



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

**(Authorizing Negotiation of TERO Fees for MCL Whiteriver Restaurant, LLC)**

**WHEREAS,** pursuant to Section 1(a) of the Constitution of the White Mountain Apache Tribe, inter alia, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

**WHEREAS,** by Resolution No. 08-2005-212, the Tribal Council did approve a lease between the Tribe and MCL Enterprises, Inc. d/b/a MCL Whiteriver Restaurant, LLC, for the purpose of the construction and operation of a Burger King restaurant in Whiteriver; and

**WHEREAS,** MCL Whiteriver Restaurant, LLC, has requested that the 5% TERO fee be waived due to financing requirements; and

**WHEREAS,** the Tribe's TERO Office has agreed to negotiate the 5% TERO fee associated with the construction of a Burger King Restaurant, but requires that all other TERO fees shall remain in full force and effect; and

**WHEREAS,** the Tribal Council finds that a Burger King restaurant is an important cornerstone in the Tribe's economic development and a negotiation of the 5% TERO fee would be a means toward that end; and

**WHEREAS,** the Tribal Council further finds that TERO fees and the office itself should be structured into all future development projects as they are initiated.

**BE IT RESOLVED** by the White Mountain Apache Tribal Council that the the Director of TERO is hereby directed to negotiate a reasonable TERO fee for the construction of the Burger King restaurant in Whiteriver by MCL Enterprises, Inc. d/b/a MCL Whiteriver Restaurant, LLC.

The foregoing resolution was on MARCH 16, 2006 adopted by a vote of FOUR for and ONE against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Sections 1 (a), (b), (i), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
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Chairman of the Tribal Council

  
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Secretary of the Tribal Council