



# HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

## HO-CHUNK NATION LEGISLATURE APPROVAL OF AGREEMENT FOR PURCHASE & SALE OF REAL ESTATE CONCERNING PARCELS FOR THE HIGHWAY 12 BYPASS PROJECT RESOLUTION 10-07-08 J

- WHEREAS,** on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** the Ho-Chunk Nation ("Nation") is a federally recognized Indian tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(l) of the Ho-Chunk Nation Constitution ("Constitution") grants the Ho-Chunk Nation Legislature ("Legislature") the power to negotiate and enter into treaties, compacts, contracts and agreements with other governments, organizations and individuals; and
- WHEREAS,** Article V, Section 2(k) of the Constitution grants the Legislature the power to acquire or purchase lands for the benefit of the Nation and its members; and
- WHEREAS,** Article V, Section 2(m) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit or otherwise deal with the Nation's lands, interests in lands or other assets; and
- WHEREAS,** the Wisconsin Department of Transportation ("WDOT") seeks to construct a bypass of existing Highway 12 from Interstate I-90/94 to Ski Hi Road in Sauk County, Wisconsin (the "Highway 12 Bypass Project"), State R/W Project Number 1674-00-21; and
- WHEREAS,** the WDOT's Bypass Project will improve safety and access to the Nation's customers, employees and tribal members in the US12 corridor; and
- WHEREAS,** the WDOT's Highway 12 Bypass Project significantly impacts the Ho-Chunk Nation's land and economic interests; and
- WHEREAS,** the Ho-Chunk Nation Legislature established a Highway 12 Negotiating Team for the purposes of negotiating land matters associated with the WDOT's Highway 12 Bypass Project; and
- WHEREAS,** the Highway 12 Negotiating team has been authorized to negotiate land values, direct appraisals and counter-offers therein, and identify, value and recommend potential land exchanges of State of Wisconsin properties associated with the Highway 12 Bypass Project to the Ho-Chunk Nation Legislature; and
- WHEREAS,** the WDOT offered the Ho-Chunk Nation via the Negotiating team the following parcel adjacent to Ho-Chunk land for consideration as a potential land exchange:
1. Parcel 12 - Buck, 1.53 acres.
- WHEREAS,** the Highway 12 Negotiating team and WDOT representatives reached a consensus as to the material terms and conditions of an agreement, which would reflect the purchase and sale of the parcel and land noted above at the prices herein described; and based on

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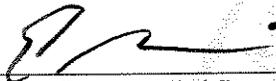
such consensus, the Negotiating team recommends full Legislative approval of an agreement reflecting such terms and conditions;

**NOW THEREFORE BE IT RESOLVED**, that the Ho-Chunk Nation Legislature hereby approves the attached Agreement for Purchase or a purchase agreement in substantially the same form and Sale of Real Estate between the Ho-Chunk Nation and Wisconsin Department of Transportation (“Purchase Agreement”).

**BE IT FURTHER RESOLVED**, that the Legislature authorizes Vice President Daniel Brown to execute the Purchase Agreement and any other written instruments necessary to carry out the transactions described in the Purchase Agreement, to the extent they are consistent with the Purchase Agreement.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary of the Ho-Chunk Nation Legislature, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **9** constituting a quorum were present at a meeting duly called and convened and held on the **7<sup>th</sup> day of October, 2008**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **9 members, 0 opposed, and 0 abstaining**, pursuant to the authority of Article V, Section 2(a) and (x) of the constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

  
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Elliott Garvin, Tribal Secretary

**10-7-08**  
\_\_\_\_\_  
Date

