



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## (Approval of Temporary Construction Easement for the Canyon Day Frontage Road Project)

**WHEREAS,** the Arizona Department of Transportation (“ADOT”) has an existing right-of-way through the Fort Apache Indian Reservation along State Route (“SR”) 73; and

**WHEREAS,** through a partnership with the Tribe’s Division of Transportation (“DOT”), ADOT is designing and constructing the Canyon Day Frontage Road (“Project”) that will run parallel to SR 73 and within ADOT right-of-way; and

**WHEREAS,** all construction under this Project is located within ADOT’s existing right-of-way, with the exception of an area containing 44,416 square feet at the west end of the Project as well as 20,824 square feet at the east end of the Project; and

**WHEREAS,** ADOT and the Tribe’s DOT are requesting the approval of a Temporary Construction Easement (“TCE”) for the area containing 44,416 square feet at the west end of the Project as well as 20,824 square feet at the east end of the Project; and

**WHEREAS,** this TCE will be used only during the duration of the Project and will terminate once this Project is complete.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves a Temporary Construction Easement to ADOT for the area containing 44,416 square feet at the west end of the Project as well as 20,824 square feet at the east end of the Project

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby grants the terms and conditions set forth in the attached Temporary Construction Easement document, with the understanding the TCE will terminate at the completion of the Project.

**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 DECEMBER 13, 2017 duly adopted by a vote of SEVEN for, ONE 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).

Ronnie Lupe 12-14-17 Doreen T. Numkena 12-15-17  
Ronnie Lupe, Tribal Chairman Date Doreen T. Numkena, Tribal Secretary Date