



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Modification to Dischii'Bikoh Community School Lease)

WHEREAS, on June 20, 2001, the Tribal Council of the White Mountain Apache Tribe adopted Tribal Council Resolution No. 06-2001-179, which approved a twenty-five (25) year land lease (BFA 01-127) between the White Mountain Apache Tribe and the Cibecue Community Education Board Inc., ("Cibecue School Board") for operation of the Cibecue Community School, now known as Dischii'Bikoh Community School; and

WHEREAS, the 2001 school land lease included approximately 83.56 acres of land; and

WHEREAS, on August 23, 2007, the Cibecue Livestock Association adopted a resolution generously donating 50.49 acres, more or less, of tribal trust land, to the Dischii'Bikoh Community School, a true copy of which is attached and incorporated by reference herein; and

WHEREAS, the Tribal Council is advised that the land donated by the Cibecue Livestock Association in 2007 has not been used or developed by the school except for work-outs by the schools' cross-country team, but that the school anticipated utilizing the land for more athletic fields and for other education related purposes sometime in the future; and

WHEREAS, the Tribal Council is also advised that 2.79 acres of land used for the school's water tanks, water line, and water tank access road which had been added to the school's 1965 land lease by a 1966 lease modification had mistakenly been left out of the 2001 lease, but said land should have been included because the land upon which the water tanks, water line, and water tank access road are located are still being used by the school; and

WHEREAS, the Tribal Council is advised that the Tribal Realty Office, in coordination with the Tribal Engineer, Dischii'Bikoh School Administration, and the Cibecue School Board has completed a recent survey of the land currently being used by the school (83.56 acres), the 50.49 acres of land donated by the Cibecue Livestock Association, and restoration of the 2.79 acres of land for the water tanks, waterline, and access road to the water tanks for a total surveyed area of approximately 136.35 acres, more or less; and

WHEREAS, the Cibecue School Board advises the Tribal Council that the school's land assignment application that it filed with the Tribal Land Board for the additional 50.49 acres of land donated by the Cibecue Livestock Association and for the 2.79 acres of land for the water tanks, water line, and access road to the water tanks, was approved on Monday, May 2, 2016, by the Tribal Land Board, subject to final approval by the Tribal Council; and

Resolution No. 05-2016-104

WHEREAS, the Cibecue School Board further advises, the Tribal Council that the School appeared before the TPPR Committee on November 23, 2015, regarding restoration of the 2.79 acres of land for the water tanks, water line, and access road to the water tanks, and the TPPR committee approved same on December 1, 2015; further, that the School subsequently appeared before the TPPR Committee on Tuesday, April 19, 2016, in regards to the 50.49 acres of land donated by the Cibecue Livestock Association and the TPPR committee likewise had no objection to the donation; and

WHEREAS, the Cibecue School Board respectfully requests that the Tribal Council approve the land assignment in regards to the 50.49 acres and the 2.79 acres which is incorporated into the attached lease modification totaling 136.35 acres, more or less, subject to the terms of the 2001 school lease which shall remain in full force and effect; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe finds that it is in the best interests of the White Mountain Apache Tribe and the children of the Community of Cibecue who attend Dishii'Bikoh Community School to approve the Cibecue School Board's request to modify the lease as described herein.

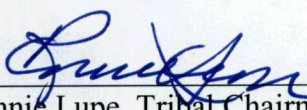
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the attached modification to the 2001 school land lease between the White Mountain Apache Tribe and the Cibecue Community Education Board Inc., the other terms of the 2001 lease to remain in full force and effect and applicable to the Lease Modification.

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 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.

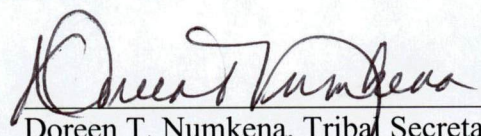
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on May 18, 2016 duly adopted by a vote of ELEVEN 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).



