



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE AUTHORIZING SHAW PROPERTY INDEMNITY AGREEMENT WITH BUREAU OF INDIAN AFFAIRS

#### RESOLUTION 08-06-13G

**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 of the Nation ("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, compacts, 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 lands, interests in lands or other assets; and

**WHEREAS,** the Nation now wishes to convey the East One-half of the Southeast Quarter (E ½ of SE ¼) except that part of the SE ¼ of the SE ¼ lying Southerly of the centerline of Evergreen Road; West One-half of the Southeast Quarter (W ½ of SE ¼) excepting the following parcels:

1. Commencing at the NW corner of the NW ¼ of SE ¼; thence South along the quarter line approximately 70 rods to the North line of CTH "N"; thence East 1 rod; thence North parallel to the West line of said forty to the North line of the NW ¼ of the SE ¼; thence West 1 rod to the place of beginning;
2. All that part of the SW ¼ of SE ¼ lying Southerly of the centerline of Evergreen Road;

All in Section Twenty (20), Township Eighteen (18) North, Range One (1) East, Town of Byron, Monroe County, Wisconsin ("Property") to the U.S. Department of Interior, Bureau of Indian Affairs, ("BIA") to hold in trust for the benefit of the Nation; and

#### Executive Offices

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**WHEREAS,** currently the title to the Property is subject to a Wetland Compensatory Mitigation Easement noted at Item 12 of Schedule B-2, by and between the State of Wisconsin Department of Natural Resources and the Nation, dated November 1, 2005, and recorded in the Monroe County Register of Deeds on November 5, 2005 recorded as Doc. 555303; and

**WHEREAS,** the easement is to ensure that a wetland compensatory mitigation site will not be destroyed or substantially degraded by a subsequent owner of or holder of interest in the property on which the compensatory mitigation wetland is located; and

**WHEREAS,** the easement and covenants shall run with and burden the Conservancy Area in perpetuity and shall bind the Grantors and their heirs, successors, and assigns and are fully valid and enforceable by any assignee of the Grantee, whether assigned in whole or in part; and

**NOW THEREFORE BE IT RESOLVED,** that the Legislature of the Ho-Chunk Nation hereby authorizes the Nation to enter into the attached Indemnity Agreement with the BIA to allow the Property to be placed into trust without terminating the Agreement. The Legislature also hereby authorizes the Vice President of the Nation to sign said Indemnity Agreement 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 **12** constituting a quorum were present at a meeting duly called and convened and held on the **6<sup>th</sup> day of August, 2013**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **11 members, 0 opposed, and 1 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.

Kathleen Lone Tree-Whiterabbit  
Kathleen Lone Tree-Whiterabbit, Tribal Secretary

8.6.13  
Date