

RESOLUTION NO. 1120

RESOLUTION OPPOSING SECOND APPLICATION TO PLACE
LOT 282, LAKE MONTEZUMA HILLS, INTO
TRUST

WHEREAS, the following described parcel of property is located in the unincorporated area of Yavapai County, is subject to the provisions and regulations of the Yavapai County Planning & Building Ordinance, and is owned by the Yavapai-Apache Nation, to wit:

LOT 282, Lake Montezuma Hills Subdivision
(Parcel 405-01-307) as recorded in Book
12, Page 95 of Maps and Plats in the Office
of the Yavapai County Recorder.

WHEREAS, the above parcel is located in a R1 use district which restricts use and development to single family residential dwellings, and accessory uses and structures in conjunction with the principal, residential use; and

WHEREAS, the character and development of the Lake Montezuma Hills area surrounding the above parcel is residential, and commercial uses and activities are incompatible with area growth and development, do not promote stable values of land, and such uses and activities are contrary to the community plan for said area, and

WHEREAS, since February of 1996, the lessees of the the Apache Kid Smoke Shop have developed and utilized Lot 282 in a way which has allowed for commercial activity incidental to business at the Smoke Shop, including parking and parking spaces, loading and unloading, a circulation lane for drive up business activity, directional signs for drive up use, and coming and going business at the Apache Kid Smoke Shop.

WHEREAS, said uses and activities have been allowed by the Nation and conducted by the lessees without approval or authorization of the County, County Planning & Building regulations, and in clear violation of three (3) court orders issued in connection with said use and attached as Exhibits "A" and "B."

WHEREAS, as indicated by letter from the BIA attached as Exhibit "C," the Nation has applied to have the above land placed into trust only after two (2) years of litigation and numerous court hearings to compel the Smoke Shop and the Nation to comply with planning & building regulations relating to the parcel, and protect and preserve the the parcel compatible with its residential character, and the character of the community surrounding the parcel, and

WHEREAS, it clearly appears from the attached court orders that the County does not desire to disturb historic access to the reservation but does desire to regulate the use and

development of Lot 282 for purposes other than the residential purposes for which it is zoned, and that the tribal trust land acquisition proposal will disserve the interests of the County and the Lake Montezuma community, and be contrary to zoning regulation and residential neighborhood development in the Lake Montezuma area,

NOW, THEREFORE, IT IS RESOLVED by the Yavapai County Board of Supervisors to oppose and object to the application of the Yavapai-Apache Nation to place Lot 282, Lake Montezuma Hills, into tribal trust status, and to appeal any notice of intention to place the above property into trust status.

IT IS FURTHER RESOLVED that a certified copy of this resolution shall be mailed in conjunction with any appeal to the following persons or entities:

Wayne Nordwell
Area Director
Branch of Real Estate Services
United States Department of Interior
Bureau of Indian Affairs
Phoenix Area Office
Box 10
Phoenix, Arizona 85001

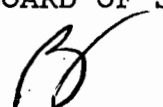
Interior Board of Indian Appeals (IBIA)
U.S. Department of Interior
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, Virginia 22203

Assistant Secretary-Indian Affairs
U.S. Department of the Interior
4140 MIB
1849 C. Street N.W.
Washington, D.C. 20240

Chairman David Kwail
Yavapai - Apache Nation

DATED, PASSED AND EFFECTIVE this 18th day of May, 1998.

YAVAPAI COUNTY BOARD OF SUPERVISORS

By 
CHAIRMAN

ATTESTED:


Bev Staddon
Clerk
Yavapai County Board of
Supervisors