

RESOLUTION OF THE PAPAGO COUNCIL

RES. NO. 60-73

WHEREAS, Tucson Gas & Electric Company, a corporation organized and existing under the laws of the State of Arizona, (hereinafter called TG&E) has, pursuant to Part 161 of Title 25 of the Code of Federal Regulations, made application for a right of way 330 feet in width, for a period of fifty years, on, over and across the Papago Reservation, and

WHEREAS, the such right-of-way is for the purpose of constructing, operating and maintaining thereon two (2) 345 kV electric transmission lines, and

WHEREAS, the Papago Tribal Utility Authority, under the direction of and on behalf of the Papago Tribal Council, has studied the impact of such right-of-way on the Papago Reservation, and

WHEREAS, The Papago Tribal Utility Authority along with committees appointed by the Papago Tribal Council have negotiated what they believe to be fair compensation and consideration for the grant of such right-of-way, and

WHEREAS, The Papago Tribal Utility Authority and the Districts involved have agreed to the line location and the compensation and consideration negotiated, (resolutions attached), so, therefore

BE IT RESOLVED that, pursuant to Part 161 of Title 25 of the Code of Federal Regulations, the Papago Tribal Council does hereby consent to the grant of a right-of-way to TG&E on the following terms and conditions:

1. The location of the right of way to be the routing number two (2) as described in the environmental study prepared by the Westinghouse Corporation for TG&E entitled "Environmental Analysis, 345 kV Transmission Line from West Wing Substation to Vail Substation, Tucson:" Dated November 1972, excluding any and all portions of the San Xavier Reservation.
2. The right-of-way to be in the nature of an easement for a period of fifty years.
3. Compensation and consideration for such right-of-way to be:
 - a. An initial payment of \$189,000 to be paid at the time of the granting of the right of way, which shall be distributed as follows:
 - (1) \$40,500 to the Sif Oidak District,
 - (2) \$54,000 to the Schuk Toak District.
 - (3) \$44,500 to the Papago Tribal Utility Authority.
 - (4) \$50,000 to the Papago Council General Fund.

- b. An annual payment of \$91,000.00 each year for a period of fifty years, with the first payment due at the time of the granting of the right-of-way, to be distributed as follows:
 - (1) \$19,500 annually to the Sif Oidak District.
 - (2) \$26,000 annually to the Schuk Toak District.
 - (3) \$45,500 annually to the Papago Council General Fund.

 - c. Papago rights to tap the resulting transmission lines, to wheel power and energy over the resulting transmission lines and the right to purchase power and energy from TG&E at the then Navajo Power Plant Rates.

 - d. The Papago Tribe's right to purchase any of the TG&E electric distribution facilities, located on the Reservation, dedicated solely to service on the Reservation, for TG&E original cost depreciated. Such purchase rights to be at the sole option of the Papago Tribe.
4. All of the above terms and conditions to be evidenced by a contract between the TG&E and Papago Tribal Utility Authority.

The foregoing Resolution was duly enacted by the Papago Tribal Council on the 16th day of October, 1973, at a meeting at which a quorum was present with a vote of 16 for, -0- against, 3 not voting, and 3 absent, pursuant to authority vested in The Papago Council by Sections 2(b), (c) and 3(a) and (h) of Article V of the Constitution and By-laws of the Papago Tribe of Arizona, ratified by the Papago Tribe on December 12, 1936, and approved by the Secretary of the Interior on January 6, 1937, (48 Stat. 984), pursuant to Section 16 of the Act of June 18, 1934. The foregoing resolution is subject to review by the Secretary of the Interior.

THE PAPAGO COUNCIL

ATTEST:

Betsy J. Norris
Betsy J. Norris, Secretary

Augustine B. Lopez
Augustine B. Lopez, Chairman

APPROVED:

Joseph M. Lucero
Joseph M. Lucero, Superintendent
The Papago Agency

DATE: NOV - 9 1973

