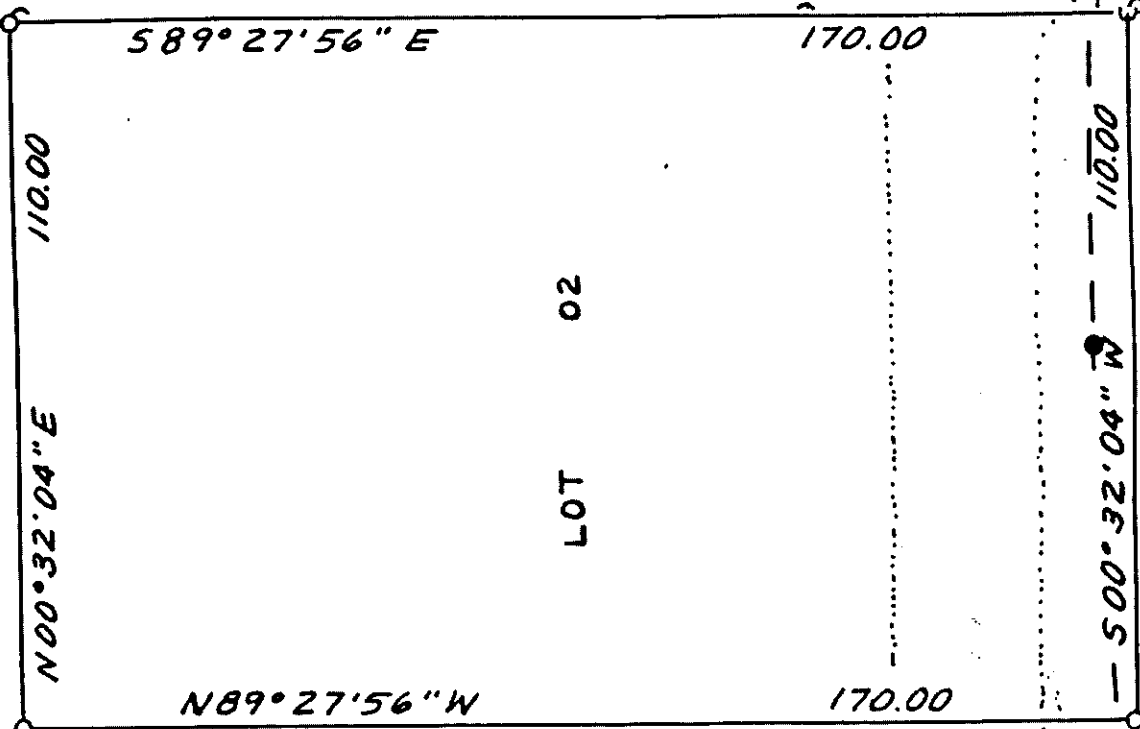
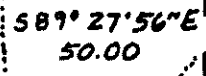
420.00

EXHIBIT B
(Service Lots)

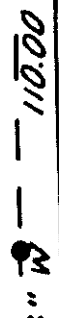


FIR STREET

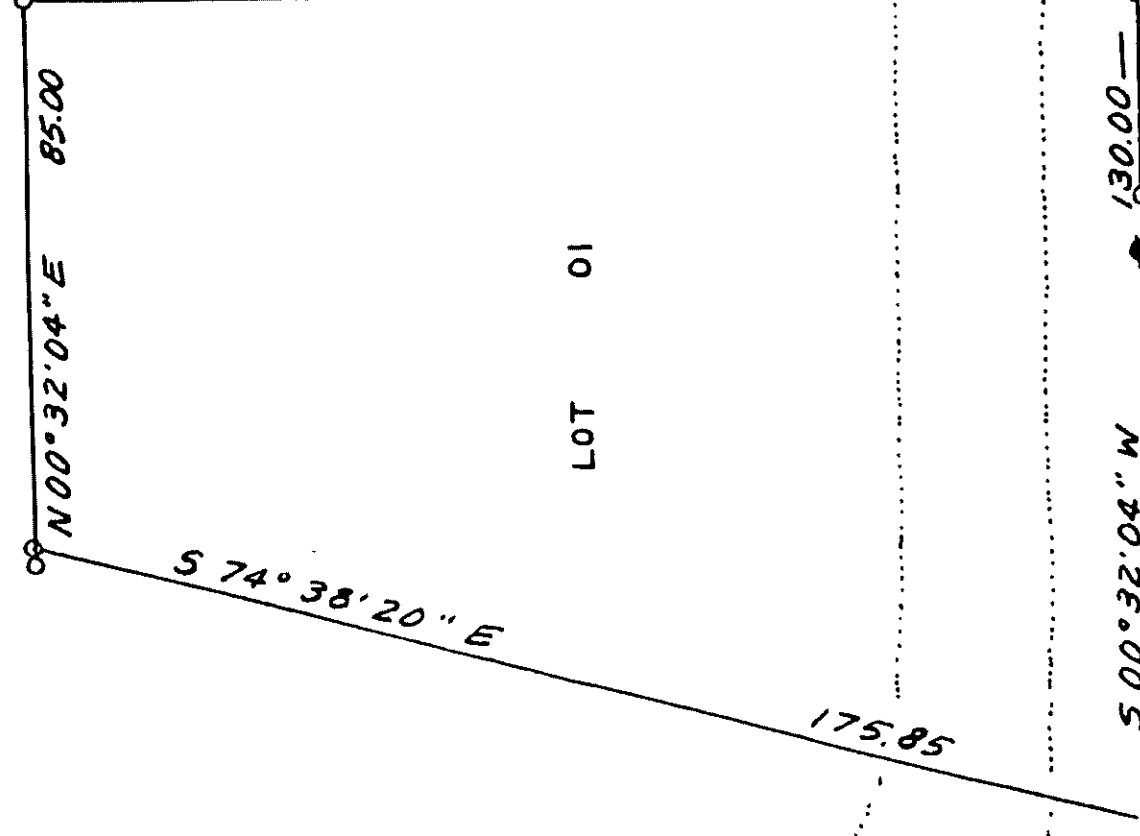
FIR



LOT 02



240.00



LOT 01

ROAD

PROPOSED

STATE