Ronnie Lupe, Tribal Chairman

Date



Doreen T. Numkena, Tribal Secretary

6-14-2016

Date

**MODIFICATION TO CIBECUE COMMUNITY SCHOOL LEASE
WHITE MOUNTAIN APACHE TRIBE
FORT APACHE INDIAN RESERVATION
WHITERIVER, ARIZONA**

LEASE NO. BFA 01-127

It is hereby agreed by and between the White Mountain Apache Tribe, hereinafter called the Lessor, whose address is P.O. Box 700, Whiteriver, Arizona 85941, and the Cibecue Community Education Board, Inc., hereinafter called Lessee, whose address is P.O. Box 80068, Cibecue, Arizona 85911, that the Cibecue Community School Lease dated June 20, 2001, and identified as Lease No. BFA-01-127 is modified as follows:

1. ADDITIONAL LAND LEASED

For and in consideration of the rents, covenants, and agreements set forth in Lease No. BFA-01-127, the following land is added to the current 83.56 acres of land in the Lease: (1) a certain parcel of land of 50.49 acres, more or less, located at Cibecue, Arizona and within the boundaries of the Fort Apache Indian Reservation, the legal description and survey of which is attached hereto as Exhibit A; and (2) restoration of approximately 2.79 acres of land, more or less, for the water tanks, water line and access road thereto as more particularly described in the legal description and survey attached hereto as Tract B; further, that the current 83.56 acres of leased land and the 50.49 acres of additional land are included in, and more particularly described in the legal description and survey attached hereto as Tract A and totals 133.56 acres, more or less; that the land being leased to the Lessee pursuant to this Lease Modification is Tract A (133.56 acres) and Tract B (2.79 acres) and totals approximately 136.35 acres, more or less.

2. PROVISIONS OF LEASE NO. BFA-01-127 TO REMAIN IN FULL FORCE AND EFFECT

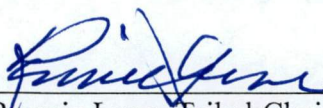
This Lease Modification does not change any of the terms, conditions, or stipulations in the 2001 Lease and each and every provision of Lease No. BFA-01-127 between the Lessor and Lessee are hereby incorporated by reference herein as if set forth herein in their entirety and shall remain in full force and effect in regards to this Lease Modification.

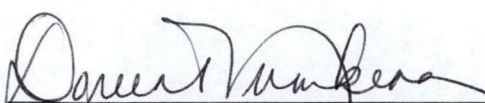
3. ENTIRE AGREEMENT

This instrument contains the entire Lease Modification between the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and no statement, promises, or inducements made by either party or agent of either party that is not contained in this Lease Modification shall be valid or binding, and this Lease Modification, except as provided in paragraph 2 above, shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties hereto. This Lease Modification may not be enlarged, modified, or altered except in writing signed by the parties.

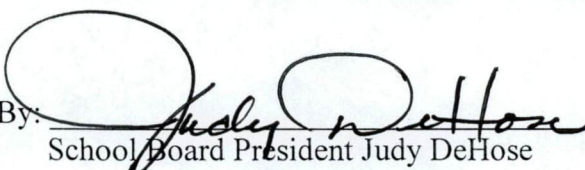
EXECUTED at Whiteriver, Arizona this 18th day of May, 2016.

LESSOR: WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

By: 
Ronnie Lupe, Tribal Chairman

ATTEST: By: 
Doreen Numkena, Tribal Council Secretary

LESSEE: CIBECUE COMMUNITY EDUCATION BOARD, INC.

By: 
School Board President Judy DeHose

APPROVED:
SECRETARY OF THE INTERIOR

By _____
Superintendent, Fort Apache Agency

Date: _____

UNITED STATES DEPARTMENT OF THE INTERIOR,
pursuant to the Authority delegated to the Assistant
Secretary-Indian Affairs by 209 DM 8, 230 DM 1, and to the
Western Regional Director by 3 BIAM 4, as amended, and the
Superintendent/Field Representative by 10 BIAM 11, as
amended by Western Regional Release No. 00-03, and any
further delegation needed to effectuate the reorganization
embodied in the DM Releases dated April 21, 2003.

**RESOLUTION OF THE
CIBECUE LIVESTOCK ASSOCIATION
CIBECUE, ARIZONA**

WHEREAS, the Cibecue Livestock Association has the right to use certain Tribal trust lands for grazing purposes west of Cibecue Community School; and

WHEREAS, the Cibecue Community School Board has requested the Cibecue Livestock Association to donate and otherwise relinquish its right to use approximately 50.49 acres, more or less, of said Tribal trust land, the legal description and survey of which is attached to this resolution, to Cibecue Community School for future development of athletic fields, possible teacher housing, and/or new school construction; and

WHEREAS, the Cibecue Livestock Association has always been a strong supporter of education for Tribal member youth and donation/relinquishment of its right to use the 50.49 acres of Tribal trust land to Cibecue Community School, would greatly benefit Cibecue youth attending the School.

