

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Purchase and Sale Agreement Between Mordka Enterprises, Inc. and
the Tohono O'odham Nation)

RESOLUTION NO. 03-399

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, Mordka Enterprises, Inc. owns a group of 10 patented mining claims known**
6 **collectively as the Copperosity Mining Group (the "Property") located in Sif Oidak**
7 **District, including both surface and subsurface rights, totaling approximately 206.61**
8 **acres, which Property is more particularly described in Exhibit "A" attached to the**
9 **Purchase and Sale Agreement ("Purchase Agreement") 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 \$200.00 per acre, for a total**
13 **purchase price of \$41,322.00; and**

14 **WHEREAS, the Purchase Agreement requires closing of the transaction within 30 calendar days**
15 **of the execution of the Purchase Agreement; and**

16 **WHEREAS, the Nation in this Purchase Agreement agrees to indemnify, defend and hold the**
17 **Seller harmless for liability arising from the actions of the Nation's engineers,**
18 **consultants and agents who perform inspections and feasibility studies on the**
19 **Property prior to the closing of the purchase transaction, except for liability**
20 **attributable to the Seller, while not waiving any claims that the Nation may have**
21 **against those engineers, consultants and agents who are not employees of the Nation;**
22 **and**

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

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 Chairwoman of the Nation to execute the Purchase**
28 **Agreement and any and all other documents reasonably necessary to accomplish**

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this transaction.

- 2. Approves the purchase of 206.61 acres at the purchase price of \$41,322.00 and the payment of 100% of the escrow and closing fees, the title insurance policy, and the Seller's realtor's commission, for a total projected cost not to exceed \$50,000.00, to be paid from the Nation's Land Acquisition Fund.**
- 3. Approves the limited waiver of sovereign immunity necessary to indemnify the Seller from claims arising from the actions of the Nation's engineers, consultants and agents on the Property during the due diligence period, as specified in Section 7 of the Purchase Agreement.**
- 4. Authorizes and directs the Chairwoman of the Nation to request that the United States Secretary of the Interior approve the conveyance from the Nation to the United States and promptly take the Property into trust for the Tohono O'odham Nation, and authorizes and directs the Chairwoman of the Nation to execute any documents reasonably necessary to convey the property to the United States in trust for the Nation.**

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH Day of SEPTEMBER, 2003 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1 (f) 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



Dennis Ramon, Chairman

12th day of September, 2003

ATTEST:



Vivian Hedrington, Legislative Secretary

10 day of September, 2003.

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1 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
2 Nation on the 12th day of September, 20 03 at 4:17 o'clock, P.M.,
3 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
4 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
5 submittal.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



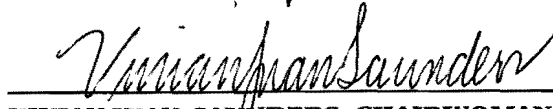
Dennis Ramon, Chairman

APPROVED

on the 12th day of September, 20 03

DISAPPROVED


at 5:17 o'clock, P.M.



**VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 15th day of

September, 20 03, at 2:04 o'clock, P.M.


Vivian Hedrington, Legislative Secretary

ACTION: APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN MORDKA ENTERPRISES, INC. AND THE TOHONO O'ODHAM NATION

MOVED: COUNCILMAN ISIDRO LOPEZ **SECOND:** COUNCILWOMAN FRANCES ANTONE

DATE: SEPTEMBER 10, 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			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			
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	2,629.7	-0-	-0-	[01]

**PASSED VOTES