

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE



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.

P.O. Box 365 • Oneida, WI 54155

Telephone: 920-869-4364 • Fax: 920-869-4040

RESOLUTION # 6-30-04-A

Resolution to Enter into Memorandum of Agreement

Accepting Transfer of Short Road from the Village of Ashwaubenon to the Oneida Tribe

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, 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 I of the Oneida Tribal Constitution by the General Tribal Council, and

WHEREAS, the Village of Ashwaubenon would like to transfer a road and maintenance responsibility for a road which is primarily located within the Village of Ashwaubenon and within and contiguous to the original boundaries of the Oneida Reservation, where said road is named "Short Road," and

WHEREAS, the legal description of "Short Road" is as follows:

Part of Government Lots A, 3, 4, 5, 10, and 11, Section 18, Township 23 North, Range 20 East, Village of Ashwaubenon, Brown County, Wisconsin described by:

Beginning at the intersection of the westerly right-of-way line of Short Road and the northeasterly line of Private Claim 28 West Side of Fox River; thence northerly along the said westerly right-of-way line to the southerly right-of-way line of East Adam Drive; thence easterly along the said southerly right-of-way line to the easterly right-of-way line of the said Short Road; thence southerly along the said easterly right-of-way line to the northeasterly line of the said Private Claim 28 West Side of Fox River; thence northwesterly along the said northeasterly line to the point of beginning except the Grantor retains and reserves a perpetual Village of Ashwaubenon public utility easement to construct, install, operate, maintain, remove and replace necessary and usual appurtenant equipment for Village

of Ashwaubenon public utilities upon, over, across, within and above and/or beneath that street and right-of-way described herein above.

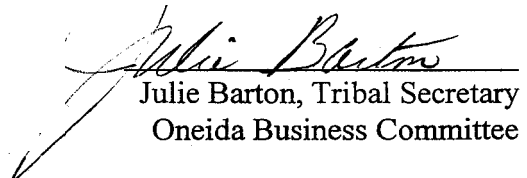
WHEREAS, the Oneida Tribe accepts the transfer of Short Road, and


WHEREAS, the Oneida Tribe can seek funding through the Bureau of Indian Affairs for road maintenance and reconstruction.

NOW THEREFORE BE IT RESOLVED, that the Oneida Tribe, acting through the Oneida Business Committee, hereby directs the Tribal Chairwoman to enter into a Memorandum of Agreement with the Village of Ashwaubenon which establishes a mechanism for the orderly transfer of Short Road, Short Road right-of-way and Short Road maintenance responsibility.

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 30th day of June, 2004; that the foregoing resolution was duly adopted at such meeting by a vote of 4 members for; 0 members against, and 1 member not voting; and that said resolution has not be rescinded or amended in any way.


Julie Barton, Tribal Secretary
Oneida Business Committee



Statement of Effect

*Resolution to Enter into Memorandum of Agreement
Accepting Transfer of Short Road from the Village of Ashwaubenon to the Oneida Tribe*

Summary and Analysis

This resolution directs the Tribal Chairwoman to enter into a Memorandum of Agreement (MOA) on behalf of the Tribe with the Village of Ashwaubenon which transfers Short Road to the Tribe.

It is within the authority of the Oneida Business Committee to enter into these types of agreements. Approval of the agreement does not require a public hearing under the Administrative Procedures Act (APA). The resolution clearly identifies that the Tribal Chairwoman as authorized to sign this agreement.

Conclusion

There are no legal bars to adopting the Resolution.

LOC/sdw
6/15/04

COPY

MEMORANDUM OF AGREEMENT

This AGREEMENT is made and entered into by and between the Village of Ashwaubenon, Brown County, Wisconsin, hereinafter referred to as the "Village," and the Oneida Tribe of Indians of Wisconsin, hereinafter referred to as the "Tribe."

SCOPE OF THE AGREEMENT: To establish a mechanism for orderly transfer of a road, road right-of-way and road maintenance responsibility from the Village of Ashwaubenon to the Oneida Tribe where said road is named "Short Road" and is primarily located within the Village of Ashwaubenon.

WHEREAS, Short Road is within and contiguous to the original boundaries of the Oneida Reservation; and

WHEREAS, the Tribe can seek funding through the Bureau of Indians Affairs, hereinafter referred as the Bureau, for road maintenance and reconstruction; and

WHEREAS, it is advantageous to the Village and the Tribe to transfer Short Road and maintenance responsibility of Short Road to the Tribe;

IT IS THEREFORE MUTUALLY AGREED AS FOLLOWS:

ARTICLE I: the Village agrees to:

1. Transfer, for Short Road, all rights-of-way and any proprietary rights to fee land that exists under their authority as a Village Government to the Tribe. The Village will retain an easement in the Village's name over the entire right-of-way for utilities.
2. Assure that all signing conforms to the manual of Uniform Traffic Control Devices for Streets and Highways (U.S. Department of Transportation, Federal Highway Administration) at the time selected for transfer.
3. Prepare a listing of any items critical to safety of Short Road at the time of transfer.
4. Accede to the terms of this Memorandum by resolution and signature.

ARTICLE II: The Tribe agrees to:

Assist the Village in facilitating the road and right-of-way transfer.

2. Keep Short Road opened to the public for public travel.
3. Submit a request to the Bureau to place Short Road on the Bureau roads list to secure

funding for road maintenance and reconstruction.

4. Repair and perform regular maintenance on Short Road after the Village transfers such road to the Tribe by Resolution and after a reasonable period of time has lapsed for the Tribe to secure road maintenance funding through the Bureau not to exceed two (2) years. The Tribe will meet or exceed Wisconsin Department of Transportation Standards and American Association of State Highway and Transportation Officials standards when repairing, reconstructing and maintaining Short Road.
5. Enter into an agreement with the Village where the Tribe will reimburse the village for cost of snow removal and other routine maintenance required on Short Road.
6. Accede to the terms of this Memorandum by resolution and signature.
7. The Tribe agrees to reconstruct Short Road to Wisconsin ASHTO, urban standards, upon receipt of funding from the Bureau of Indian Affairs.

AGREEMENT APPROVAL

Before this Agreement shall become binding and effective it shall receive the approval of such Tribal and Village officials as the law may provide in addition to the Village Board Chairman and the Tribal Chairperson, of their duly authorized representatives.

EFFECTIVE DATE:

IN TESTIMONY WHEREOF, the parties have duly executed this Agreement by their duly authorized officers.

ONEIDA TRIBE OF INDIANS OF WISCONSIN

Date: 8/8/04

BY: *Cristina Danforth*
Cristina Danforth, Tribal Chairwoman

VILLAGE OF ASHWAUBENON

Date: 6-8-04

BY: *Norbert DeCleene*
Norbert DeCleene, Village President

Date: 6-8-04

BY: *Charlotte E. Nelson*
Charlotte E. Nelson, Village Clerk