



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## **(Approving Lease Modification to Update Legal Description for Two Parcels in the China Beach Apache Dawn Project)**

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**WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(m) that the Tribal Council (“Council”) shall exercise the power “To provide, by ordinance, for the assignment, use, or transfer of tribal lands within the reservation”; and

**WHEREAS,** The White Mountain Apache Housing Authority (“Housing”) previously entered into a Lease Addendum with the White Mountain Apache Tribe for land in the Whiteriver Community known as Chinatown/China Beach, recorded as Document No. 607-066-03, for 1.25 acres, upon which two home were constructed; and

**WHEREAS,** The Council is advised that the leasehold mortgages for the two homes cannot be recorded at the Bureau of Indian Affairs (“BIA”) Title Plant due to the acreage being combined into one legal description, and that in order to correct this issue, the Housing Authority must divide the parcel into two separate legal descriptions; one for each home; and

**WHEREAS,** The Housing Authority has provided two separate legal descriptions for each of the two homes located on the 1.25 acres and is requesting that the Tribe approve a Lease Modification, in the form attached hereto, to enable the BIA Title Plant to record the leasehold mortgages for the two homes; and

**WHEREAS,** The Council has reviewed the request and finds that approving the division of the parcel into two separate parcels will enable the homeowners to secure financing, and correct the situation.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Lease Modification, in the form attached hereto, which updates the legal description for two homes in the Chinatown/China Beach Community, and further permits the leasehold mortgages for these two homes to be recorded in the BIA Title Plant.

**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

**Resolution No. 02-2020-37**

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 Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

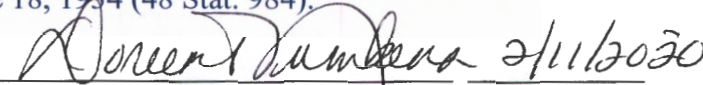
The foregoing resolution was on **FEBRUARY 10, 2020** duly adopted by a vote of **EIGHT** for, **ZERO** against, and **TWO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT 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).



Gwendena Lee-Gatewood, Chairwoman

2/11/2020

Date



Doreen T. Numkena, Tribal Secretary

2/11/2020

Date