



# WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance  
Over the Fort Apache Indian Reservation*

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## **Resolution No. 01-2013-24**

### **(Authorizing a Lease to the White Mountain Apache Housing Authority for the Construction of 23 Housing Units at Fort Apache)**

**WHEREAS,** the Tribal Council of the White Mountain Apache Tribe (“Tribe”) is entrusted by the Tribe’s Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

**WHEREAS,** the White Mountain Apache Housing Authority (“Housing Authority”) has requested a lease of certain land in the Fort Apache Junction Community, consisting of approximately 12.44 acres, for the purpose of constructing twenty-three (23) housing units; and

**WHEREAS,** the Housing Authority, as the Tribally Designated Housing Entity of the Tribe, is responsible for carrying out the Housing Plans of the Tribe (collectively, “IHP”), and undertaking the development and operation of housing, pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (“NAHASDA”); and

**WHEREAS,** the Housing Authority, in furtherance of its approved IHP, as adopted and amended to date under NAHASDA, has applied for an allocation of Tax Credits from the Arizona Department of Housing (“ADOH”), which will permit the Housing Authority to cause new construction of twenty-three (23) dwelling units, comprising a new housing project, known as Project No. AZ 16-74 Phase II (“Project”); and

**WHEREAS,** the Housing Authority has one site within the Fort Apache Junction and has obtained Tribal Land Board approval for the sites, which is more particularly described as set forth in Exhibit A, as attached and incorporated by this reference (“Project Leasehold Property”); and

**WHEREAS,** in connection with the Tax Credit program as administered to ADOH under applicable provisions of Section 42 of the Internal Revenue Code of 1986, as amended, it is necessary for the Housing Authority to sublease portions of the Project Leasehold Property to an Arizona limited partnership to be known and identified as WMAHA Limited Partnership #6 (“Tax Credit Partnership”), within which the Housing Authority will act as General Partner; and

**WHEREAS,** the Tribal Council, as the duly empowered and authorized governing body of the Tribe, believes it to be in the best interest of the Tribe to: (1) permit and authorize a new Lease for the Project Leasehold Property, for a period of 25 years, with and automatic renewal of 25 years, and (2) permit and authorize the sublease of twenty-three (23) dwelling sites within the Project Leasehold Property from the Housing Authority to the Tax Credit Partnership; and

**WHEREAS,** upon review of the request, the Tribal Council finds that the assignment of the land described herein to be in the best interest of the Fort Apache Junction community and the Tribe; and

**WHEREAS,** the Tribal Council further finds that a lease between the Housing Authority as lessee and the Tribe should be approved for the purposes described herein, and that the lessee should be provided further authority to encumber the property with individual loan leasehold mortgages.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes a new Lease to the White Mountain Apache Housing Authority for a term of 25 years, with an automatic renewal of 25 years, for the construction of 23 housing units in the Fort Apache Junction community, identified as Project AZ 16-74 Phase II.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Housing Authority to sublease sections of the Project Leasehold property to the Tax Credit Partnership.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Housing Authority as Lessee is hereby further authorized to encumber the property with leasehold mortgages as may be required and allowed by federal law and the lease agreement attached hereto.

**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 Federal Laws, this Resolution shall be declared 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 Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign.

The foregoing resolution was on JANUARY 30, 2013 duly adopted by a vote of SEVEN for, ZERO against and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (h), (n), (s), (t) and (u) of the Tribal Constitution, 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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Ronnie Lupe, Chairman

2-1-13  
Date

  
\_\_\_\_\_  
Mariddie J. Craig, Secretary

02/01/2013  
Date

## Legal Description (Fort Apache Junction Phase II - Lots 21 and 22)

A portion of land situated within Tribal Tract T 101, within the community of Fort Apache Junction, located within the North-half of the Northeast quarter (N1/2, NE1/4) of Section 34, Township 5 North, Range 22 East, Gila and Salt River Meridian, on the Fort Apache Indian Reservation, Gila County, State of Arizona, being more particularly described as follows:

Based on a line between a GLO capped pipe monumenting the northwest corner of said Section 34 and a GLO capped pipe monumenting the north quarter corner of Section 34, said line being the west half of the north line of Section 34, bearing North 89°59'49" East, a distance of 2643.96 feet, and all bearings contained herein relative thereto.

