



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing a Land Lease to the Bureau of Indian Affairs, Fort Apache Agency, for the BIA Administrative Site, BIA Roads and BIA Forestry)

- WHEREAS,** the Lease with the Bureau of Indian Affairs (BIA), Fort Apache Agency Administrative Site expired July 15, 2013; and
- WHEREAS,** the Lease for the BIA Roads and BIA Forestry sites located at the Whiteriver Airport expired January 31, 2012; and
- WHEREAS,** the BIA has submitted a request to enter into a new land lease with the Tribe for the BIA Roads and Forestry sites, as well as the Agency Administrative Site, for an additional five (5) year period.
- WHEREAS,** the effective date of the new land lease shall be retroactive to July 16, 2013 and shall be effective through January 28, 2015, plus an additional five (5) years, with an expiration date of January 27, 2020. The total land lease term will be approximately six and one half (6½) years; and
- WHEREAS,** the Agency Administrative Site contains approximately 46.3 acres, which includes the Fort Apache Agency, former IHS Hospital Site, Employee Housing for BIA and IHS, as well as former BIA/IHS dwellings which had previously been transferred to the Tribe; some of which have since been transferred to individual Tribal members; and
- WHEREAS,** the BIA has requested that the new land lease include only those tracts of land which are still being utilized by the BIA, which include the Fort Apache Agency and eleven (11) single-dwelling BIA employee housing units (7.07 acres), BIA Roads (5.19 acres), and BIA Forestry (2.36 acres), containing a combined total of approximately 14.62 acres, more or less; and
- WHEREAS,** the BIA further advises that a new five (5) year land lease will enable them to determine potential sites to which they can prepare to relocate, and also allow them to conduct an abatement of all hazardous materials within the current buildings prior to transferring any excess property to the Tribe; and
- WHEREAS,** the Tribal Council has considered the BIA's request and believes it would be in the best interest of the Tribe to authorize a new land lease to the BIA for a five (5) year period, after which term, the BIA is requested to relocate to the Fort Apache Boys Dormitory.

Resolution No. 01-2015-11

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes a new land lease to the BIA for 14.62 acres, which includes the Fort Apache Agency and eleven single-dwelling BIA employee housing units, and BIA Roads and BIA Forestry, for an additional five (5) year period.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the new land lease to the BIA to be retroactive from July 16, 2013 and expire on January 27, 2020, for a total lease term of approximately six and one half (6½) years.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the best interests of the Tribe and in consideration of services provided to the Tribe by the BIA: 1) a nominal lease fee is hereby set at the rate of \$1.00 for the five (5) year lease term, and 2) the Tribe waives any bonding or valuation as may be required by federal leasing regulations.

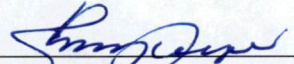
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the BIA conduct an abatement of all hazardous materials within the buildings located on the leased premises prior to the end of the lease term, or upon transfer of any buildings to the Tribe.

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, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

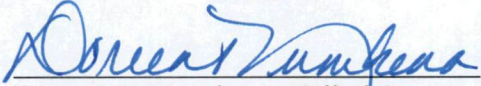
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **JANUARY 28, 2015** duly adopted by a vote of **SEVEN** for, **THREE** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



Ronnie Lupe, Tribal Chairman

Date

 4-20-2015

Doreen T. Numkena, Tribal Secretary Date