



## **HO-CHUNK NATION LEGISLATURE**

*Governing Body of the Ho-Chunk Nation*

### **HO-CHUNK NATION LEGISLATURE AUTHORIZING COMMUNICATION UTILITY EASEMENT ON PLUM CREEK 40 RESOLUTION 04-05-11 H**

**WHEREAS**, on November 1, 1994, the 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(a) of the Constitution of the Nation ("Constitution") grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes; and

**WHEREAS**, Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, contracts, and agreements with other governments, organizations, or individuals; and

**WHEREAS**, Article V, Section 2(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's land, interests in lands or other assets; and

**WHEREAS**, Article V, Section 2(o) of the Constitution grants the Legislature the power to regulate and zone any lands within the jurisdiction of the Nation; and

**WHEREAS**, Article V, Section 2(p) of the Constitution grants the Legislature the power to regulate a system of property including but not limited to use, title, deed, estate, inheritance, transfer, conveyance, and devise; and

**WHEREAS**, the Nation is the owner of certain fee-simple land in Clark County, Wisconsin, known as Plum Creek 40, which is shown on the attached aerial map ("Property"); and

**WHEREAS**, currently, three Ho-Chunk Nation tribal members, living on adjoining allotments, have telephone service provided by TDS Telecommunications Corporation ("TDS"), using a telephone cable across the Property without a recorded easement; and

**WHEREAS**, the Nation has submitted a fee-to-trust application for the Property with the U.S. Bureau of Indian Affairs ("BIA"); and

#### **Executive Offices**

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(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

Resolution 04-05-11 H

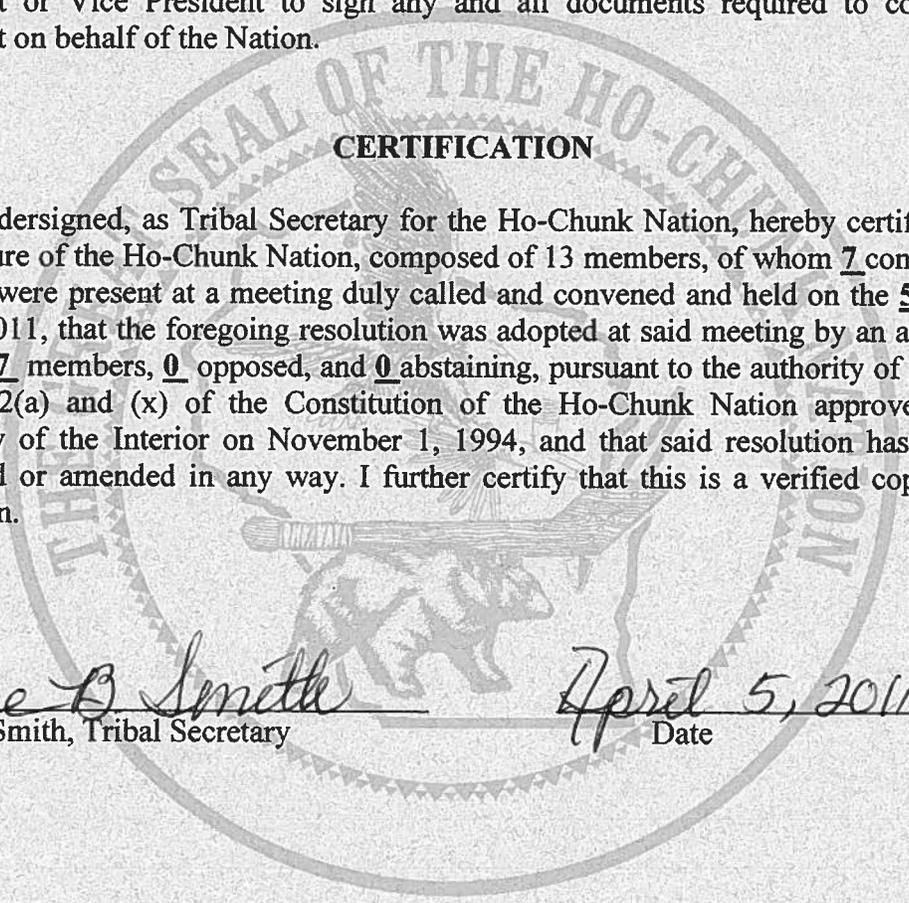
**WHEREAS**, BIA requires a recorded easement for this communication utility line to continue considering the trust application for this Property;

**NOW THEREFORE BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, for valuable consideration of one dollar (\$1) paid by TDS in connection with this easement, hereby consents to the granting of the attached communication utility easement, without limitation as the term of years, over the Property in favor of TDS.

**BE IT FURTHER RESOLVED**, that the Legislature authorizes the Ho-Chunk Nation President or Vice President to sign any and all documents required to convey this easement on behalf of the Nation.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members, of whom 7 constituting a quorum were present at a meeting duly called and convened and held on the 5<sup>th</sup> day of April, 2011, that the foregoing resolution was adopted at said meeting by an affirmative vote of 7 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.

The seal of the Ho-Chunk Nation is a circular emblem. It features a central figure of a bear standing on its hind legs, holding a bow in its right paw and an arrow pointing downwards in its left. The bear is positioned in front of a stylized tree. The words "SEAL OF THE HO-CHUNK NATION" are inscribed around the perimeter of the seal. The seal is faintly visible in the background of the document.  
Hope B. Smith  
Hope B. Smith, Tribal Secretary

April 5, 2011  
Date