Commencing at said north quarter corner of Sections 34, thence North 89°58'59" East along the east half of the north line of Section 34 a distance of 1062.36 feet to a point, thence leaving the east half of the north line of said section South 00°01'01" East a distance of 134.98 feet, thence South 04°17'24" West a distance of 149.99 feet, thence continuing South 04°17'24" West a distance of 50.00 feet to the northwest corner of the herein described parcel and **TRUE POINT OF BEGINNING**;

Thence South 85°42'39" East a distance of 140.50 feet to a point on a tangent curve concave to the Southwest, having a radius of 30.00 feet, a central angle of 89°59'46" and tangent of 30.00 feet, (Chord Bearing: S40°42'46"E, Chord Distance: 42.42');

Thence Southeasterly and to the right on the arc of said curve a distance of 47.12 feet;

Thence South 04°17'07" East a distance of 245.81 feet to a point on a tangent curve concave to the Northwest, having a radius of 30.00 feet, a central angle of 46°34'20" and tangent of 12.91 feet, (Chord Bearing: S27°34'17"W, Chord Distance: 23.72');

Thence Southwesterly and to the right on the arc of said curve a distance of 24.39 feet to a point of reverse curvature, a tangent curve concave to the Southeast, having a radius of 50.00 feet, a central angle of 46°34'03" and tangent of 21.52 feet, (Chord Bearing: S27°34'25"W, Chord Distance: 39.53');

Thence Southwesterly and to the left on the arc of said curve a distance of 40.64 feet;

Thence North 85°42'36" West a distance of 145.52 feet;

Thence North 04°17'24" East a distance of 383.91 feet to the **TRUE POINT OF BEGINNING**.

The above described portion of land contains 1.28 acres more or less.

## Legal Description (Fort Apache Junction Phase II - Lots 25 through 28)

A portion of land situated within Tribal Tract T 101, within the community of Fort Apache Junction, located within the North-half of the Northeast quarter (N1/2, NE1/4) of Section 34, Township 5 North, Range 22 East, Gila and Salt River Meridian, on the Fort Apache Indian Reservation, Gila County, State of Arizona, being more particularly described as follows:

Based on a line between a GLO capped pipe monumenting the northwest corner of said Section 34 and a GLO capped pipe monumenting the north quarter corner of Section 34, said line being the west half of the north line of Section 34, bearing North 89°59'49" East, a distance of 2643.96 feet, and all bearings contained herein relative thereto.

Commencing at said north quarter corner of Sections 34, thence North 89°58'59" East along the east half of the north section line a distance of 1062.36 feet to a point, thence leaving the east half of the north line of said section South 00°01'01" East a distance of 134.98 feet, thence South 04°17'24" West a distance of 149.99 feet, thence South 04°17'24" West a distance of 50.00 feet, thence South 85°42'39" East a distance of 250.50 feet to the northwest corner of the herein described parcel and **TRUE POINT OF BEGINNING**;

Thence continuing South 85°42'39" East a distance of 204.53 feet to a point on a tangent curve concave to the Southwest, having a radius of 215.00 feet, a central angle of 8°35'28" and tangent of 16.15 feet, (Chord Bearing: S81°24'55"E, Chord Distance: 32.21');

Thence Southeasterly and to the right on the arc of said curve a distance of 32.24 feet to a point on a tangent curve concave to the Southwest, having a radius of 30.00 feet, a central angle of 95°09'54" and tangent of 32.83 feet, (Chord Bearing: S29°32'14"E, Chord Distance: 44.29');

Thence Southeasterly and to the right on the arc of said curve a distance of 49.83 feet to a point of reverse curvature, a tangent curve concave to the East, having a radius of 325.00 feet, a central angle of 20°51'46" and tangent of 59.83 feet, (Chord Bearing: S07°36'49"W, Chord Distance: 117.69');

