



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

**(Authorizing a Gratuitous Right-of-Way to the Bureau of Indian Affairs, Division of Transportation, for Road Construction and Improvements to Project FAIR Consolidated No. 32, Routes 108 and 7)**

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**WHEREAS**, the Bureau of Indian Affairs (“BIA”), Division of Transportation, is proposing to reconstruct portions of Indian Route (“IR”) 108 and IR 7 located in the Alchesay Flats area and the community of Turkey Creek; and

**WHEREAS**, the purpose of the project is to improve and upgrade existing street surfaces for the following streets

W. Kasey Road	W. Roundtop Road
W. Colelay Road	N. 1 <sup>st</sup> Avenue “B & C”
N. 1 <sup>st</sup> Avenue “A”	W. Skidmore Road
E. Goklish Road	Turkey Creek Road; and

**WEREAS**, the proposed project will consist of grading, drainage improvements, and paving of approximately 2.1 miles on IR 108 and road reconstruction for approximately 0.3 miles of IR 7; and

**WHEREAS**, this project is identified in the 2016-2019 Tribal Transportation Improvement Program (“TTIP”), and is scheduled for construction in Summer 2018; and

**WHEREAS**, the BIA is requesting Tribal Council approval for a Right-of-Way consisting of a total of 23.126 acres, Temporary Construction Easements for this construction project, and requests a waiver of appraisal and compensation for the purpose of expediting the construction of said project; and

**WEREAS**, the Tribal Council believes it is in the best interest of the White Mountain Apache Tribe to approve this request.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes a gratuitous road Right-of-Way consisting of 23.126 acres, and a Temporary Construction Easement to the BIA, Division of Transportation, for the purpose of improving community streets located within the Alchesay Flats area and the community of Turkey Creek, know as Route 108 and Route 7.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby waives appraisal and compensation on the proposed Right-of-Way identified herein, for the purpose of expediting construction of this road project.

**Resolution No. 06-2017-149**

**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 **JUNE 7, 2017** duly adopted by a vote of **SIX** for, **ZERO** against, and **THREE** 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).

	<u>6-12-17</u>		<u>6-12-17</u>
Ronnie Lupe, Tribal Chairman	Date	Doreen T. Numkena, Tribal Secretary	Date