

RESOLUTION NUMBER 2015- 3
CHEROKEE COUNTY

WHEREAS, On February 6, 2012, the Office of Chief Counsel of the State of Kansas received notice from the United States Department of the Interior Bureau of Indian Affairs, Miami Agency (“Bureau”) of the (non-gaming) land acquisition application of the Quapaw Tribe of Indians, Oklahoma;

WHEREAS, the fee-to-trust acquisition request the Tribe submitted to the Bureau was for approximately 123.79 acres located in Cherokee County, Kansas consisting of Lot 8 in Section 12 and Lots 4, 5, and 6 in Section 13, Township 35 South, Range 25 East of the Sixth Principal Meridian, Cherokee County, Kansas, according to the 2010 BLM re-survey;

WHEREAS, Section 12 was used primarily for agricultural use and a parking lot existed on Section 13 of the subject land;

WHEREAS, On March 5, 2012, Mr. Stephen Phillips, Assistant Attorney General, State of Kansas, Office of the Attorney General, objected to the acquisition primarily based on the concern the property would be used for expanded gaming operations;

WHEREAS, On March 7, 2012, Mr. Kevin Cure, Attorney at Law, on behalf of the Board of County Commissioners of Cherokee County, Kansas, concurred with the State’s objections;

WHEREAS, the Tribe’s application stated there was to be no change in land use for the subject property (i.e., the use of the subject land was and would continue to be non-gaming);

WHEREAS, On April 16, 2012, Mr. Cure withdrew the prior letter of opposition;

WHEREAS, the withdrawal of opposition was based entirely upon the representation and assurance that the subject land was not and would never in the future be used for gaming; and rescinded the Commissioners’ opposition;

WHEREAS, On June 8, 2012, the Bureau approved the Tribe’s acquisition of the property in trust because, among other reasons, the property was to be used for a purpose not in conflict with existing land use;

WHEREAS, the Commissioners’ withdrawal of objection to the acquisition was based solely and explicitly on assurances the land would not be used for gaming purposes;

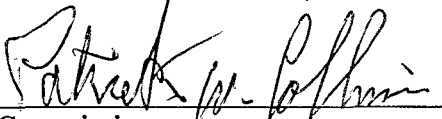
WHEREAS, the Tribe sought a legal opinion from the National Indian Gaming Commission (“NIGC”) regarding whether Section 13 qualified for gaming under the Indian Gaming Regulatory Act (“IGRA”), 25 U.S.C. § 2719(a)(2)(B); and,

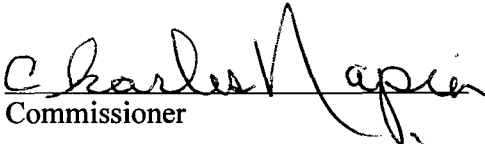
WHEREAS, on November 21, 2014, the NIGC opined that Section 13 is eligible for gaming under the last recognized reservation exception of the IGRA.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF CHEROKEE COUNTY THAT:

1. The governing body disagrees with the NGIC opinion that any portion of the land in Cherokee County, Kansas is eligible for gaming under IGRA;
2. The governing body requests the Attorney General of the State of Kansas take action opposing any effort of the Tribe to pursue gaming in Cherokee County, Kansas.

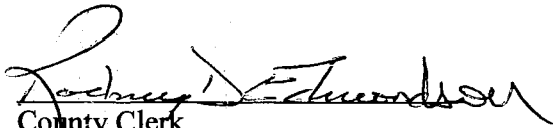
**ADOPTED BY THE GOVERNING BODY OF CHEROKEE COUNTY, KANSAS
FEBRUARY 9, 2015.**


Commissioner


Commissioner


Commissioner

ATTEST:


County Clerk