Thence Southwesterly and to the left on the arc of said curve a distance of 118.34 feet to a point of reverse curvature, a tangent curve concave to the West, having a radius of 30.00 feet, a central angle of 41°40'33" and tangent of 11.42 feet, (Chord Bearing: S18°01'13"W, Chord Distance: 21.34');

Thence Southwesterly and to the right on the arc of said curve a distance of 21.82 feet to a point of reverse curvature, a tangent curve concave to the East, having a radius of 50.00 feet, a central angle of 101°06'41" and tangent of 60.78 feet, (Chord Bearing: S11°41'51"E, Chord Distance: 77.22');

Thence Southerly and to the left on the arc of said curve a distance of 88.24 feet;

Thence South 27°44'48" West a distance of 89.65 feet;

Thence North 85°42'36" West a distance of 239.98 feet to a point on a non-tangent curve concave to the Southwest, having a radius of 50.00 feet, a central angle of 46°34'03" and tangent of 21.52 feet, (Chord Bearing: N18°59'38"W, Chord Distance: 39.53');

Thence Northwesterly and to the left on the arc of said curve a distance of 40.64 feet to a point of reverse curvature, a tangent curve concave to the Northeast, having a radius of 30.00 feet, a central angle of 46°33'46" and tangent of 12.91 feet, (Chord Bearing: N18°59'46"W, Chord Distance: 23.71');

Thence Northwesterly and to the right on the arc of said curve a distance of 24.38 feet;

Thence North 04°17'07" East a distance of 245.81 feet to a point on a tangent curve concave to the Southeast, having a radius of 30.00 feet, a central angle of 90°00'14" and tangent of 30.00 feet, (Chord Bearing: N49°17'14"E, Chord Distance: 42.43');

Thence Northeasterly and to the right on the arc of said curve a distance of 47.13 feet to the **TRUE POINT OF BEGINNING.**

The above described portion of land contains 2.14 acres more or less.

## Legal Description (Fort Apache Junction Phase II - Lots 30 through 37)

A portion of land situated within Tribal Tract T 101, within the community of Fort Apache Junction, located within the North-half of the Northeast quarter (N1/2, NE1/4) of Section 34 and the Southeast quarter of the Southeast quarter (SE1/4, SE1/4) of Section 27, both sections located in Township 5 North, Range 22 East, Gila and Salt River Meridian, on the Fort Apache Indian Reservation, Gila and Navajo Counties, State of Arizona, being more particularly described as follows:

Based on a line between a GLO capped pipe monumenting the northwest corner of said Section 34 and a GLO capped pipe monumenting the north quarter corner of Section 34, said line being the west half of the north line of Section 34, bearing North 89°59'49" East, a distance of 2643.96 feet, and all bearings contained herein relative thereto.

Commencing at said north quarter corner of Sections 34, thence North 89°58'59" East along the east half of the north line of Section 34 a distance of 1825.04 feet to a point on the north line of the herein described parcel of land and the **TRUE POINT OF BEGINNING**;

Leaving the east half of the north line of Section 34, thence North 28°00'24" East into Section 27 a distance of 473.83 feet into Navajo County to a point on a tangent curve concave to the South, having a radius of 30.00 feet, a central angle of 90°00'04" and tangent of 30.00 feet, (Chord Bearing: N73°00'25"E, Chord Distance: 42.43');

Thence Northeasterly and to the right on the arc of said curve a distance of 47.12 feet;

Thence South 61°59'33" East a distance of 124.19 feet to the North line of the ADOT State Route 73 right of way;

Thence South 28°00'20" West along said right of way a distance of 421.76 feet to a point on the east half of the north line of Section 34;

Thence continuing South 28°00'20" West along said right of way into Section 34 and into Gila County a distance of 440.21 feet;

Thence South 61°59'40" East a distance of 50.00 feet to a point on the said right-of-way line, said point being 50 feet offset from the centerline spiral curve concave to the Northwest as defined by the centerline geometrics on State Route 73, ADOT Project "Carrizo - Whiteriver - Ind. Pine" Number N-900-713, Sheets 1 and 2 and the ADOT "Results of Survey Map", Drawing Number D-4-T-403;