Be It Resolved by the Cibecue Livestock Association by the signatures of its officers below, that it hereby advises the Tribal Council of the White Mountain Apache Tribe that it has willingly relinquished its use of 50.49 acres, more or less, of Tribal trust land, to Cibecue Community School for educational purposes, such as athletic fields, possible teacher housing or school construction.

Signed this 8-23-07 day of 2007.

Dated: 8-23-07

Layne Endfield
Layne Endfield

Dated: 8/23/07

Wallace Thompson, Jr.
Wallace Thompson

Dated: 8/23/07

Wilkie Gregg, Sr., President
Wilkie Gregg, Sr.

LEGAL DESCRIPTION
CIBECUE SCHOOL
TRACT C

A parcel of land located in the community of Cibecue, partially in the West half of Section 1, and partially in the East half of Section 2, T 7 N, R 17 E, Gila & Salt River Base & Meridian, on the Fort Apache Indian Reservation, Navajo County, State of Arizona.

Being more particularly described as follows;

Commencing at aluminum cap, which is located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 1. T 7 N, R 17 E and running;

Thence S $77^{\circ}10'25''$ W for a distance of 620.33 feet to the true point of beginning;

Thence S $20^{\circ}09'31''$ E for a distance of 1,609.83 feet;

Thence N $76^{\circ}10'53''$ W for a distance of 829.78 feet;

Thence S $50^{\circ}31'34''$ W for a distance of 1,139.97 feet;

Thence N $22^{\circ}37'59''$ W for a distance of 1,265.82 feet;

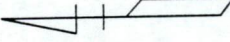
Thence N $61^{\circ}45'03''$ E for a distance of 1,836.84 feet to the true point of beginning;

Said parcel of land contains 50.45 acres more or less.

ALUM.
CAP

S 77°10'25" W
620.35'

NORTH



S 20°09'31" E
1,609.83'

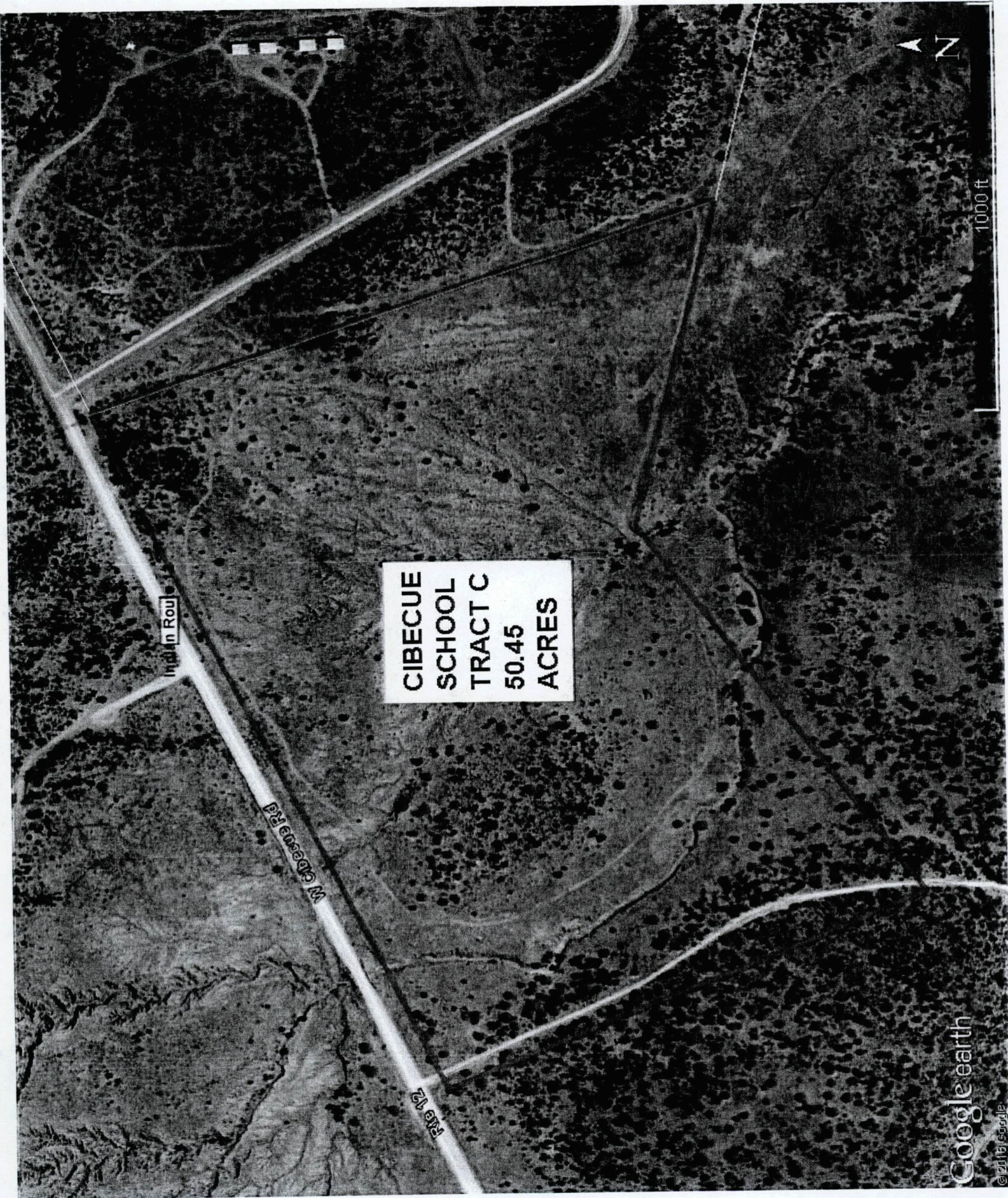
N 76°10'53" W
829.78'

