



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing a Lease of Tribal Property to Bashas', Inc.)

WHEREAS, the current Lease with Bashas', Inc., for Tribal Property located within the Whiteriver Shopping Center, is currently in hold-over lease status, pending satisfactory negotiation of a new lease; and

WHEREAS, the Tribe and Bashas', Inc. have negotiated satisfactory terms for a new Lease pursuant to which Bashas', Inc. will:

- renovate the interior of the Leased Premises at its cost, and
- also to bear the cost of performing certain structural repairs to the Lease Premises and certain repairs and replacements to the common area of the Whiteriver Shopping Center which are otherwise obligations of the Tribe, subject to repayment out of the Percentage Rental and Additional Rental (but not the Minimum Guaranteed Annual Rent) payable under the new Lease; and

WHEREAS, for purpose of obtaining Bureau of Indian Affairs approval for the lease, the Tribal Council makes certain declarations, as set forth below; and

WHEREAS, the Tribal Council has reviewed the proposed Lease and concludes that the lease provisions serve the best interests of the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves and authorizes the proposed lease agreement reviewed this date between the Tribe and Bashas', Inc., an Arizona Corporation, for the Tribal Property located within the Whiteriver Shopping Center, with terms including, but not limited to, the following:

- Lessee: Bashas, Inc., an Arizona Corporation.
- Lease Term: 15 years, beginning on or about September 1, 2017, with an option to renew for one additional 10-year period.
- Lease Purpose: For refurbishment and operation of a general food market business within the Tribal Shopping Center premises.
- Lease Fee: Identified in lease as Minimum Guaranteed Annual Rent, Percentage Rent and Deductions, Gross Sales, and Additional Rent, all negotiated in the best interest of the Tribe.
- Lease Property Size: Approximately 1 acre, more or less.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it makes the following declarations about certain conditions which might otherwise be required by Federal Regulations at 25 C.F.R. Part 162:

Resolution No. 04-2018-78

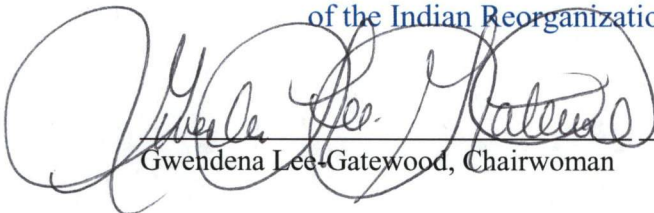
1. The Tribe waives due diligence and enforcement requirements under 25 CFR §162.417 concerning permanent improvements which may be made within the lease site;
2. The Tribe has negotiated satisfactory compensation under the lease terms and for that purpose waives valuation under 25 CFR §162.420, and the Tribe further states that accepting the negotiated compensation and waiving the valuation is in the Tribe's best interest;
3. The Tribe has determined that it is in the Tribe's best interest to not have compensation reviews and/or adjustments, as would otherwise be required under 25 CFR §162.428(a); and
4. The Tribe requests the waiver of the requirements under 25 CFR §434 for a performance bond or other security.

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.

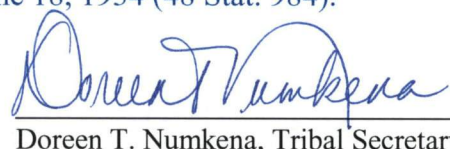
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her 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 **APRIL 11, 2018**, duly adopted by a vote of **ELEVEN** 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).


Gwendena Lee-Gatewood, Chairwoman

Date

 5.31.18
Doreen T. Numkena, Tribal Secretary

Date