

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Purchase and Sale Agreement Between Beverly Gibbons and the
Tohono O'odham Nation)**

RESOLUTION NO. 11-296

1 **WHEREAS, the Tohono O'odham Nation ("Nation") has a policy of consolidating lands within the**
2 **Nation into tribal ownership, as stated in the Constitution of the Tohono O'odham**
3 **Nation, Article XVI, Section 9, and seeks to do this by acquiring patented and**
4 **unpatented mining claims located within its boundaries; and**

5 **WHEREAS, Beverly Gibbons owns patented mining claims known commonly as the Crusader Mill**
6 **Site and Mine and Comobabi Mine ("Property") located in the Sells District, including**
7 **both surface and subsurface rights, totaling approximately thirty-one (31) acres, and**
8 **approximately ten (10) acres of subsurface rights which Property is more particularly**
9 **described in Exhibit "A", Exhibit "B", Exhibit "C" and Exhibit "D" to the Purchase and**
10 **Sale Agreement ("Purchase Agreement") attached hereto; and**

11 **WHEREAS, the Nation wishes to acquire the Property and to ultimately have it be held in trust by**
12 **the United States of America ("United States") for the benefit of the Nation pursuant**
13 **to 25 U.S.C. § 465 and 25 C.F.R. Part 151, and has agreed to pay a total purchase price**
14 **of three thousand dollars (\$3,000.00); plus closing costs in an amount no more than**
15 **two thousand dollars (\$2,000.00); and**

16 **WHEREAS, the Nation wishes to complete a Phase I Environmental Site Assessment prior to**
17 **closing on the Property, to investigate potential environmental liability associated**
18 **with the Property, which shall cost no more than four thousand five hundred dollars**
19 **(\$4,500.00); and**

20 **WHEREAS, if the transaction does not close within ten (10) months of the date of the Purchase**
21 **Agreement, either party may cancel the Purchase Agreement by giving written notice**
22 **to the other party; and**

23 **WHEREAS, the Natural Resources Committee, Commerce Committee and the Budget and Finance**
24 **Committee of the Legislative Council have reviewed the transaction and recommend**
25 **approval by the Legislative Council.**

26 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:**

- 27 **1. Approves the Purchase Agreement substantially in the form attached hereto, and**
28 **authorizes and directs the Chairman of the Nation to execute the Purchase**
29 **Agreement and any and all other documents reasonably necessary to accomplish**
30 **this transaction.**

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2. Approves the purchase price of three thousand dollars (\$3,000.00) and the payment of additional costs related to a title commitment, escrow and closing fees up to a limit of two thousand dollars (\$2,000.00), and a Phase I Environmental Site Assessment up to a limit of four thousand five hundred dollars (\$4,500.00); for a total projected cost not to exceed nine thousand five hundred dollars (\$9,500.00), to be paid from the Nation's Land Acquisition Fund.
3. Authorizes and directs the Chairman of the Nation to request that the United States Secretary of the Interior approve the conveyance from the Nation to the United States and promptly take the Property into trust for the Tohono O'odham Nation, and authorizes and directs the Chairman of the Nation to execute any documents reasonably necessary to convey the property to the United States in trust for the Nation.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13th Day of JULY, 2011 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 (f) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman
20 day of July, 2011

ATTEST:



Evonne Wilson, Legislative Secretary

19 day of July, 2011

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 20 day of July, 2011 at 8:23 o'clock, A.M., pursuant to the provisions of Section 4 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL




Timothy Joaquin, Legislative Chairman

APPROVED

on the 20 day of July, 2011

DISAPPROVED

at 8:55 o'clock, a.M.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION
Vice Chairwoman

Returned to the Legislative Secretary on the 20 day of

July, 2011, at 10:04 o'clock, a.M.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN BEVERLY GIBBONS AND THE TOHONO O'ODHAM NATION

MOVED: COUNCILWOMAN EVELYN JUAN MANUEL

SECOND: COUNCILWOMAN FRANCES CONDE

DATE: JULY 13, 2011

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN (Rose Johnson Antone)	122.45	X			
	2. CYNTHIA E. MANUEL (<i>Absent</i>) (Louis L. Johnson)(<i>Present</i>)	122.45	X			
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL (Angela Ortiz)	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			X
PISINEMO 200.7	1. CHESTER ANTONE ()	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30	X			X
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS ()	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. CONDE ()	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. EVELYN B. JUAN MANUEL ()	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	2,780.60	-0-	-0-	[02]