



# WHITE MOUNTAIN APACHE TRIBE

## A Sovereign Tribal Nation

*(Amending Resolution 05-2024-105, Approving of Right-of-Way to the Bureau of Indian Affairs to Ensure that the Legal Description is Contingent with Bureau of Indian Affairs Requirements )*

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**WHEREAS,** The Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation ("Reservation") provides, at Article IV, Section 1(a) that the Tribal Council ("Council") shall exercise the power "[t]o represent the Tribe and act in all matters that concern the welfare of the Tribe", at Section 1(h), the power "[t]o regulate the uses and disposition of Tribal property", and at Section 1(m), the power "[t]o provide by ordinance for the assignment, use, or transfer of tribal lands within the Reservation"; and

**WHEREAS,** The Tribe is preparing for the construction of project FAIR Transit No. 2 at 1318-A South Chief Avenue, to construct the Division of Transportation Transit Facility, which requires a Tribal Right-of-Way; and

**WHEREAS,** The WMAT Division of Transportation, this day, comes before the Council and requests approval of a Tribal Right-of-Way, as identified on the attached drawing (FA-P001-1 (TRIBAL)) and legal description for project said tribal right-of-way, being a parcel of land, containing 235.05 acres more or less, located in south Whiteriver, Arizona partially in the West half of section 24, and partially in the North ½ of section 26, and partially in the SW ¼ of section 23, but mostly in the East½ of section 23, T 5 N, R 22 E, Gila & Salt River Base & Meridian, on the Fort Apache Indian Reservation, Navajo County, State of Arizona; and

**WHEREAS,** WMAT Division of Transportation also proposes waiving the appraisal and compensation for the right-of-way, and provides that the Transit Facility shall be a public facility in accordance with 25 CFR part 169; and

**WHEREAS,** The Council finds that approving the Tribal right-of-way, along with waiving appraisal and compensation, for the WMAT Division of Transportation Transit Facility is in the best interests of the Tribe and its members.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe hereby amends Resolution 05-2024-105 to ensure that the legal description is completed pursuant to the requirements of the Bureau of Indian Affairs, specifically, the certification and seal of the legal description to be completed by a state-licensed engineer.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe hereby approves, supports, and authorizes access, without the Bureau of Indian Affairs approval, in accordance with 25 CFR 169.4(b)(3)(iii), for a perpetual, non-assignable Tribal right-of-way, and any necessary temporary construction easements (TCEs) as identified on the attached drawing (FA-P001-1 (TRIBAL)) and legal description for project said tribal right-of-way being a parcel of land located in south Whiteriver, Arizona partially in the West half of section 24, and partially in the North ½ of section 26, and partially in the SW ¼ of section 23, but mostly in the East½ of section 23, T 5 N, R 22 E, Gila & Salt River Base & Meridian, on the Fort Apache Indian Reservation, Navajo County, State of Arizona. The described parcel of land contains 235.05 acres, more or less.

**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 8, 2024 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Kasey Velasquez 7.23.24

Kasey Velasquez, Chairman

Date

Vaneyssa Johnson 07/23/2024

Vaneyssa Johnson, Tribal Secretary

Date