



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 01-2013-25

(Authorizing a Gratuitous Right-of-Way to the Bureau of Indian Affairs, Division of Transportation, for Road Construction and Improvements to Route No. 111 – Hondah Homesites Subdivision)

WHEREAS, the Tribal Council of the White Mountain Apache Tribe (“Tribe”) is entrusted by the Tribe’s Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

WHEREAS, The Bureau of Indian Affairs (BIA), Fort Apache Agency, Division of Transportation, is proposing to improve approximately 2.7 miles of existing dirt road, identified as Indian Route 111, located within the Hondah Homesites subdivision; and

WHEREAS, currently, these streets are unpaved and do not provide adequate access to individual homes, and become impassable due to muddy, snowy and unstable conditions; and

WHEREAS, the purpose of this project is to improve and upgrade the existing street surfaces and drivability of Route 111 to provide all-weather access for the residents of the Hondah Homesite housing subdivision; and

WHEREAS, the proposed road project will consist of grading, draining, and placing aggregate base and bituminous surfacing on various streets within the Hondah Homesite subdivision, identified in drawing #FA-111-1, which include the following:

Buckskin Road (0.22 mi)	Powerline Road (0.8 mi)	Arrow Street (0.47 mi)
West Fox Street (0.08 mi)	East Fox Street (0.10 mi)	Hondah Drive (0.72 mi)
West Bear Street (0.11 mi)	East Bear Street (0.10 mi)	Elk Street (0.10 mi)

WHEREAS, the BIA is requesting Tribal Council approval for a Right-of-Way and Temporary Construction Easement for this construction project; and

WHEREAS, the Tribal Council has considered this matter and believes it is in the best interest of the White Mountain Apache Tribe to grant this request.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes a gratuitous road Right-of-Way and Temporary Construction Easement to the BIA, Division of Transportation, for the purpose of improving streets located in the Hondah Homesites Subdivision, known as Route 111, and identified in Drawing #FA-111-1, for the following:

Buckskin Road (0.22 mi)	Powerline Road (0.8 mi)	Arrow Street (0.47 mi)
West Fox Street (0.08 mi)	East Fox Street (0.10 mi)	Hondah Drive (0.72 mi)
West Bear Street (0.11 mi)	East Bear Street (0.10 mi)	Elk Street (0.10 mi)

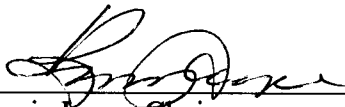
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby waives appraisal and compensation on the proposed Right-of-Way identified herein, for the purpose of expediting construction of this road project.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign.

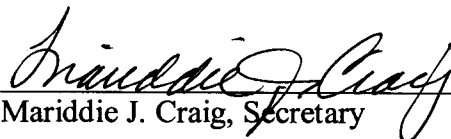
The foregoing resolution was on JANUARY 30, 2013 duly adopted by a vote of EIGHT for, ZERO against and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (h), (i), (s), (t) and (u) of the Tribal Constitution, 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).



Ronnie Lupe, Chairman

2-1-13

Date



Mariddie J. Craig, Secretary

02/01/2013

Date

APPLICATION FOR RIGHT-OF-WAY

The United States Department of the Interior, Bureau of Indian Affairs, Western Regional Office, Phoenix, Arizona, hereby makes application pursuant to the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323-328) and in accordance with Departmental Regulations 25 CFR 169 for a road right-of-way 50 feet in width for a distance of 13,844.45 feet (2.622 miles) and 65 feet in width for a distance of 175.00 feet (0.033 miles) and a channel right-of-way for 40 feet in width for a distance of 250 feet (0.047 miles) for a TOTAL distance of **14,269.45 feet (2.703 miles)** across the **Fort Apache Indian Reservation** located in an unsurveyed portion of T. 8 N., R. 23 E., G&SRB&M, Arizona to be granted to the United States, its successors and assigns, with the right to construct, maintain, and repair improvements, thereon and thereover, for such purposes, and with further right in the United States, its successors and assigns, to transfer said right-of-way by assignment, grant, or otherwise. The location of said right-of-way and its extent are more particularly shown and delineated on the accompanying map, Drawing #FA-111-1, which has been prepared following 25 CFR 169.6, 169.7, 169.8, 169.9, 169.10, and 169.11, and which by this reference is made a part hereof. In the event the right-of-way herein applied for is granted, the United States Department of the Interior, Bureau of Indian Affairs, **Fort Apache Agency**, agrees to conform and abide by all pertinent rules and regulations of the Department of the Interior with special reference to Departmental Regulation 25 CFR 169.5, except 169.5(c).


