



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

Oneida Tribe of Indians of Wisconsin, Inc.



UGWA DEHOLUH 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.

De Pere
Route 4



Wisconsin
54115

7:12 P.M.

RESOLUTION NO. ADOPTED 5-10-79

Whereas: The Water & Sewage Department acting in behalf of the City of Green Bay have made application for a right-of-way to Great Lakes Agency, Bureau of Indian Affairs, Ashland, Wisconsin, for the purpose of placing buried sewer pipes on the following described lands of the Oneida Tribe of Indians of Wisconsin:

"That part of Lot 25, Section 19, Township 24 North, Range 20 East City of Green Bay, Brown County, Wisconsin, being more particularly described as follows:

Commencing at the South ¼ corner of said Section 19 and running thence N 02°-37'-48" W along the west line of said Lot 25 298.0 feet to the point of beginning; thence N 32°-45'-18" E 806.32 feet to the north line of said Lot 25; thence Westerly along said north line of Lot 25 to the East water line of the Duck Creek River; thence Southwesterly along said East water line to said west line of Lot 25; thence S 02°-37'-48" E along said west line to the point of beginning. EXCEPT therefrom the North 35.00 feet thereof previously dedicated for sewer purposes.

Whereas: The applicant and the Oneida Tribe have agreed on a number of provision that are document in the formal application for right-of-way, and

Whereas: Said applicant has offered said tribe the sum of \$60,000 dollars for right-of-way, and

NOW THEREFORE BE IT RESOLVED, that the Oneida Tribe of Indians hereby grants to the applicant the right-of-way request, subject to the provision in the formal application for right-of-way.

BE IT FURTHER RESOLVED, that the Chairman and secretary of the Oneida Business Committee are authorized to execute the right-of-way in behalf of the Oneida Tribe.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of _____ members of whom _____ members, constituting a quorum, were present at a meeting duly called, noticed, and held on the ____ day of _____, 19____; that the foregoing resolution was duly adopted at such meeting by a vote of _____ members for, _____ members against; _____ members not voting; and that said resolution has not been rescinded or amended in any way.

Secretary, Oneida Business Committee

FORMAL APPLICATION FOR RIGHT-OF-WAY

Date May 4, 1979

Superintendent
Great Lakes Agency
Ashland, Wisconsin 54806

Application for right-of-way for sanitary sewer purposes affecting restricted land of the Oneida Nation, State of Wisconsin, described as set forth in attachment marked Exhibit "A". Approximate distance of the right-of-way will be as shown and will not exceed a width as shown.

Sir:

The City of Green Bay, Wisconsin, a municipal corporation, duly organized and existing by virtue of the laws of the State of Wisconsin, and having its principal place of business at 100 North Jefferson Street, Green Bay, Wisconsin 54301, hereby applies for a right-of-way to the Bureau of Indian Affairs over and across the above-described restricted land located within the Oneida Reservation, Brown County, Wisconsin. The exact location of such right-of-way will be shown on a map of definite location drawn on linen tracing with four (4) reproductions thereof and forwarded upon receiving consent of the land owners and completion of the survey.

This Application is made under the Act of February 5, 1948 (62 stat. 17) (25 USC 323) (22 FR 248) and pursuant to regulations of the Department of Interior contained in Title 25, Code of Federal Regulations, Part 161, Rights-of-Way.

The application herein named stipulates and agrees in the event the subject right-of-way is granted:

- (a) To construct and maintain the right-of-way in a workmanlike manner.
- (b) To pay promptly all damages and compensation, in addition to the deposit made pursuant to 161.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land on account of the survey, granting, construction and maintenance of the right-of-way. However, it is expressly understood and agreed by and between the City of Green Bay and the Oneida Nation that the \$60,000 deposit contemplated herein

is in payment for the right to enter such right-of-way and construct the public improvements set forth above and that, since the Oneida Nation shall be cutting and removing the trees or timber within said right-of-way, the City shall not be responsible for any additional damages or compensation except in those cases where trees or timber are removed without first providing the Oneida Nation a reasonable opportunity to remove, or in any case where trees or timber are removed by agents of the City from outside the right-of-way granted herein.