Thence Southwesterly and to the right along right-of-way line offset 50 feet and parallel to said centerline a distance of 203.56 feet (Chord Bearing: S30°24'47"W, Chord Distance: 203.44') to a point on a tangent curve concave to the Northwest, having a radius of 768.50 feet, a central angle of 3°27'59" and tangent of 23.25 feet, (Chord Bearing: S37°05'13"W, Chord Distance: 46.49');

Thence Southwesterly and to the right along said right of way, on the arc of said curve, a distance of 46.49 feet;

Thence North 71°44'28" West a distance of 91.65 feet to a point on a non-tangent curve concave to the West, having a radius of 50.00 feet, a central angle of 72°03'22" and tangent of 36.36 feet, (Chord Bearing: N17°43'52"W, Chord Distance: 58.82');

Thence Northwesterly and to the left on the arc of said curve a distance of 62.88 feet to a point of reverse curvature, a tangent curve concave to the Northeast, having a radius of 30.00 feet, a central angle of 53°01'46" and tangent of 14.97 feet, (Chord Bearing: N27°14'39"W, Chord Distance: 26.79');

Thence Northwesterly and to the right on the arc of said curve a distance of 27.77 feet to a point on a tangent curve concave to the East, having a radius of 275.00 feet, a central angle of 28°44'10" and tangent of 70.44 feet, (Chord Bearing: N13°38'19"E, Chord Distance: 136.48');

Thence Northeasterly and to the right on the arc of said curve a distance of 137.92 feet;

Thence North 28°00'24" East a distance of 434.29 feet to the **TRUE POINT OF BEGINNING**.

The above described portion of land contains 4.11 acres more or less.



**Legal Description (Fort Apache Junction Phase II - Lots 38 through 43 and 45 through 47)**

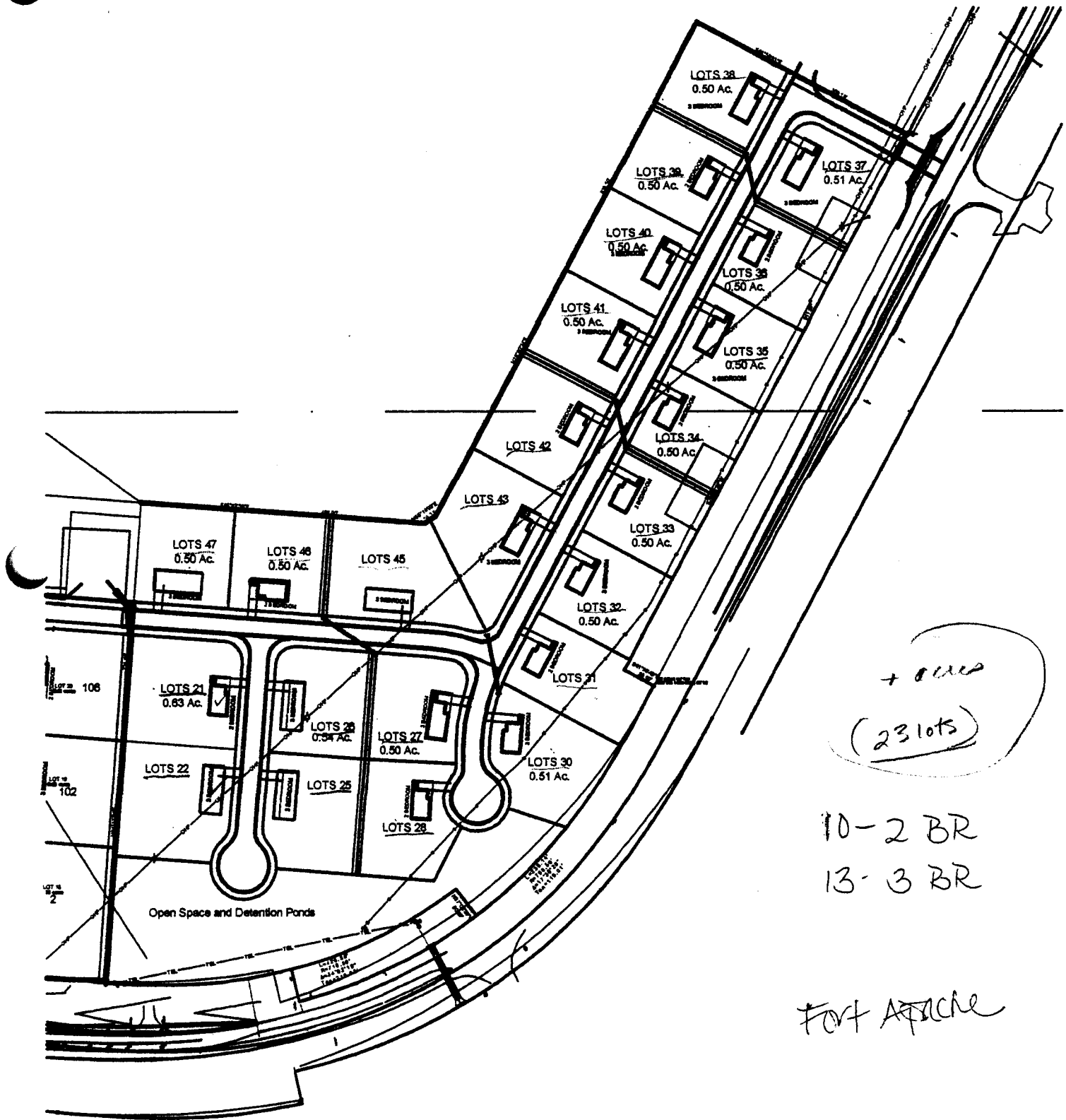
A portion of land situated within Tribal Tract T 101, within the community of Fort Apache Junction, located within the North-half of the Northeast quarter (N1/2, NE1/4) of Section 34 and the Southeast quarter of the Southeast quarter (SE1/4, SE1/4) of Section 27, both sections located in Township 5 North, Range 22 East, Gila and Salt River Meridian, on the Fort Apache Indian Reservation, Gila and Navajo Counties, State of Arizona, being more particularly described as follows:

