

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, on August 29, 1958, by Resolution No. 60-65, the Tribe authorized the issuance of an easement to the Navopache Electric Co-operative, Inc., to construct an electric power line from McNary, Apache County, Arizona, a distance of approximately 10.091 miles, to and within the Smith Park Recreation area, and

WHEREAS, in said resolution the Tribe failed to incorporate a clause waiving damages as a result of the said construction of the power line, and

WHEREAS, by Resolution No. 61-2 passed on the 4th day of January, 1961, the Tribe authorized the construction of the said line and waived damages pursuant to the said construction, and

WHEREAS, in Resolution No. 60-65, the Tribe stated in the second resolved clause

"BE IT FURTHER RESOLVED that if and when said Navopache Electric Co-operative, Inc., fails to use said area for an electric power line or if for any reason, the above mentioned contract to furnish electricity to the Tribe by the Co-operative is terminated, this easement will automatically terminate and all improvements which have been attached to the realty pursuant to this easement shall revert to the Tribe."

and

WHEREAS, the Navopache Electric Co-operative, Inc., in order to secure funds to construct the said power lines, had to encumber said power poles, electric lines and all other personal property used in the construction of said lines to the R.E.A.

BE IT RESOLVED that the second resolved portion of Resolution No. 60-65 above quoted be deleted.

BE IT FURTHER RESOLVED that in lieu of the said deleted clause that if, and when, said Navopache Electric Co-operative, Inc., abandons the said lines and discontinues service to that area, the easement shall terminate.

The foregoing resolution was on March 29, 1961, duly adopted by a vote of 8 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (a), (b) and (i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe, ratified by the Tribe June 27, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

Lester Olive
Chairman of the Tribal Council

Mary C. Enfield
Secretary of the Tribal Council

APR 13 1961

Mr. F. M. Haverland

Area Director, Phoenix, Arizona

Dear Mr. Haverland:

Resolution No. 61-28 amends Tribal Resolution No. 60-65 so as to delete the second resolve clause. Navopache Electric Co-operative, Inc. requested the amending of this resolution in order to be able to borrow funds from the United States Government to construct a transmission line from McNary to the Smith Park recreational area, a distance of approximately 10.91 miles.

The resolution was further amended to state that if and when this transmission line was abandoned and service discontinued to the Smith Park area the easement would terminate.

The resolution was adopted on March 29, 1961 by the Council of the White Mountain Apache Tribe pursuant to authority vested in Article V, Section 1 (a), (b) and (i) of the Tribe's Constitution. We do not believe that Section 1 (b) is applicable. Under Section 1 (a) and (i) the resolution is not subject to rescission by the Secretary of the Interior.

Sincerely yours,

75/ Albert M. Hawley

Superintendent

APR 18 1961

Commissioner, Bureau of Indian Affairs

Washington 25, D. C.

Attention: Realty

Dear Sir:

Enclosed is Resolution No. 61-28 of the White Mountain Apache Tribe of the Fort Apache Indian Reservation. This resolution amends Tribal Resolution No. 60-65. This is in connection with a right of way granted to Navopacha Electric Co-operative, Inc., for an electric power line across tribal lands of the Fort Apache Reservation, Arizona. The right of way was approved August 1, 1960.

Sincerely yours,

(Sgd.) D. E. LeCrone,

ACTING ASST Area Director

Enclosure

✓ Copy to Supt., Fort Apache Agency