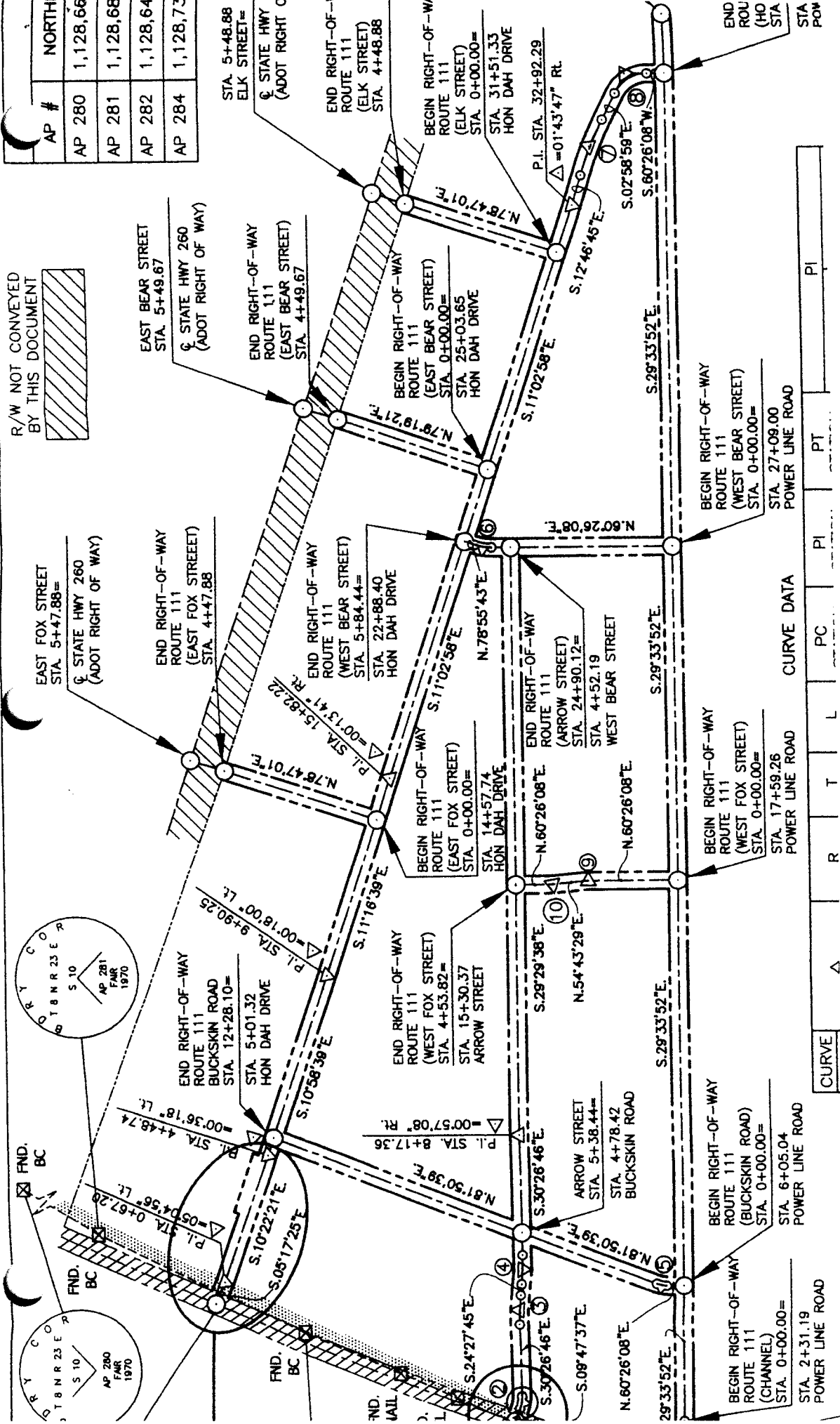
IN WITNESS WHEREOF, the undersigned applicant has caused this instrument to be executed this 29th day of November 2012.

United States Department of the Interior
Bureau of Indian Affairs
Western Regional Office
Phoenix, Arizona

By David R. Smith
David R. Smith, Regional Road Engineer

AP #	NORTH
AP 280	1,128.66
AP 281	1,128.68
AP 282	1,128.64
AP 284	1,128.73

R/W NOT CONVEYED BY THIS DOCUMENT

CURVE	Δ	R	T	L	PC	PI	PT	P.I.