Based on a line between a GLO capped pipe monumenting the northwest corner of said Section 34 and a GLO capped pipe monumenting the north quarter corner of Section 34, said line being the west half of the north line of Section 34, bearing North 89°59'49" East, a distance of 2643.96 feet, and all bearings contained herein relative thereto.

Commencing at said north quarter corner of Sections 34, thence North 89°58'59" East along the east half of the north line of Section 34 a distance of 1062.36 feet to a point, thence leaving the east half of the north line of said section South 00°01'01" East a distance of 134.98 feet to the northwest corner of the herein described parcel and **TRUE POINT OF BEGINNING;**

Thence South 85°42'39" East a distance of 432.00 feet;  
Thence North 55°19'03" East a distance of 20.33 feet;  
Thence North 28°00'24" East a distance of 176.56 feet to a point on the North line of Section 34;  
Thence continuing North 28°00'24" East into Section 27 a distance of 662.94 feet;  
Thence South 61°59'33" East a distance of 155.00 feet into Navajo County;  
Thence South 28°00'24" West a distance of 580.44 feet into Gila County to a point on the North line of Section 34;  
Thence continuing South 28°00'24" West into Section 34 a distance of 357.59 feet to a point on a tangent curve concave to the Northwest, having a radius of 30.00 feet, a central angle of 79°31'34" and tangent of 24.96 feet, (Chord Bearing: S67°46'11"W, Chord Distance: 38.38');  
Thence Southwesterly and to the right on the arc of said curve a distance of 41.64 feet to a point of reverse curvature, a tangent curve concave to the Southwest, having a radius of 265.00 feet, a central angle of 13°14'37" and tangent of 30.76 feet, (Chord Bearing: N79°05'21"W, Chord Distance: 61.12');  
Thence Northwesterly and to the left on the arc of said curve a distance of 61.25 feet;  
Thence North 85°42'39" West a distance of 455.03 feet;  
Thence North 04°17'24" East a distance of 149.99 feet to the **TRUE POINT OF BEGINNING.**

The above described portion of land contains 4.91 acres more or less.



+ 8 more  
 (23 lots)

10-2 BR  
 13-3 BR

Fort Apache