

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Purchase and Sale Agreement between the University of Arizona Foundation
and the Tohono O'odham Nation)

RESOLUTION NO. 02-587

1 **WHEREAS, the Tohono O'odham Nation ("Nation") has a policy of consolidating lands within the**
2 **Nation into tribal ownership, as stated in the Constitution of the Tohono O'odham**
3 **Nation, Article XVI, Section 9, and seeks to do this by acquiring patented and**
4 **unpatented mining claims located within its boundaries; and**

5 **WHEREAS, the University of Arizona Foundation owns the Pocahontas Mining Claim (the**
6 **"Property") located in Schuk Toak District, including both surface and subsurface**
7 **rights, totalling approximately 20 acres, which is more particularly described in**
8 **Exhibit "A" attached to the Purchase and Sale Agreement ("Purchase Agreement")**
9 **attached hereto; and**

10 **WHEREAS, the Nation wishes to acquire the Property, to be held in trust by the United States of**
11 **America ("United States") for the benefit of the Nation under the authority of 25 U.S.C.**
12 **§ 465 and 25 C.F.R. Part 151, and has agreed to pay approximately \$200.00 per acre,**
13 **for a total purchase price of \$4,000.00 net to the University of Arizona Foundation,**
14 **and to pay all of the closing costs and escrow fees, title insurance costs, and any**
15 **realtor's commissions; and**

16 **WHEREAS, if the transaction does not close within three (3) months of the date of the Purchase**
17 **Agreement, either party may cancel the Purchase Agreement by giving written notice**
18 **to the other party; and**

19 **WHEREAS, the Natural Resources Committee of the Legislative Council has reviewed the**
20 **transaction and recommends approval by the Legislative Council; and**

21 **WHEREAS, the Budget and Finance Committee of the Legislative Council has reviewed the**
22 **transaction and recommends jointly with the Natural Resources Committee that the**
23 **\$5,000.00 needed for this transaction be financed from the Nation's Land Acquisition**
24 **Fund.**

25 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:**

- 26 **1. Approves the Purchase Agreement substantially in the form attached hereto, and**
27 **authorizes and directs the Chairman of the Nation to execute the Purchase**
28 **Agreement and any other documents necessary to accomplish this transaction,**
29 **including any amendments extending the term of the Purchase Agreement.**
30 **2. Appropriates \$5,000.00 for the purchase, including the purchase price of \$4,000.00**

RESOLUTION NO. 02-587

(Approving a Purchase and Sale Agreement between the University of Arizona Foundation and the Tohono O'odham Nation)

Page 2 of 3

1 and funds for the payment of escrow and closing fees, title insurance costs, and a
2 realtor's commission of \$400 as described in the Purchase Agreement, for a total
3 projected cost of \$5,000.00, to be paid from the Nation's Land Acquisition Fund.
4 3. Authorizes and directs the Chairman of the Nation to request that the United States
5 Secretary of the Interior approve the acquisition and promptly take the Property into
6 trust for the benefit of the Tohono O'odham Nation.

7 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 03RD Day
8 of DECEMBER, 2002 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0-
9 AGAINST; -0- NOT VOTING; and [08] ABSENT, pursuant to the powers vested in the Council by
10 Section 1 (i)(3) of Article VI and Section 9 of Article XVI of the Constitution of the Tohono O'odham
11 Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting
12 Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16
13 of the Act of June 18, 1934 (48 Stat. 984).

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15 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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18 Rita A. Martinez, Legislative Chairwoman

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20 09th day of December, 20 02

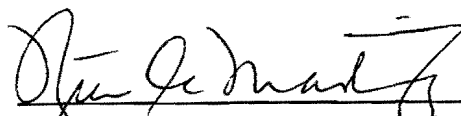
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23 ATTEST:

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27 Julianna Saraficio, Acting Legislative Secretary

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29 04th day of December, 20 02.

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31 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
32 Nation on the 09th day of December, 20 02 at 4:58 o'clock, P.M.,
33 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
34 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
35 submittal.

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37 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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40 Rita A. Martinez, Legislative Chairwoman

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Page 3 of 3

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APPROVED

on the 9th day of December, 2002

DISAPPROVED

at 5:29 o'clock, P.M.



**EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 10 day of

December, 2002, at 9:14 o'clock, A.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE UNIVERSITY OF ARIZONA FOUNDATION AND THE TOHONO O'ODHAM NATION

MOVED: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILMAN KENNETH WILLIAMS

DATE: DECEMBER 03, 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			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			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			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			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			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			X
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			
	2. EVELYN JUAN ()	208.05	X			
SIF OIDAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			X
TOTAL		2,417.5	2,417.5	-0-	-0-	[08]

****PASSED VOTES**