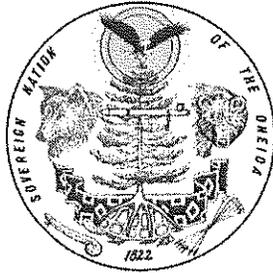


Oneida Tribe of Indians of Wisconsin



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

BC Resolution 11-09-11-C

Regarding Ownership and Maintenance of Certain Tribal Roads

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America, and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council, and
- WHEREAS,** the Indian Right of Way Act of 1948 requires that tribes give consent for rights-of-way over trust lands, stating, in relevant part: "No grant of a right-of-way over and across any lands belonging to a tribe ... shall be made without the consent of the proper tribal officials." 25 U.S.C. § 324, 62 Stat. 18, and
- WHEREAS,** the Secretary of the Interior adopted regulations to administer grants of rights-of-way over trust land requiring the consent of the Indian landowners for the right-of-way and further consent of the Indian landowners to allow the United States to assign, grant or otherwise transfer its interest in the right-of-way, 25 C.F.R. Part 162 (1957), and
- WHEREAS,** the Oneida Business Committee, through Resolution No 5-3-82-A, requested the Bureau of Indian Affairs to enter into long-term leases for five parcels of land for residential purposes with the Oneida Housing Authority; this resolution included a survey and legal descriptions of the five parcels and the roadway, **Aliskwet Court**, and
- WHEREAS,** at no time did the Oneida Business Committee grant an easement for Aliskwet Court to the Bureau of Indian Affairs or any other entity, and
- WHEREAS,** Aliskwet Court is located entirely on tribal trust land and exclusively serves Oneida families occupying the land through leases with the Tribe, and
- WHEREAS,** the Oneida Business Committee, through a resolution dated March 1, 1976, created the Cora House Subdivision and established the roadway, **Jonas Circle**; the BIA approved the Cora House Subdivision Plat and recorded is as document number 433T329, and
- WHEREAS,** at no time did the Oneida Business Committee grant an easement for Jonas Circle to the Bureau of Indian Affairs or any other entity, and
- WHEREAS,** Jonas Circle is located entirely on tribal trust land and exclusively serves Oneida families occupying the land through leases with the Tribe, and
- WHEREAS,** by a resolution dated April 18, 1966, the Oneida Housing Authority approved a plan to place roads for the Oneida Housing Project, now known as Site 1, for the following roadways: **Artley Street, Elm Street, Doxtator Street, Commissioner Street, Cornelius Street and Bennett Street**, and

- WHEREAS,** by a resolution dated January 3, 1967, the Town of Hobart “[did] hereby agree, upon completion of said road by the Bureau of Indian Affairs, to accept said road on a 100% maintenance basis by the Town of Hobart” for the roads in Site 1, and
- WHEREAS,** on February 20, 1967, the Oneida Executive Committee passed a resolution resolving to grant an easement for highway purposes for “Oneida Community Road” to the Bureau of Indian Affairs, “as set forth in CFR 25 Part 162”, and
- WHEREAS,** in 1967, 25 C.F.R. Part 162.5 stated, “If it appears that the road might be transferred to a State within 10 years, then, before such construction is undertaken, there shall be obtained from the Indian landowners right-of-way easements for a road and highway in favor of the United States, its successors and assigns, with the right to construct, maintain, and repair improvements thereon and there over for such purposes with the further right in the United States, its successors and assigns, to transfer the right-of-way easements by assignment, grant, or otherwise”, and
- WHEREAS,** in 1967, 25 C.F.R. Part 162.8 stated, “the Secretary may enter into an agreement with a State for the transfer to the State of jurisdiction with respect to the maintenance of roads constructed or improved to adequate standards under the regulations in this part”; and
- WHEREAS,** after completion of the road project in 1972, and by Resolution No. 72-12-29, the Oneida Business Committee “hereby requests the Town of Hobart, Brown County, Wisconsin to take over and accept road on a 100% maintenance basis in accordance with Town of Hobart resolution approved on January 3, 1967”, and
- WHEREAS,** at no point in time did the Oneida Executive Committee grant the Bureau of Indian Affairs an easement for the roads in Site 1, and
- WHEREAS,** Artley Street, Elm Street, Doxtator Street, Commissioner Street, Cornelius Street and Bennett Street are located on tribal trust land and make up all the roads of the tribal subdivision known as “Site 1” and exclusively serve Oneida families occupying the land through leases with the Tribe, and
- WHEREAS,** the roadway, **Dexter Road**, was in place when the Tribe reacquired the adjacent fee land, and
- WHEREAS,** Dexter Road is located entirely on tribal fee land and provides access to a golf driving range, and
- WHEREAS,** the roadway, **Silas Drive**, originally served the land adjacent to the current roadway as a driveway, and
- WHEREAS,** Silas Drive services two tribal trust lots, two individual trust lots, and eight individual fee lots, and
- WHEREAS,** at no time did the Oneida Business Committee or individual trust owners grant an easement for Silas Drive to the Bureau of Indian Affairs or any other entity, and
- WHEREAS,** by Resolution 2008-24, dated December 19, 2008, the Village of Hobart claimed to acquire fee simple title to the following roadways in the name of the Village pursuant to Wisconsin state law: Aliskwet Court, West Jonas Circle and East Jonas Circle, Artley Street, Elm Street, Doxtator Street, Commissioner Street, Cornelius Street and Bennett Street, Dexter Road, and Silas Drive, and
- WHEREAS,** the Village of Hobart filed a Transportation Project Plat 05-126-0005.1 with the Brown County Register of Deeds, recorded on December 23, 2008 as Document Number 2396547 for Aliskwet Court, and
- WHEREAS,** the Village of Hobart filed a Transportation Project Plat 05-126-0006.1 with the Brown County Register of Deeds, recorded on December 23, 2008 as Document Number 2396548 for West Jonas Circle and East Jonas Circle, and

