

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Purchase and Sale Agreement Between Lois O. Roberts and the
Tohono O'odham Nation)

RESOLUTION NO. 03-320

1 **WHEREAS, by Resolution No. 03-218 the Tohono O'odham Nation ("Nation") approved and**
2 **authorized the use of gaming savings funds for the purchase of the Roberts Property**
3 **near Why, Arizona, for a Hia-Ced O'odham land base; and**

4 **WHEREAS, the Roberts Property consists of approximately 640 acres in Section 1, Township 14**
5 **South, Range 5 West, in unincorporated Pima County, and is adjacent to the Nation's**
6 **lands, sharing a common boundary with the Nation's lands for one mile; and**

7 **WHEREAS, the terms of the purchase, including a purchase price of \$1,500,000, are set forth in**
8 **a Purchase and Sale Agreement attached hereto, which has been prepared by the**
9 **Office of Attorney General and reviewed by the Natural Resources Committee of the**
10 **Legislative Council; and**

11 **WHEREAS, in this Purchase and Sale Agreement the Nation agrees to indemnify, defend and hold**
12 **the Seller harmless for liability arising from the actions of the Nation's engineers,**
13 **consultants and agents who perform inspections and feasibility studies on the**
14 **Property prior to the closing of the purchase transaction; and**

15 **WHEREAS, the Nation intends that the Roberts Property will be conveyed to the United States to**
16 **be held in trust for the Nation, which process will begin after the Nation completes**
17 **the purchase; and**

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

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

- 21 **1. Approves the Purchase and Sale Agreement substantially in the form attached**
22 **hereto, and authorizes and directs the Chairwoman of the Nation to execute it**
23 **and any other documents reasonably necessary to accomplish this transaction.**
- 24 **2. Approves the purchase price of \$1,500,000 and the payment of the additional**
25 **escrow and closing fees, and the purchase of a title insurance policy, as set forth**
26 **in the Purchase and Sale Agreement, and the payment for an ALTA survey and a**
27 **Phase 1 environmental survey of the Property and any similar surveys**
28 **reasonably required to determine the advisability of purchasing the Property,**

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1 and property taxes and rezoning fees, all to be paid from the gaming savings
2 funds appropriated by Resolution No. 03-218.

3 3. Approves the limited waiver of sovereign immunity necessary to indemnify the
4 Seller from claims arising from the actions of the Nation's engineers, consultants
5 and agents on the Property during the due diligence period, as specified in
6 Section 4.e. of the Purchase and Sale Agreement.

7 4. Authorizes and directs the Chairwoman of the Nation to request that the United
8 States Secretary of the Interior approve the conveyance from the Nation to the
9 United States and promptly take the Property into trust for the Tohono O'odham
10 Nation, and authorizes and directs the Chairwoman of the Nation to execute any
11 documents reasonably necessary to convey the Property to the United States in
12 trust for the Nation.

13 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH Day
14 of JULY, 2003 at a meeting at which a quorum was present with a vote of 1,971.5 FOR; 658.2
15 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by
16 Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono
17 O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -
18 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48
19 Stat. 984).


20 TOHONO O'ODHAM LEGISLATIVE COUNCIL

21 
22 _____

23 Dennis Ramon, Chairman

24 14th day of July, 20 03

27 ATTEST:

28 
29 _____

30 Julianna Saraficio, Acting Legislative Secretary

31 11th day of July, 20 03.

34 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
35 Nation on the 14th day of July, 20 03 at 9:39 o'clock, A.M.,
36 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
37 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
38 submittal.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



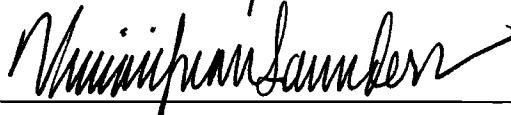
Dennis Ramon, Chairman

APPROVED

on the 14th day of July, 20 03

DISAPPROVED

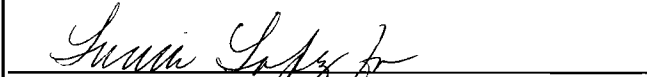
at 6:20 o'clock, P.M.



VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 15th day of

July, 20 03, at 8:33 o'clock, A.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN LOIS O. ROBERTS AND THE TOHONO O'ODHAM NATION

Moved: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: JULY 11, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30		X		
	2. DARLENE ANDREW (Rita Martinez)	96.30		X		
SELLS 465.6	1. DENNIS E. JOSE ()	232.80		X		
	2. EVELYN JUAN ()	232.80		X		
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			
	2. PHYLLIS JUAN ()	88.05	X			
SAN XAVIER 215.4	1. FELICIA NUÑEZ ()	107.70	X			
	2. DENNIS RAMON ()	107.70	X			
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15	X			
	2. GLORIA RAMIREZ ()	83.15	X			
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ()	85.15	X			
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES ()	95.70	X			X
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN ()	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
BABOQUIVARI 364.1	1. FRANCES MIGUEL** (Lucilda Norris-Valenzula)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05	X			
TOTAL		2,629.7	1,971.5	658.2	-0-	[01]

**PASSED VOTES