- (c) To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the land by the applicant, his employees, contractors, and their employees, or subcontractors and their employees.
- (d) To restore the lands as nearly as may be possible to their original condition upon the completion of construction to the extent compatible with the purpose for which the right-of-way was granted, except that the City shall not be responsible for restoration of the trees or timber removed in accordance with the provisions set forth above.
- (e) To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project.
- (f) To take soil and resource conservation and protection measures, including weed control, on the land covered by the right-of-way.
- (g) To do everything reasonably within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.
- (h) To build and repair such roads, fences, and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or now operated under the right-of-way.
- (i) That upon revocation or termination of the right-of-way, the applicant shall, so far as is reasonably possible, restore the land to its original condition.
- (j) To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and of the names and addresses of its principal officers.

- (k) That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.
- (l) That, as additional consideration for said right-of-way, the applicant, City of Green Bay, shall defer payment of special assessments previously levied against property owned by the United States of America in trust for the Oneida Tribe of Indians, identified as Parcel 6-H-1035, in the following amounts: Special assessments levied for improvements of Indian Hill Drive in the amount of \$2,946.55; special assessments levied for improvements of Country Club Road in the amount of \$6,186.25; plus an additional amount levied for 12 sanitary sewer connections in the amount of \$1,401.25. These special assessments previously levied shall be deferred indefinitely until the abutting property, described above, utilizes the public improvements, and at such time the same shall become due and payable in accordance with City assessment policy. No special assessments will be levied against abutting property for installation of this project.
- (m) It is hereby acknowledged and understood by and between the United States of America, the Oneida Nation, and the City of Green Bay that the consideration, also referred to as a deposit herein, negotiated for the purchase of this right-of-way exceeds the actual market value of the taking of the property in question. The amount of \$60,000 is tendered in recognition of the unique status of this property pursuant to 28 USC, Section 1360 (a) and (b), and 25 CFR, Section 1.4 (a), which limit the municipality in its exercise of eminent domain against tribal property. It is further acknowledged and understood that, but for the status of the property in question as "tribal property", the fair market value of this easement would be in the amount of \$7,070.

Witnesses:

