



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing a Gratuitous Right-of-Way to the Bureau of Indian Affairs, Division of Transportation, for Road Construction and Improvements to Route 102-Community Streets)

WHEREAS, the Bureau of Indian Affairs (BIA), Fort Apache Agency Division of Transportation, is proposing to reconstruct a portion of Indian Route (IR) 102 (Community Streets), located within the community of Whiteriver; and

WHEREAS, the purpose of the project is to improve and upgrade the existing street surfaces for the following streets (identified in drawing #FA-102-1):

Horseshoe Drive (Chinatown)

WHEREAS, the proposed project which will consist of removing the existing failed pavement, adding a leveling base course, and paving with three inches of asphalt concrete pavement; and

WHEREAS, this project is identified in the previously approved 2014-2017 Tribal Transportation Improvement Program (TTIP), and is scheduled for construction in July 2016; and

WHEREAS, the BIA is requesting Tribal Council approval for a Right-of-Way consisting of 2.53 acres, a Temporary Construction Easement for this construction project, and requests a waiver of appraisal and compensation for the purpose of expediting the construction of said 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 consisting of 2.53 acres, and a Temporary Construction Easement to the BIA, Division of Transportation, for the purpose of improving Community Streets located within the Whiteriver Community, known as Route 102, and identified in drawing #FA-102-1, for the following:

Horseshoe Drive (Chinatown)

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.

Resolution No. 02-2016-25

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 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 **FEBRUARY 17, 2016** duly adopted by a vote of **TEN** for, **ZERO** 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	Doreen T. Numkena, Tribal Secretary
	
Date	Date