



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE AUTHORIZING DRAINAGE EASEMENT IN FAVOR OF TOWN OF BROCKWAY RESOLUTION 1-21-09 A

- 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 Ho-Chunk Nation Legislature ("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 fee owner of certain land in the Town of Brockway, known as Maplewood Court; said land, in part, is described as Lot 8 of C.S.M. number 1464, recorded in Volume 6 C.S.M. Map, page 227, as Document Number 275469, in the Register of Deeds Office, Jackson County, Wisconsin (the "Premises"); and
- WHEREAS,** The Town of Brockway has constructed a storm sewer drainage line across the Premise and now seeks a permanent easement over a portion of the Premises to lay, maintain, operate, repair, remove and replace said drainage line, together with the supporting right of ingress and egress across the easement area.

**NOW THEREFORE BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, hereby consents to the granting of the attached, permanent storm sewer drainage line easement in favor of the Town of Brockway. The Legislature further authorizes the Vice President to sign this easement on its behalf.

#### **Executive Offices**

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**CERTIFICATION**

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **8** constituting a quorum were present at a meeting duly called and convened and held on the **21<sup>st</sup> day of January, 2009**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **8 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.



Elliott Garvin, Tribal Secretary

1-21-09

Date