S 50°31'24" W
1,139.97'

N 22°37'59" W
1,265.82'

N 61°45'03" E
1,836.84'

CIBECUE SCHOOL
TRACT C
50.45 ACRES



CIBECUE
SCHOOL
TRACT C
50.45
ACRES

Indian Route

Mesa Verde Rd

Cibecue Creek

N

1000 ft

Google earth

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LEGAL DESCRIPTION
CIBECUE SCHOOL
TRACT A

A parcel of land located in the community of Cibecue, partially in the South half of Section 1, but mostly in the North half of Section 1, T 7 N, R 17 E, and partially in the East half of Section 2, T 7 N, R 17 E, Gila & Salt River Base & Meridian, on the Fort Apache Indian Reservation, Navajo County, State of Arizona.

Being more particularly described as follows;

Commencing at a aluminum cap, which is located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 1, T 7 N, R 17 E and running;

Thence S $77^{\circ}10'25''$ W for a distance of 620.33 feet to the true point of beginning;

Thence N $61^{\circ}17'58''$ E for a distance of 522.76 feet;

Thence N $54^{\circ}53'47''$ E for a distance of 562.71 feet;

Thence N $56^{\circ}30'11''$ E for a distance of 534.45 feet;

Thence N $45^{\circ}37'44''$ E for a distance of 255.82 feet;

Thence S $04^{\circ}29'24''$ E for a distance of 992.69 feet;

Thence N $84^{\circ}53'55''$ E for a distance of 113.85 feet;

Thence S $04^{\circ}39'29''$ E for a distance of 887.06 feet;

Thence N $85^{\circ}27'20''$ E for a distance of 417.76 feet;

