

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Transfer of Title and Ownership of a Building located in South Komelic to the
Community of South Komelic)

RESOLUTION NO. 02-552

1 **WHEREAS, the Tohono O'odham Nation owns a building, commonly known as the Elderly**
2 **Building (the "Building"), which has been abandoned for approximately fifteen (15)**
3 **years, and is generally and legally described as of approximately 2,050 square feet**
4 **and located in South Komelic, Arizona (NE1/4, NE1/4, NE1/4, Sec. 6, T20, R6); and**

5 **WHEREAS, the Community of South Komelic has expressed a desire to own the Building for the**
6 **purposes of providing space for community functions and wellness type activities;**
7 **and**

8 **WHEREAS, the transfer of any rights, title and interest in the Building are subject to the**
9 **agreement of the Community of South Komelic (the "Liability Waiver Agreement"**
10 **attached in the form hereto and incorporated by this reference) to release the**
11 **Tohono O'odham Nation from any liability or loss related to the Building or any**
12 **environmental condition alleged to be present in or around the Building or to any use**
13 **of the Building or any special, incidental, exemplary or consequential damages of any**
14 **kind regardless of the form of action, whether in contract, tort (including negligence),**
15 **or otherwise, related to the Building, its structure, foundation, or any fixture within,**
16 **or arising from the Community of South Komelic's use or ownership of the Building.**

17 **NOW, THEREFORE, BE IT RESOLVED that:**

- 18 **1. The Tohono O'odham Legislative Council hereby transfers all rights, title and**
19 **interest in the Elderly Building (the "Building"), generally and legally described**
20 **as of approximately 2,050 square feet and located in South Komelic, Arizona**
21 **(NE1/4, NE1/4, NE1/4, Sec. 6, T20, R6) to the Community of South Komelic for the**
22 **price of one dollar, effective as of the effective date of this resolution and subject**
23 **to execution by the Community of South Komelic of a Liability Waiver Agreement**
24 **attached in the form hereto and incorporated by this reference.**
- 25 **2. In exchange for the purchase price of one dollar, the Building is hereby**
26 **transferred to the Community of South Komelic as is. The Nation makes no**
27 **warranty of any kind, express or implied regarding the Building.**
- 28 **3. The transfer of all rights, title and interest in the Building may only become**
29 **effective upon the express agreement of the Community of South Komelic to the**

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terms and conditions of the Liability Waiver Agreement.

4. This transfer of all rights, title and interest in the Building shall be governed by and construed in accordance with the laws of the Tohono O'odham Nation. Any dispute arising under this transfer shall be resolved in the Courts of the Nation, provided that nothing herein shall be interpreted as an express or implied waiver of the Nation's immunity from suit in any forum or in any jurisdiction.


The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH Day of NOVEMBER, 2002 at a meeting at which a quorum was present with a vote of 2,075.5 FOR; -0- AGAINST; -0- NOT VOTING; and 342.0 [09] ABSENT, pursuant to the powers vested in the Council by Section 1 (i) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Rita A. Martinez, Legislative Chairwoman

14th day of November, 20 02

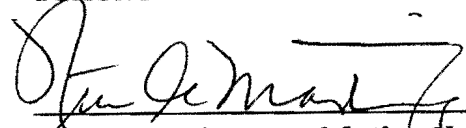
ATTEST:


Julianna Saraficio, Acting Legislative Secretary

08 day of November, 20 02.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 14th day of November, 20 02 at 3:11 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Rita A. Martinez, Legislative Chairwoman

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APPROVED

on the 18 day of November, 20 02

DISAPPROVED

at 10:35 o'clock, A.M.

Henry A. Larson
EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 18th day of

November, 20 02, at 2:09 o'clock, P.M.

Julianna Saraficio
Julianna Saraficio, Acting Legislative Secretary

ACTION: TRANSFER OF TITLE AND OWNERSHIP OF A BUILDING LOCATED IN SOUTH KOMELIC TO THE COMMUNITY OF SOUTH KOMELIC

MOVED: COUNCILMAN DAVID GARCIA

SECOND: COUNCILWOMAN FERN SALCIDO

DATE: NOVEMBER 08, 2002

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			X
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			X
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. JEROME JOAQUIN ()	115.35	X			
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65				X
	2. SANDRA ORTEGA ()	83.65				X
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35				X
	2. PATRICIA CRUZ (Johnson Jose)	87.35				X
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			X
	2. GLORIA RAMIREZ ()	80.35	X			
SAN XAVIER 184.7	1. FELICIA NUÑEZ ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			X
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			X
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			
	2. EVELYN JUAN ()	208.05	X			
SIF ODAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			
TOTAL		2,417.5	2,075.5	-0-	-0-	342.0 [09]

**PASSED VOTES