



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
ACCEPTANCE OF WDOT OFFER TO PURCHASE AND
AUTHORIZATION TO CONVEY ±54.03 ACRES IN FEE, ±1.46
ACRES TEMPORARY LIMITED EASEMENT AND TO AUTHORIZE
THE HIGHWAY 12 NEGOTIATING TEAM TO NEGOTIATE, ASSESS
AND RECOMMEND ACQUISITION OF WDOT PARCELS FOR THE
HIGHWAY 12 BYPASS PROJECT
RESOLUTION 9-09-08 A**

- 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 of 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 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 is 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 Highway 12 Negotiating team assessed the land values in negotiations with the WDOT for the Bypass project which requires a ± 54.03 acre taking of the Nation's fee property, ± 1.46 acre grant of temporary limited easements and assessed severance to remaining parcels for an amount totaling \$1,940,983 as follows:

Executive Offices

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1. Parcel 2 (.37 acres in fee, 1.06 acres temporary limited easement) at \$57,100,
2. Parcel 11 (15.92 acres in fee, .16 acres temporary limited easement) at \$1,143,683,
3. Parcel 41 (36.9 acres in fee, .03 acres temporary limited easement) at \$663,100 (includes fencing allowance), and
4. Parcel 48 (.84 acres in fee, .21 acres temporary limited easement) at \$77,100; and

WHEREAS, the Highway 12 Negotiating team recommends the sale of ± 54.03 acres of the Nation's fee property known as Parcels 2, 11, 41 and 48, ± 1.46 acre grant of temporary limited easements and severance to remaining parcels for an amount totaling \$1,940,983 to serve the best interests of the Ho-Chunk Nation; and

WHEREAS, the WDOT offered the Ho-Chunk Nation via the Negotiating team parcels adjacent to Ho-Chunk land for consideration as follows:

1. Parcel 12 - Buck, 1.53 acres.
2. Parcel 42 - (a) Leatherberry, 29.75 acres.
3. Parcel 42 - (b) Leatherberry, 43.58 acres.

NOW THEREFORE BE IT RESOLVED, the Ho-Chunk Nation Legislature hereby approves and accepts the Highway 12 Negotiating team recommendations to sell ± 54.03 acres of the Nation's fee property known as Parcels 2, 11, 41 and 48, ± 1.46 acre grant of temporary limited easements and severance to remaining parcels for an amount totaling \$1,940,983.

BE IT FURTHER RESOLVED, the Ho-Chunk Nation Legislature hereby authorizes Vice-President Daniel Brown to sign the deeds conveying the ± 54.03 acres of the Nation's fee property, portions of Parcels 2, 11, 41 and 48, and ± 1.46 acres in temporary limited easement, to the WDOT.

BE IT FINALLY RESOLVED, the Ho-Chunk Nation Legislature hereby authorizes the Negotiating team to negotiate, assess and recommend acquisition of WDOT Parcel 12 - Buck, 1.53 acres up to \$125,000, Parcel 42 - (a) Leatherberry, 29.75 acres, up to \$502,775, and Parcel 42 - (b) Leatherberry, 43.58 acres, up to \$472,845.

CERTIFICATION

I, the undersigned, as Tribal Secretary of the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **7** constituting a quorum were present at a meeting duly called and convened and held on the **9th day of September, 2008**, 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.


 Elliott Garvin, Tribal Secretary

9-9-08
 Date