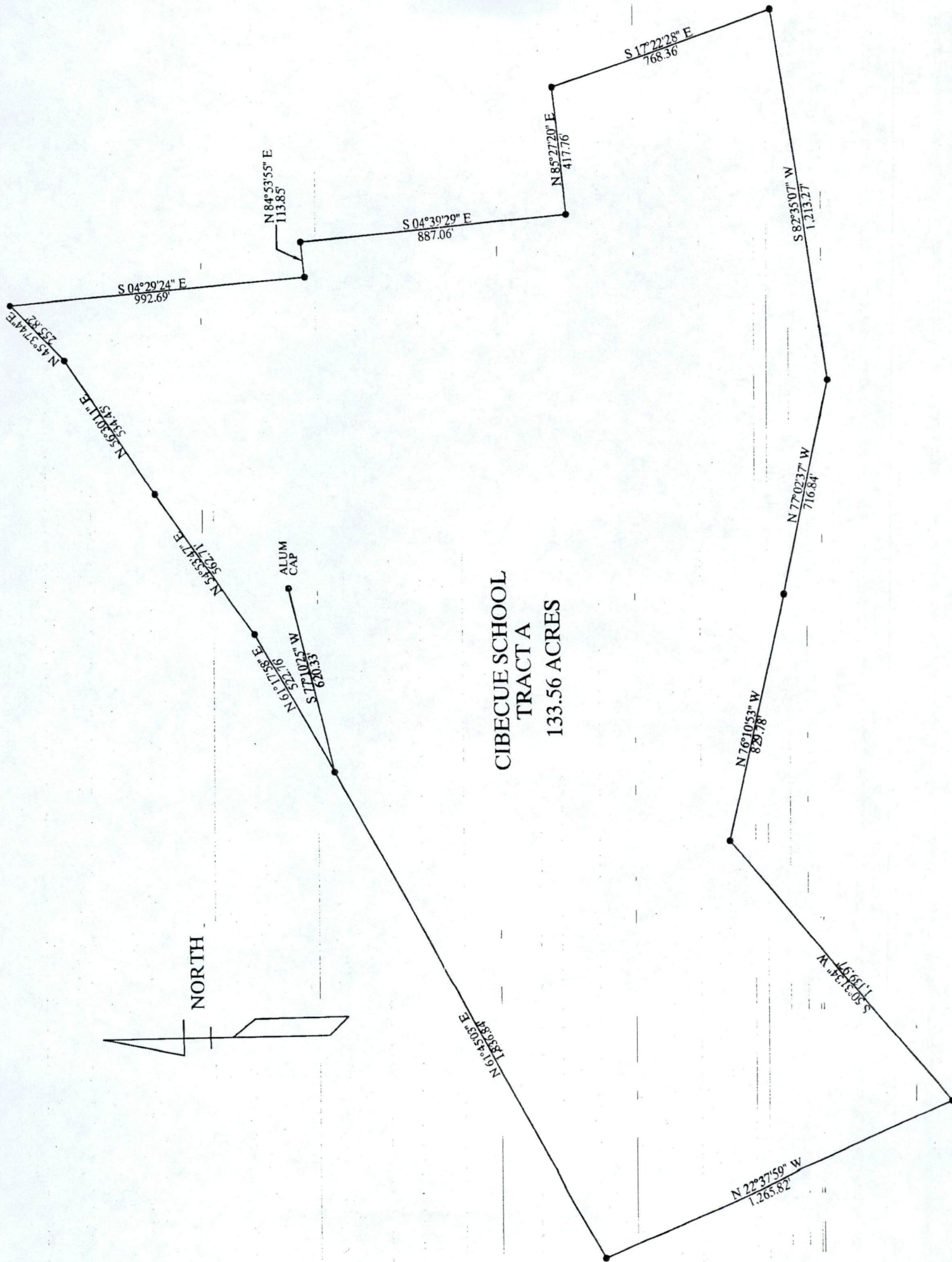
Thence S $17^{\circ}22'28''$ E for a distance of 768.36 feet;

Thence S $82^{\circ}35'07''$ W for a distance of 1,213.27 feet;

Thence N $77^{\circ}02'37''$ W for a distance of 716.84 feet;

Thence N $76^{\circ}10'53''$ W for a distance of 829.78 feet;
Thence S $50^{\circ}31'34''$ W for a distance of 1,139.97 feet;
Thence N $22^{\circ}37'59''$ W for a distance of 1,265.82 feet;
Thence N $61^{\circ}45'03''$ E for a distance of 1,836.84 feet to the true
point of beginning;

Said parcel of land contains 133.56 acres more or less.





1000 ft

S Desert Street

CIBECUE
SCHOOL
TRACT A
133.56 ACRES

Indian Road 12
McGuire Avenue

Google earth

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LEGAL DESCRIPTION
CIBECUE SCHOOL
TRACT B

A parcel of land located in the community of Cibecue, partially in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, but mostly in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 1, T 7 N, R 17 E, Gila & Salt River Base & Meridian, on the Fort Apache Indian Reservation, Navajo County, State of Arizona.

Being more particularly described as follows;

Commencing at a aluminum cap, which is located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 1, T 7 N, R 17 E and running;

Thence N $44^{\circ}17'15''$ W for a distance of 284.43 feet to the true point of beginning;

Thence N $31^{\circ}49'03''$ W for a distance of 445.76 feet;

Thence N $58^{\circ}10'57''$ E for a distance of 100.00 feet;

Thence S $31^{\circ}49'03''$ E for a distance of 224.87 feet;

Thence N $82^{\circ}31'00''$ E for a distance of 326.84 feet;

Thence N $56^{\circ}51'11''$ E for a distance of 408.84 feet;

Thence N $68^{\circ}15'23''$ E for a distance of 140.80 feet;