WHEREAS, the Village of Hobart filed a Transportation Project Plat 05-126-0007.1 with the Brown County Register of Deeds, recorded on December 23, 2008, as Document Number 2396549 for Artley Street, Elm Street, Doxtator Street, Commissioner Street, Cornelius Street and Bennett Street, and

WHEREAS, the Village of Hobart filed a Transportation Project Plat 05-126-0008.1 with the Brown County Register of Deeds, recorded on December 23, 2008 as Document Number 2396550 for Dexter Road, and

WHEREAS, the Village of Hobart filed a Transportation Project Plat 05-126-0009.1 with the Brown County Register of Deeds, recorded on December 23, 2008 as Document Number 2396551 for Silas Drive, and

WHEREAS, State law authorizing local governments to acquire road rights-of-way or acquire title to Indian land is not applicable to tribal trust land or individual trust land, and

WHEREAS, neither the Tribe nor the Bureau of Indian Affairs nor individual trust land owners granted the Village of Hobart an easement for road purposes or any other purposes for the roads described in Hobart Resolution 2008-24 or in any of the Recorded Transportation Project Plats described in this Resolution, and

WHEREAS, the Tribe desires to assume maintenance responsibility for the roads servicing "Site 1", and

WHEREAS, the portion of Hobart Resolution 2008-24 utilizing state law to claim fee title ownership in Aliskwet Court, Jonas Circle, Artley Street, Elm Street, Doxtator Street, Commissioner Street, Cornelius Street, and Bennett Street is contrary to federal law and therefore null and void, and

WHEREAS, the portion of Hobart Resolution 2008-24 utilizing state law to claim fee title ownership over those portions of tribal trust land and individual trust land of Silas Drive is contrary to federal law and therefore null and void.

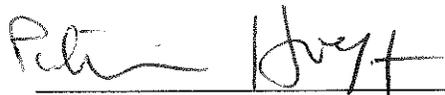
NOW THEREFORE BE IT RESOLVED, that the Business Committee rescinds Resolution No. 72-12-29 and hereby provides notice to the Village of Hobart that the Village is no longer obligated or authorized to maintain Artley Street, Elm Street, Doxtator Street, Commissioner Street, Cornelius Street, and Bennett Street.

NOW THEREFORE BE IT FINALLY RESOLVED, that the Business Committee requests the Oneida Land Commission to consider granting an easement for Aliskwet Court, Jonas Circle, Artley Street, Elm Street, Doxtator Street, Commissioner Street, Cornelius Street, and Bennett Street, to the Bureau of Indian Affairs specifying that the Bureau of Indian Affairs does not have the authority to assign, grant or otherwise transfer its interest in the easement.

NOW THEREFORE BE IT FINALLY RESOLVED, that the Business Committee directs the Chairman to provide notice to the Village of this Resolution and to meet with Village officials in accordance with BC Resolution 10-12-11-B to discuss two areas of mutual concern: 1) the possibility of converting Dexter Road into a driveway, and 2) the necessity for the Village of Hobart to obtain easements from the Tribe and individual tribal members for the portions of Silas Drive crossing tribal trust land and individual trust land.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 6 members were present at a meeting duly called, noticed and held on the 9th day of November, 2011; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Patricia Hoeft, Tribal Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."