

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Grant of a Permanent Rights-of-Way, and Approving the Land Appraisals
Conducted by R. Sanchez Appraisals for the Construction of the Off-Farm Lease Flood
Control Channel Improvements and Extension of the CAP Link Pipeline on Tribal Trust
Lands within the San Xavier Cooperative Association Leased Property for the San Xavier
Farm Rehabilitation Project)

DEFEATED
RESOLUTION NO. 05-611

- 1 **WHEREAS, the San Xavier District of the Tohono O'odham Nation has contracted a function of**
2 **the United States, through Bureau of Reclamation pursuant to Title I of the Indian**
3 **Self-Determination Act, P.L. 93-638; and**
- 4 **WHEREAS, under the Southern Arizona Water Rights Settlement Act (SAWRSA) of 1982, Federal**
5 **funds have been allocated to rehabilitate and extend the San Xavier Cooperative**
6 **Farm; and**
- 7 **WHEREAS, the Tohono O'odham Legislative Council, through Resolution No. 2000-349, has**
8 **authorized the San Xavier District to implement the farm rehabilitation; and**
- 9 **WHEREAS, the San Xavier District continues to work with the Bureau of Reclamation, Pima**
10 **County, Bureau of Indian Affairs and the San Xavier Cooperative Farm for flood**
11 **protection associated with the rehabilitation of the Farm; and**
- 12 **WHEREAS, the San Xavier District is requesting the necessary permanent easement/rights-of-**
13 **way to be granted to the United States Bureau of Reclamation to facilitate**
14 **construction of flood control improvements on Tribal Trust Land, Tract SXF-T3 not**
15 **under the San Xavier Cooperative Farm Lease, and to extend the CAP Link Pipeline**
16 **Tract SXF-T2 which is on the Farm Lease, for a water conduit and related facilities**
17 **consisting of buried pipelines and other fixtures, devices, and appurtenances; and**
- 18 **WHEREAS, land appraisals have been performed by R. Sanchez Appraisals, a State-Certified**
19 **Appraiser, and appraisal reports (attached hereto) were completed according to the**
20 **"Uniformed Appraisal Standards for Federal Land Acquisition"; and**
- 21 **WHEREAS, the values of the Tribal Trust Land parcels to be utilized for permanent rights-of-way**
22 **were determined at \$20,692.00 for Tract SXF-T2 and \$35,828.00 for Tract SXF-T3; and**
- 23 **WHEREAS, the Bureau of Indian Affairs, and Office of Special Trustee have reviewed the**
24 **appraisal reports to the two aforementioned parcels and find the appraisal amount**
25 **to be fair and just; and**
- 26 **WHEREAS, the Tohono O'odham Legislative Council Natural Resources, Water Resources and**
27 **Agricultural Committees have reviewed the appraisals and the purpose and basis for**
28 **determining the value of the land and have recommended acceptance of the offer in**

DEFEATED

RESOLUTION NO. 05-611

(Approving the Grant of Permanent Rights-of-Way, and Approving the Land Appraisals Conducted by R. Sanchez Appraisals for the Construction of the Off-Farm Lease Flood Control Channel Improvements and Extension of the CAP Link Pipeline associated with the San Xavier Farm Rehabilitation Project on Tribal Trust Lands)

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1 the amounts of \$20,692.00 for Tract SXF-T2 and \$35,828.00 for Tract SXF-T3; and
2 **WHEREAS, the Tohono O'odham Nation recognizes that permanent easements of rights-of-way**
3 **are a necessary part of completing the San Xavier Farm Rehabilitation Project.**
4 **NOW, THEREFORE, BE IT RESOLVED, that the Tohono O'odham Legislative Council does hereby**
5 **approve the grant of permanent rights-of-way to the Bureau of Reclamation, in the**
6 **name of the United States for two parcels of tribal trust lands located on the San**
7 **Xavier District to be utilized for the purpose of construction for off-farm flood**
8 **protection and extension of the CAP Link Pipeline associated with the rehabilitation**
9 **of the San Xavier Cooperative Farm.**
10 **BE IT FURTHER RESOLVED, that the Tohono O'odham Nation's Officials, to wit; the Chairwoman,**
11 **Vice-Chairman and any designated Official are hereby authorized to execute the**
12 **consent to the grant of permanent rights-of-way by the Bureau of Indian Affairs.**
13 **BE IT FINALLY RESOLVED that the amount due to the Nation for the required permanent rights-of-**
14 **way in the total amount of \$56,520.00, for the Tribal Trust Lands, is hereby waived by**
15 **the Nation and will be paid directly to San Xavier District by the Bureau of**
16 **Reclamation.**

17 **The foregoing Resolution was presented to the Tohono O'odham Legislative Council on the 10TH.**
18 **Day of OCTOBER, 2005 at a meeting at which a quorum was present, and by a vote of 843.8 FOR;**
19 **1,353.55 AGAINST; 243.45 NOT VOTING; and [02] ABSENT, failed to pass because it did not receive**
20 **a majority of the votes cast as required by Section 2 of Article V of the Constitution of the Tohono**
21 **O'odham Nation.**

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Evelyn B. Juan Manuel, Legislative Chairwoman

ATTEST:


Lucille Lopez, Acting Legislative Secretary

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DEFEATED
RESOLUTION NO. 05-611

ACTION: APPROVING THE GRANT OF A PERMANENT RIGHTS-OF-WAY, AND APPROVING THE LAND APPRAISALS CONDUCTED BY R. SANCHEZ APPRAISALS FOR THE CONSTRUCTION OF THE OFF-FARM LEASE FLOOD CONTROL CHANNEL IMPROVEMENTS AND EXTENSION OF THE CAP LINK PIPELINE ON TRIBAL TRUST LANDS WITHIN THE SAN XAVIER COOPERATIVE ASSOCIATION LEASED PROPERTY FOR THE SAN XAVIER FARM REHABILITATION PROJECT

MOVED: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

SECOND: COUNCILWOMAN FELICIA NUNEZ

DATE: OCTOBER 10, 2005

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL ()	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35		X		
	2. VERLON M. JOSE (David Garcia)	129.35		X		
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80		X		
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80		X		
GU VO 193.1	1. RAYMOND VICTOR ()	96.55		X		
	2. MICHAEL FLORES (Grace Manuel)	96.55			X	
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ** ()	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			X
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50		X		
	2. GLORIA RAMIREZ ()	84.50		X		
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON ()	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45			X	X
	2. PHYLLIS JUAN ()	73.45			X	
SELLS 421.0	1. DENNIS E. JOSE ()	210.50		X		
	2. EVELYN JUAN MANUEL ()	210.50		X		
SIF Oidak 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35		X		
	2. DARLENE ANDREW** (Rita Martinez)	93.35		X		
TOTAL		2,440.80	843.8	1,353.55	243.45	[02]

**PASSED VOTES