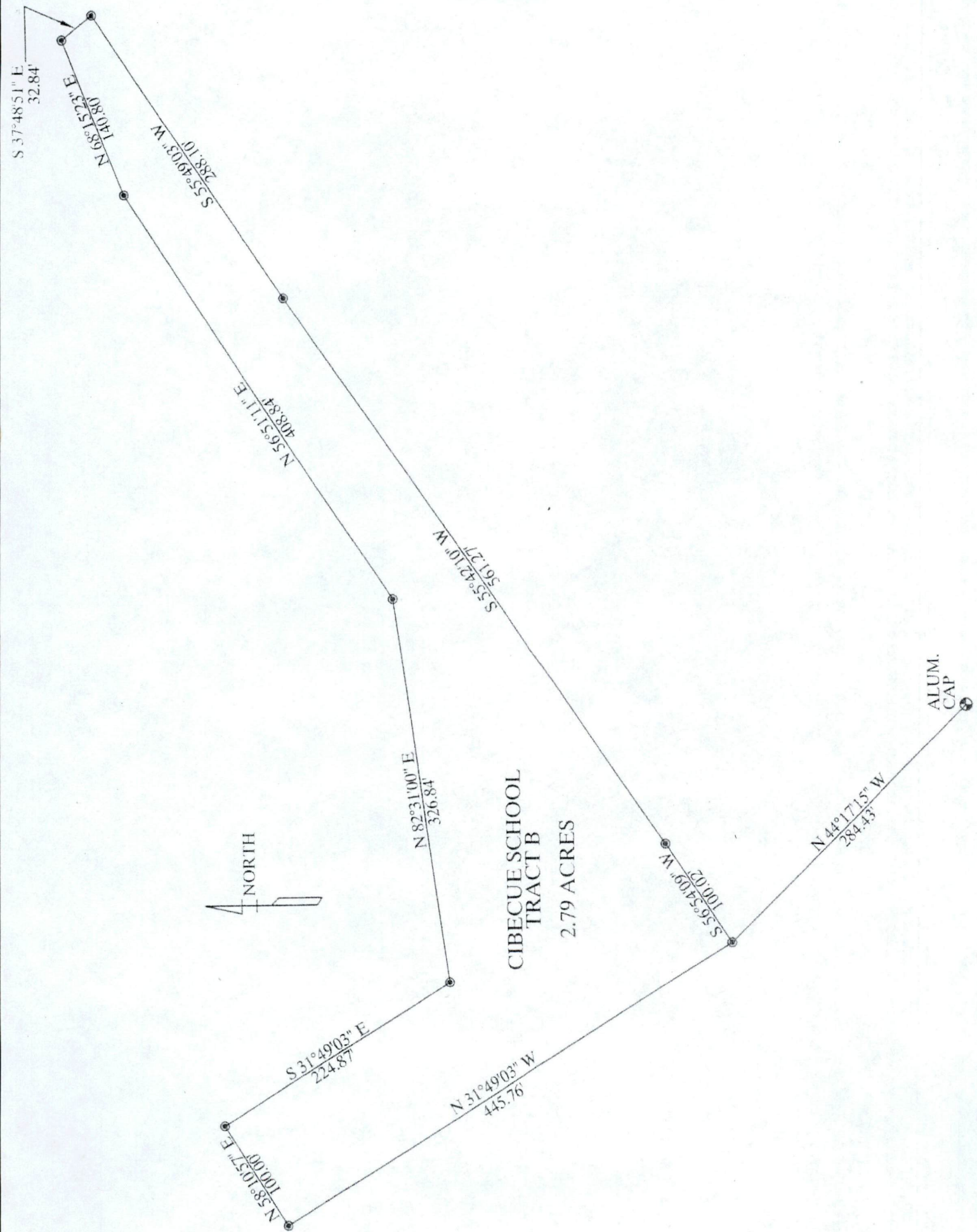
Thence S $37^{\circ}48'51''$ E for a distance of 32.84 feet;

Thence S $55^{\circ}49'03''$ W for a distance of 288.10 feet;

Thence S $55^{\circ}42'10''$ W for a distance of 561.27 feet;

Thence S $56^{\circ}54'09''$ W for a distance of 100.02 feet to the true point of beginning;

Said parcel of land contains 2.79 acres more or less.



CIBECUE
SCHOOL
TRACT B
2.79 ACRES

Pleasant M

Indian Route 12

400 ft

Google earth

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