

SEP 28 1982

Resolution No. 82-232

FORT APACHE INDIAN
AGENCY
WINTER RIVER, ARIZ

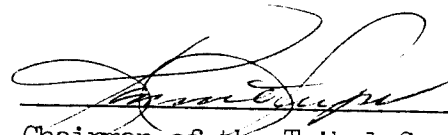
RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

- WHEREAS, the Tribal Council of the White Mountain Apache Tribe, pursuant to Resolution 82-206 and 82-212 has granted permission for consideration to M.M. Sundt Construction Company to utilize the Gold Gulch Wash Area for aggregate and to utilize the McNary Cinder Pit for the mixing and storage of equipment and aggregate supplies; and
- WHEREAS, Councilman Alvino Hawkins has advised the Council that the M.M. Sundt Construction Company needs 3,000 tons of cinders for which they are willing to pay the Tribe 50 cents per ton, in order to conform with Arizona Department of Transportation mix design requirements for asphalt concrete in order to give the asphalt concrete more strength; and
- WHEREAS, said cinders will be utilized for Project FR-044-1(8) and F-044-1-910, which is the project from Pinetop to Big Lake Road Junction on Route 260 and for which permission was granted to utilize the Cottonwood Wash and Gold Gulch Wash by previous resolutions; and
- WHEREAS, Alvino Hawkins advises the Council that the maximum amount of cinders that will be utilized will be 3,000 tons and that he is willing to perform checks to insure that the maximum tonnage removed is 3,000 tons; and
- WHEREAS, the Arizona Department of Transportation has already stock-piled cinders close to the amount needed for the project so that little or no digging will be required to supply the 3,000 tons; and
- WHEREAS, the M.M. Sundt Construction Company is willing to accept all the conditions for posting a clean-up bond and to remove all asphalt, oil spills, diesel spills and any other chemical spills foreign to the native environment from the McNary Pit and will recontour, shape and seed to meet ADOT requirements and the ADOT clean-up agreement as well as the standards set by the White Mountain Apache Tribe to restore the site to an acceptable condition as set forth in the McNary Cinder Pit Use Resolution No-82-212; and
- WHEREAS, the agreement to utilize these cinders will terminate upon the completion of the ADOT Projects numbered above.
- BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs and authorizes the Tribal Chairman to send a "Letter of Intent" on behalf of the White Mountain Apache Tribe, doing business as Tribal Roads Enterprise, agreeing to the foregoing terms and conditions for the use of the 3,000 tons of cinders from the McNary Cinder Pit area.
- BE IT FURTHER RESOLVED that the Chairman of the White Mountain Apache Tribe be authorized to sign all documents necessary to effectuate any contract drafted to carry out this resolutions.

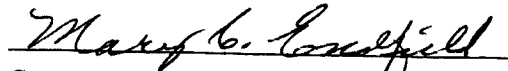
BE IT FURTHER RESOLVED that the M.M. Sundt Construction Company is required to comply with all of the bonding and clean-up provisions set forth in Resolution 82-212 as a condition to utilizing the 3,000 tons of cinders for the asphalt concrete mix design.

BE IT FURTHER RESOLVED that all effected land owners and assignees be provided a copy of this resolution.

The foregoing resolution was on September 20, 1982 duly adopted by a vote of 10 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1(i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council


Secretary of the Tribal Council