/s/ Richard J. Dietz
Richard J. Dietz
P. O. 300 City Hall
Green Bay, WI 54301

/s/ Susan M. Koerner
Susan M. Koerner
P. O. 300 City Hall
Green Bay, WI 54301

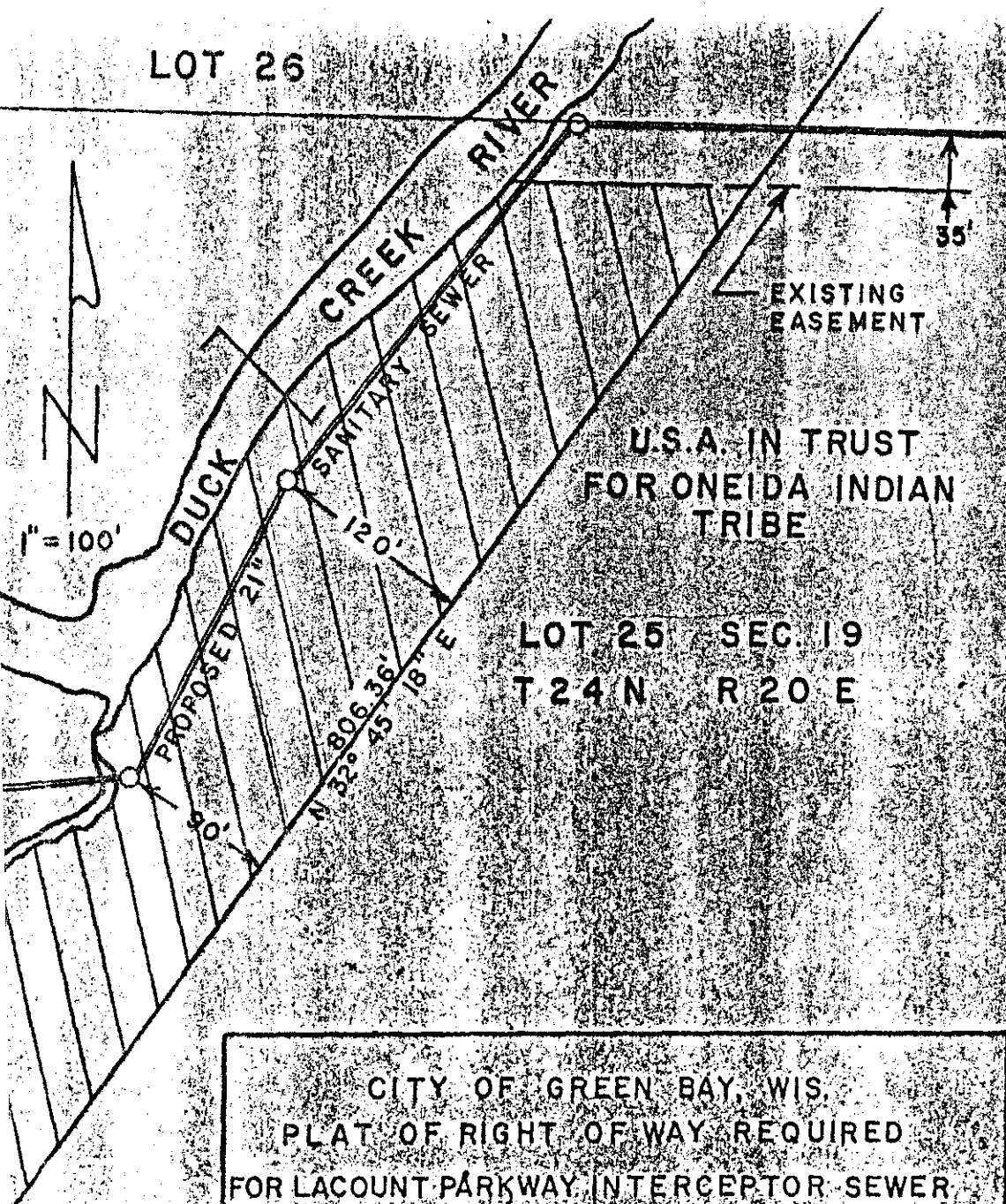
/s/ Clyde S. Crabb
Clyde S. Crabb
Director of Public Works

EXHIBIT "A"

That part of Lot 25, Section 19, Township 24 North, Range 20 East, City of Green Bay, Brown County, Wisconsin, being more particularly described as follows:

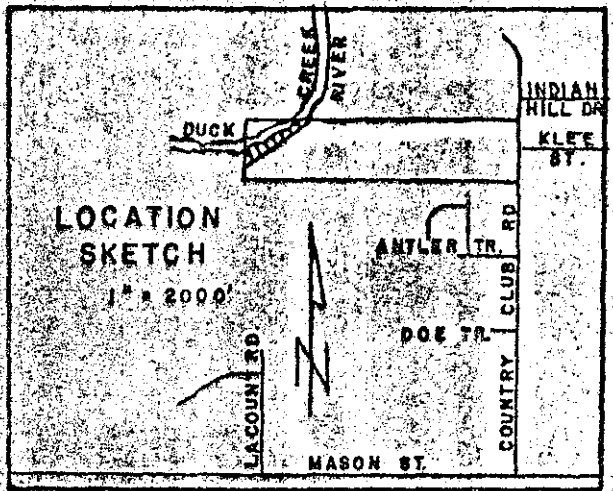
Commencing at the South 1/4 corner of said Section 19 and running thence N 02°-37'-48" W along the west line of said Lot 25 298.0 feet to the point of beginning; thence N 32°-45'-18" E 806.32 feet to the north line of said Lot 25; thence Westerly along said north line of Lot 25 to the East water line of the Duck Creek River; thence Southwesterly along said East water line to said west line of Lot 25; thence S 02°-37'-48" E along said west line to the point of beginning. EXCEPT therefrom the North 35.00 feet thereof previously dedicated for sewer purposes.

