



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE CONSENT TO UTILITY RIGHT-OF-WAY EASEMENTS BY BUREAU OF INDIAN AFFAIRS AND AUTHORITY TO SIGN APPLICATION

#### RESOLUTION 10-18-11B

**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**, Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as many contribute to the social advancement of the members of the Nation; and

**WHEREAS**, the Nation is the beneficial owner of certain land near Black River Falls, Wisconsin, which is held in trust by the U.S. Bureau of Indian Affairs for the Nation; said land is described as: Jackson County Certified Survey Map 182, located in parts of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , and the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$ , all located in Section 5, Township 21 North, Range 3 West, Town of Brockway, Jackson County, Wisconsin, containing 94.71 acres, more or less, and commonly known as

**WHEREAS,** Ho-Chunk Nation seeks two 50' wide easements and a 20' wide right-of-way easement over a portion of the Premises (to construct, upgrade and maintain an underground sewer line to increase the capacity of the Wazee Area Waste Water treatment facility and to allow for other utility services to be constructed and maintained within the easement in the future; and

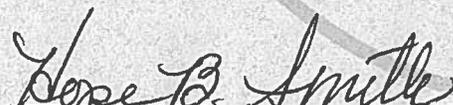
**WHEREAS,** the U.S. Bureau of Indian Affairs requires the consent of the Nation to the granting of said right-of-way easements and evidence of the authority of officers to execute documents.

**NOW THEREFORE BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, hereby consents to the granting of the attached utility right-of-way easements, with a term of 50 years, over a portion of the Premises, by the U.S. Bureau of Indian Affairs in favor of the Ho-Chunk Nation ; and

**BE IT FURTHER RESOLVED** that the Nation authorizes the Nation's President or Vice President to sign all documentation necessary to apply for said grant of easement for right-of-way.

#### **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 10 constituting a quorum were present at a meeting duly called and convened and held on the **18<sup>th</sup> day of October, 2011**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **10 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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Hope B. Smith, Tribal Secretary

  
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Date