



# **WHITE MOUNTAIN APACHE TRIBE**

A Sovereign Tribal Nation

## **(Authorizing the Expropriation of Land to Accommodate the Construction of a Frontage Road in Canyon Day)**

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**WHEREAS,** Pursuant to Article IV, Section 1(a) and 1(f) 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,** a Road Safety Audit (RSA) conducted on SR73 by ADOT identified numerous and significant safety findings, one of which necessitates the construction of a frontage road running parallel to and south of SR73 in Canyon Day; and

**WHEREAS,** a project to construct a frontage road is in the design phase, and ADOT engineers involved with the project have determined that the existing right-of-way is not sufficient to complete the project, and that no more than fifteen (15) feet of additional land beyond the existing ADOT right-of-way is required to complete construction of the access frontage road; and

**WHEREAS,** District IV Council representatives have examined the facts and concluded that the construction of the frontage road will positively impact the community, protect public safety and directly protect the safety and wellbeing of the eleven (11) residents adjacent to the expanded right-of-way boundary; and

**WHEREAS,** the frontage road will be a Tribal facility and added to the Transportation Inventory, and the Tribe will hold all responsibility to maintain and improve the frontage road as necessary.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the expropriation of no more than fifteen (15) feet of land along SR73 to expand the existing right-of-way boundary for purposes of constructing a frontage road to protect the public safety of the community.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the frontage road to be included in the Transportation inventory as a Tribal facility, and accepts the responsibility to maintain and improve the frontage road as necessary.

**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.

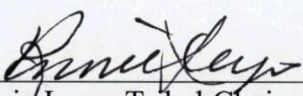


**Resolution No. 03-2016-46**

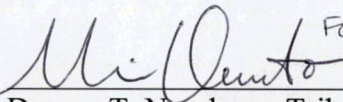
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution 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 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 **MARCH 2, 2016** duly adopted by a vote of **NINE** for, **ZERO** against, and **ONE** abstention 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).

  
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Ronnie Lupe, Tribal Chairman

3/22/16  
\_\_\_\_\_  
Date

  
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Doreen T. Numkena, Tribal Secretary

For D. Numkena  
3/22/16  
\_\_\_\_\_  
Date