LOT 26



U.S.A. IN TRUST
FOR ONEIDA INDIAN
TRIBE

LOT 25 SEC. 19
T 24 N R 20 E

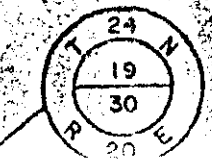


CITY OF GREEN BAY, WIS.
PLAT OF RIGHT OF WAY REQUIRED
FOR LACOUNT PARKWAY INTERCEPTOR SEWER
DATE MARCH 21, 1978 1" = 100'

OWNER	INTEREST REQUIRED	SQ. FT.	ACRES
U.S.A. IN TRUST FOR ONEIDA TRIBE	EASEMENT	83,010	1.91

I hereby certify that this map accurately portrays the right of way requested by the City of Green Bay from the Oneida Tribe of Indians of Wisconsin.

Clyde S. Crabb
Clyde S. Crabb
Director of Public Works



ENVIRONMENTAL IMPACT STATEMENT FOR THE
LA COUNT PARKWAY INTERCEPTOR SEWER

This report is presented to provide information in regard to the proposed installation of a sanitary sewer interceptor within an area owned by the U.S.A. in trust for the Oneida Tribe of Indians in the City of Green Bay and presents the various necessary environmental considerations studied and weighed.

The proposed project is located along the Duck Creek River on the far northwest side of the City of Green Bay. The purpose of this project is to provide sanitary sewer service to approximately 1,000 acres, including Tribal lands, on the northwest side of Green Bay. The project will consist of installing a 21-inch reinforced concrete sewer pipe and necessary appurtenances.

ENVIRONMENTAL:

The environment as it presently exists is undeveloped and in its natural state. It is lightly wooded with mixed hardwoods, some of which are dead elms and scattered hemlocks. In addition, a dense cover of tag alders and other bushy growth exists. The Duck Creek River runs along the project area and its water level varies with the seasons.

There will be little, if any, adverse impact on the environment due to proposed project, except for the temporary noise and air pollution which will be emitted from construction machinery. Any temporary impact will restore itself after the project is completed.

However, a benefit to the environment will result from the proposed project by making sewer service available to each lot. This will prevent subdividing into large parcels and construction of private septic tank systems, which would otherwise pollute.

APPEARANCE:

The underground installation of sewer is not detrimental to the aesthetics of the area. The trench area, which will be cleared of foliage during construction, will be seeded after construction. The surrounding vegetation, which is brushy in nature, will also quickly restore itself. Manholes will be unobtrusive as they will be installed flush. The only exception will be one manhole which will be two feet above the ground and bermed to prevent flooding.

ECONOMIC:

Installation of the sanitary sewer across lands owned by the U.S.A. in trust for the Oneida Tribe of Indians will be an economic benefit to the Tribe in terms of increased land values and developability of the property. Likewise, it will allow development of a sizeable portion of the City and the increased property values will help broaden the City's tax base. Sewer construction and subsequent housing construction will also provide many jobs.

SERVICE RELIABILITY:

Underground sewers have proven to be virtually maintenance free where continuous gravity flow is provided. Current accepted construction standards will be followed in the construction of this project.

RIGHT-OF-WAY:

Right-of-way for an easement for sewer and conservancy purposes is required across and owned by the U.S.A. in trust for the Oneida Tribe of Indians. This easement covers approximately 2.02 acres and is required for construction of a gravity sanitary interceptor sewer and for conservancy purposes to maintain adequate drainage of surface water for all time.