



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 03-2014-21

(Authorizing a Lease to the White Mountain Apache Housing Authority for Rehabilitation of 23 Housing Units at Chinatown for Project AZ 16-38)

- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe (“Tribe”) is entrusted by the Tribe’s Constitution to act in all matter 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 White Mountain Apache Housing Authority (“Housing Authority”), as the tribally designated housing entity of the Tribe is responsible for carrying out the Tribe’s housing plan and the development and operation of housing pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (“NAHASDHA”); and
- WHEREAS,** in furtherance of its mission, the Housing Authority has received an allocation of tax credits from the Arizona Department of Housing which will enable the Housing Authority to rehabilitate 23 housing units located in the Chinatown subdivision; and
- WHEREAS,** the Housing Authority has previously acquired leasehold rights to the project area from the Tribe under Lease No. HFA-10-01638, dated March 1, 2010; and
- WHEREAS,** the Housing Authority requests permission from the Tribe to amend the 2010 lease to revise the legal description so that the 23 housing units to be rehabilitated under this project may be conveyed to the Housing Authority under a new lease in order to facilitate and complete the tax credit financing for the project work; and
- WHEREAS,** the Tribal Council finds that the lease and related documents are in the best interest of the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the amendment to Lease No. HFA-10-01638 to revise the legal description in order to remove the area containing 23 housing units which will be subject to the new project and new lease.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes a new lease to the White Mountain Apache Housing Authority for a term of 25 years, with an automatic renewal of 25 years, for the area containing the 23 housing units, as shown in the legal description, Exhibit A to the Lease, which will be rehabilitated by the WMAHA Homes Limited Partnership #6, under project AZ16-38.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Housing Authority to sublease the leasehold property to the partnership, as provided in the lease documents.

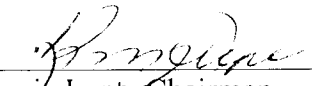
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the leasehold property may be encumbered under a mortgage for the tax credit financing, consistent with the terms of the lease and the mortgage documents reviewed this date.

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.

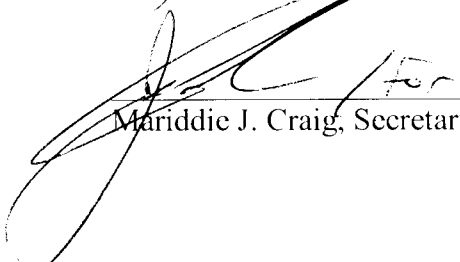
The foregoing resolution was on MARCH 5, 2014 duly adopted by a vote of SIX for and ZERO against and ONE abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (i), (s), (t) and (u) of the Tribal Constitution, ratified 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

3/7/14

Date



Mariddie J. Craig, Secretary

3/2/14

Date