



## **HO-CHUNK NATION LEGISLATURE**

*Governing Body of the Ho-Chunk Nation*

### **HO-CHUNK NATION LEGISLATURE GRANT OF HO-CHUNK NATION UNDERGROUND UTILITY RIGHT-OF-WAY EASEMENT TO WITTENBERG TELEPHONE COMPANY**

#### **RESOLUTION 10-07-14G**

**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, pursuant to the Indian Reorganization Act of 1934; and

**WHEREAS,** the Legislature of the Ho-Chunk Nation ("Legislature") is the duly constituted governing body of the Ho-Chunk Nation pursuant to the Constitution of the Nation ("Constitution"); and

**WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("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, compacts, contracts, and agreements with other governments, organizations, or 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(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,** Article V, Section 2(o) of the Constitution grants the Legislature the power to enact laws to regulate and zone any lands within the jurisdiction of the Ho-Chunk Nation; and

#### **Executive Offices**

W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615  
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

**WHEREAS**, Article V, Section 2(p) of the Constitution grants the Legislature the power to enact laws to create and 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(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and

**WHEREAS**, the Ho-Chunk Nation, from time to time, has worked with utility companies; and

**WHEREAS**, the Nation owns property along Robin Road, Shawano County, Wisconsin; and

**WHEREAS**, the Roads Division is expanding Robin Road, Project I.D. No. F55-439D5, and the Wittenberg Telephone Company requires an easement to move and install new telephone lines.

**NOW THEREFORE, BE IT RESOLVED** that the Ho-Chunk Nation Legislature hereby grants an Underground Utility Right-of-Way Easement to Wittenberg Telephone Company to move and install new telephone lines; and

**BE IT FURTHER RESOLVED** that the purpose of the easement is for utility construction, said easement as described above and on the attached exhibit "A"; and

**BE IT FURTHER RESOLVED** that the Ho-Chunk Nation Legislature authorizes the Ho-Chunk Nation President to sign the Grant of Easement.

#### **CERTIFICATION**

I, the undersigned, as Secretary of the Ho-Chunk Nation Legislature, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 11 constituting a quorum were present at a meeting duly called and convened and held on the 7<sup>th</sup> day of October, 2014, that the foregoing resolution was adopted at said meeting by an affirmative vote of 11 members, 0 opposed, and 0 abstaining, pursuant to the 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 the foregoing resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

*Kathyleen Lone Tree-Whiterabbit*  
Kathyleen Lone Tree-Whiterabbit, Tribal Secretary

10.7.14  
Date

**HO-CHUNK NATION  
UNDERGROUND  
UTILITY RIGHT-OF-WAY EASEMENT**

KNOW ALL BY THESE PRESENT, that the **UNITED STATES OF AMERICA IN TRUST FOR THE HO-CHUNK NATION** (hereinafter "Grantor/s"), under authority contained in 209 DM 8 dated November 17, 1981, 230 DM 1 and 3 IAM 4 dated July 19, 2000, and pursuant to the provision of the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323-328); and Part 169, Title 25, Code of Federal Regulations, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, warrant, and convey unto the Wittenberg Telephone Company (hereinafter "Grantee") and to its successors and assigns the right, privilege, and easement to enter upon the lands hereinafter described, and to construct, operate, repair, maintain, and replace thereon and under the surface thereof, and upon or under all streets, roads, highways on or abutting said lands a telephone line and any and all appropriate attachments, equipment, accessories, and appurtenances necessary and appropriate for such telephone service.

Return to:  
Ho-Chunk Nation  
Register of Deeds Office  
P.O. Box 310  
Black River Falls, Wisconsin 54615

See Exhibit(s)  
\_\_\_\_\_  
Parcel Identification Number

**The width of the easement is described on the attached Exhibit A.**

The lands of the grantor with respect to which this right-of-way easement is granted are described as follows:

**See attached Exhibit A**

The facilities erected hereunder shall remain the property of the Grantee. Grantee shall have the right to inspect, rebuild, remove, repair, improve, and make changes, alterations, substitutions, and additions in and to its facilities, as it may from time to time deem advisable, including the right to increase or decrease the number of telephone lines, attachments, equipment, accessories, and appurtenant.

In addition to the foregoing the Grantor hereby grant into the Grantee during the period of construction and during any subsequent period in which maintenance, inspection, repairs, or reconstruction thereof may be necessary, the right of ingress to and egress from said easement strips, as may be necessary, for the purpose of placing thereon materials excavated from said line of easement and for the purpose of bringing upon the said line of construction such machinery and other equipment as may be necessary.

It is agreed that within a reasonable time after any construction, maintenance, inspection, repair, or reconstruction thereof, Grantee obligates itself to restore the lands affected to their condition prior to the said construction, maintenance, inspection, repair, or reconstruction.

Grantee shall at all times have the right to keep easement clear of all buildings, structures, or other obstructions, trees, shrubbery, undergrowth, and roots.

Grantee shall be responsible for any construction, maintenance, inspection, repair, or reconstruction costs or expenses.

To have and to hold unto the said grantee, its successors, and assigns forever. This conveyance shall be on the heirs, representatives, assigns, and grantees of the Grantor.

This easement shall be in effect for fifty (50) years from date of signature.

Approved in accordance with authority delegated at 209 DM 8, 230 DM 1, 3 IAM 4 (Release No. 12-42) and Midwest Region Release F00 03-01.

In witness whereof, the undersigned have set their hands and seals this            day of            , 2014.

\_\_\_\_\_  
Ho-Chunk Nation

\_\_\_\_\_  
Wittenberg Telephone Company

\_\_\_\_\_  
Superintendent, Great Lakes Agency (In place of UNITED STATES OF AMERICA.)

Personally came before me this            day of            ,            , the above named UNITED STATES OF AMERICA to me known to be the persons who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
Notary Public in and for the State of Wisconsin  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My appointment expires: \_\_\_\_\_

This instrument was drafted by:  
Ho-Chunk Nation  
Tribal Attorney Bryan J. Van Stippen