

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Right-of-Way for C.A.P. Water Pipeline)

RES. NO. 335-89

1 WHEREAS, the Bureau of Reclamation has need for a permanent
2 easement and right-of-way across two and seventy three
3 one hundredths (2.73), plus or minus acres, of Tribal
4 land in the "SW 1/4 SW 1/4 Section 26, T.16 S., R.13E,
5 G8 SRM, Pima County, Arizona" in the San Xavier District
6 for the purpose of installing a 78" underground
7 pipeline, as part of the main C.A.P. water delivery
8 system, for the delivery of C.A.P. water to the Nation's
9 new farm area, the San Xavier Co-operative Association
10 farms and to the Southern Boundary of the San Xavier
11 Reservation ending at Pima Mines Roads, a copy of the
12 survey map of said easement and right-of-way is attached
13 hereto, marked Exhibit A, and made a part hereof; and

14 WHEREAS, the Bureau of Reclamation has need for a temporary
15 easement and right-of-way across four and forty four one
16 hundredths (4.44) plus acres in the "SW 1/4 SW 1/4
17 Section 26, T.16 S., R.13E., G8 SRM, Pima County,
18 Arizona" in the San Xavier District for temporary use
19 during the period of construction of the C.A.P. water
20 delivery system, a copy of the survey map of said
21 temporary easement and right-of-way is attached hereto
22 marked as Exhibit B and made a part hereof; and

23 WHEREAS, an appraisal of the value of the tribal land to be
24 utilized for these permanent and temporary easements and
25 rights-of-way has been done and the conclusion of the
26 appraiser was that the two and seventy three one
27 hundredths (2.73), plus or minus acres across tribal
28 land, together with the 4.44 temporary easement and
29 right-of-way across tribal land would have a value of
30 \$85,500.00 for the said easements and rights-of-way as
31 above described; and
32

1 WHEREAS, the Bureau of Reclamation has agreed to pay to the
2 Nation an additional 60% of the appraised value, or
3 fifty one thousand three hundred (\$51,300.00), for a
4 total amount of \$136,800.00 for said easements and
5 rights-of-way as above described; and

6 WHEREAS, the Nation's Legislative Natural Resource Committee has
7 reviewed the appraisal and the purpose and basis for
8 determining the value of the land to be utilized for the
9 requested easements and rights-of-way and after several
10 meetings with parties involved, has decided to accept
11 the offer of the Bureau of Reclamation in the amount of
12 \$136,800.00 for the said permanent and temporary
13 easements and rights-of-way as aforesaid; and

14 WHEREAS, it would be in the best interest of the Nation if the
15 Nation accepts payment of the sum of \$136,800.00 for the
16 land described on Exhibits A and B, attached hereto, to
17 be utilized for the permanent and temporary easements
18 and rights-of-way described therein; and

19 WHEREAS, there are currently no provisions in the Tohono O'Odham
20 government system that specifically address easements
21 and rights-of-way distributions; and

22 WHEREAS, the legal opinion provided by the Tohono O'Odham
23 Nation's legal counsel indicated that the Nation's
24 current lease ordinance has no bearing on easements and
25 rights-of-way; and

26 WHEREAS, the Legislative Natural Resources Committee has
27 previously consented to approving and supporting San
28 Xavier District's request for similar fees stemming from
29 the El Paso Natural Gas Twin Buttes rights-of-way, and
30 the Central Arizona Project, Black Mountain
31 right-of-way.
32

1 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'Odham
2 Legislative Council does hereby (accept) the Bureau of
3 Reclamation's proposal to pay the sum of \$136,800.00
4 for the easements and rights-of-way described on
5 Exhibits A and B, attached hereto, consisting of two and
6 seventy three one hundredths (2.73), plus or minus acres
7 of Tribal lands within the San Xavier Reservation, to be
8 utilized for the purpose of the installation of a 78"
9 pipeline for the delivery of C.A.P. water to the
10 Nation's new farm area, the San Xavier Co-operative
11 Association farms and to the Southern Boundary of the
12 San Xavier Reservation; and four and forty four one
13 hundredths (4.44) plus acres, for temporary use during
14 the period of construction on said pipeline.


15 BE IT FURTHER RESOLVED that the Tohono O'Odham Nation hereby
16 approves the disbursement of 100% of all proceeds
17 derived from the granting of said easement and rights-
18 of-way described on Exhibit A and B, attached hereto, on
19 San Xavier District tribal/district lands for the
20 installation of a permanent easement and right-of-way
21 together with the temporary easement and right-of-way
22 for temporary use during the course of construction and
23 installation of the C.A.P. pipeline.

