



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## (Authorizing a Tower Lease Agreement with Verizon Wireless, L.L.C. for a Communications Facility at Mogollon Rim)

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**WHEREAS,** Verizon Wireless, L.L.C. (Verizon), is ready to construct the Mogollon Rim telecommunication tower and is requesting approval to finalize the Tower Lease Agreement, in the form attached hereto; and

**WHEREAS,** the Tribe and Verizon have previously negotiated satisfactory terms for this Tower Lease Agreement, which include:

- Lessee: Verizon Wireless (VAW) LLC, a Delaware limited liability company, dba Verizon Wireless.
- Lease term: 10 years, with an automatic renewal of one additional 15-year period.
- Lease purpose: to construct a cellular tower at a site identified as Mogollon Rim to enhance cellular services to tribal and local residents.
- Lease fee: Identified in lease as annual rent, payable in monthly installments, with 15% increases at each 5-year interval, all negotiated in the best interest of the Tribe.
- Lease Property Size: Approximately 1 acre, more or less; and

**WHEREAS,** for purpose of obtaining Bureau of Indian Affairs approval for the lease, the Tribal Council makes certain declarations, as set for 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 Verizon Wireless (VAW) LLC, a Delaware limited liability company, for the premises identified as Mogollon Rim, with terms including, but not limited to, the following:

- Lessee: Verizon Wireless (VAW) LLC, a Delaware limited liability company, dba Verizon Wireless.
- Lease Term: 10 years, with an automatic renewal of one additional 15-year period.
- Lease Purpose: to construct a cellular tower at a site identified as Mogollon Rim to enhance cellular services to tribal and local residents.
- Lease Fee: Identified in lease as annual rent, payable in monthly installments, with 15% increases at each 5-year interval, all negotiated in the best interest of the Tribe.
- Lease Property Size: Approximately 1 acre, more or less.

**Resolution No. 10-2018-236**

**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:

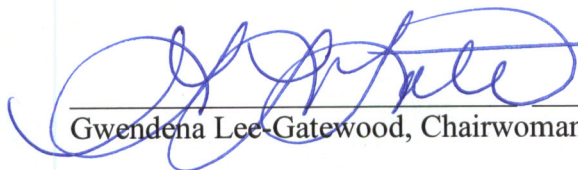
1. The Tribe waives due diligence and enforcement requirements under 25 CFR §162.417 concerning permanent improvements which may be made within the lease site;
2. The Tribe has negotiated satisfactory compensation under the lease terms and for that purpose waives valuation under 25 CFR §162.420, and 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.

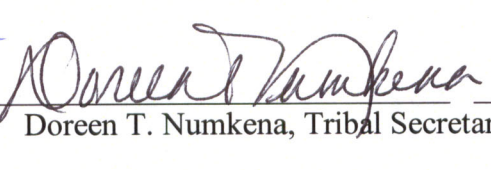
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution 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 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 **OCTOBER 24, 2018**, 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).

 12/27/18  
Gwendena Lee-Gatewood, Chairwoman Date

 12/27/2018  
Doreen T. Numkena, Tribal Secretary Date