24 BE IT FURTHER RESOLVED that the Bureau of Indian Affairs is
25 hereby directed to disburse the above-referenced amount
26 to the San Xavier District upon receipt of payment from
27 Reclamation.


28 BE IT FURTHER RESOLVED that the Chairman of the Nation, or his
29 designee is authorized to execute all necessary
30 agreements or other documents to effectuate this
31 permanent easement and right-of-way described on Exhibit
32 A, and temporary easement and right-of-way, described on
Exhibit B.

1 The foregoing Resolution was passed by the Tohono O'odham Council
2 on the 27th. day of September, 1989 at a meeting at which a
3 quorum was present with a vote of 1,337.0 for; 116.5 against;
4 270.5 not voting; and 04 absent, pursuant to the powers vested
5 in the Council by Section 2 (d) of Article VI of the
6 Constitution of the Tohono O'odham Nation, adopted by the Tohono
7 O'odham Nation on January 18, 1986, and approved by the Acting
8 Deputy Assistant Secretary -Indian Affairs (Operations) on March
9 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48
10 Stat. 984).

7 TOHONO O'ODHAM LEGISLATIVE COUNCIL

8 
9 Edward D. Manuel, Legislative Chairman
10 28th day of September, 1989.

11
12 ATTEST:


13 
14 Teresa M. Choyguha, Legislative Secretary
15 28th day of September, 1989.

16
17 Said Resolution was submitted for approval to the office of the
18 Chairman of the Tohono O'odham Nation on the 28th day of
19 September, 1989, at 10:09 o'clock, P..M.,
20 pursuant to the provisions of Section 5 of Article VII of the
21 Constitution and will become effective upon his approval or upon
22 his failure to either approve or disapprove it within 48 hours of
23 submittal.

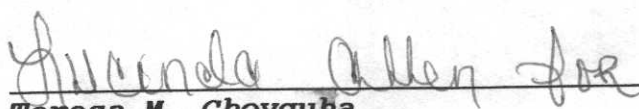
21 TOHONO O'ODHAM LEGISLATIVE COUNCIL

22 
23 Edward D. Manuel, Legislative Chairman

24
25 [] APPROVED) on the 1 day of Oct., 1989,
26 [] DISAPPROVED) at 10:43 o'clock, P..M.

27 
28 ANGELO J. JOAQUIN, SR., Chairman
29 TOHONO O'ODHAM NATION

30 Returned to the Legislative Secretary on the 3rd. day of
31 October, 1989, at 3:27 o'clock, P..M.

32 
Teresa M. Choyguha
Legislative Secretary

MOVED: Joseph Juan

SUBJECT: Right-of-Way for C.A.P.

SECOND: Mary Ann Antone

Water Pipeline

DATE: September 27, 1989

RESOLUTION NO. 335-89

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 163.0	1. Rosita Ruiz (Rosemary Lopez)	81.5			X	
	2. Kenneth G. Williams (Harriet Toro)	81.5	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			
	2. Henry Ramon ()	62.5	X			
GU VO 114.0	1. Cross Antone (Juan Joe Cipriano)	57.0	X			
	2. Virgil Lewis (Michael Flores)	57.0		X		
SAN LUCY 106.0	1. John Reno ()	53.0			X	X
	2. Albert Manuel, Jr. (Max P. Jose)	53.0			X	
PISINEMO 119.0	1. Edward Manuel (Alex Antone)	59.5		X		
	2. Johnson Jose ()	59.5	X			
GU ACHI 166.0	1. Alex J. Ramon (Fernando Joaquin)	83.0	X			
	2. Percy Lopez ()	83.0			X	
BABOQUIVARI 229.0	1. Joann Garcia (Frances Miguel)	114.5	X			
	2. Earl A. Francisco (Kenneth Chico, Sr.)	114.5	X			X
SAN XAVIER 127.0	1. Joanne C. Preston (Carmelita Mattias)	63.5	X			
	2. Eugene Enis, Sr. (Michael Rios)	63.5	X			
SCHUK TOAK 107.0	1. Joseph Juan (Frances Francisco)	53.5	X			
	2. JoAnn Francisco (David Valenzuela Sr.)	53.5	X			
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			X
	2. Andrew Patricio (Daniel Lopez)	155.0	X			
SIF OIDAK 158.0	1. Willard Juan, Sr. (Melissa Gregorio)	79.0	X			X
	2. Mary Ann Antone (Nina Jose)	79.0	X			
TOTAL		1,724.0	1,337.0	116.5	270.5	04