



MILLE LACS BAND OF CHIPPEWA INDIANS

Legislative Branch of Tribal Government

RESOLUTION 06-02+13+95

A RESOLUTION RATIFYING CERTAIN AMENDMENTS TO AGREEMENTS BETWEEN THE CORPORATE COMMISSION OF THE MILLE LACS BAND OF CHIPPEWA INDIANS AND THE MILLE LACS BAND OF CHIPPEWA INDIANS, THE CORPORATE COMMISSION AND THE PEOPLES BANK OF COMMERCE AND NATIONS BANK OF VIRGINIA, N.A., INCLUDING THE BUSINESS LEASE AGREEMENT AND TWO LEASEHOLD MORTGAGES AT GRAND CASINO HINCKLEY AND APPROVAL OF THE RECIPROCAL EASEMENT AGREEMENT BETWEEN THE CORPORATE COMMISSION AND GRAND CASINOS, INC.

- WHEREAS, pursuant to Band Statute 1202 MLC-16 Sub. Sec. 5.04 (b) The Corporate Commission of the Mille Lacs Band of Chippewa Indians (the "Commission") is empowered to enter into contractual agreements for purpose of improving the economy of the Reservation; and,
- WHEREAS, the Commission entered into that certain Reciprocal Easement Agreement effective as of May 1, 1994 (the "Reciprocal Easement Agreement") with Grand Casino Inc. creating certain easements for the benefit of the Commission on land owned by Grand Casinos, Inc. adjacent to the Grand Casino Hinckley and burdening the Commission's leasehold interest with respect to a certain drainage easement created for the benefit of Grand Casinos, Inc.; and,
- WHEREAS, the Commission and the Band have entered into a Second Amendment to the Lease as of May 1, 1994 for the purpose of including the terms and conditions of the Reciprocal Easement Agreement into the description of the Property subject to the business Lease Agreement; and,
- WHEREAS, the commission has undertaken to amend the legal descriptions of the encumbered property described in two Leasehold mortgages previously granted by the Commission to the People Bank of Commerce and Nations Bank of Virginia, N.A., as trustee, with respect to its leasehold interest at Grand Casino Hinckley, to include therein the terms and conditions of the Reciprocal Easement Agreement; and,
- WHEREAS, the Band Assembly desires to ratify and confirm the terms and conditions of the Reciprocal Easement Agreement, and the other agreements described herein.

NOW, THEREFORE, BE IT RESOLVED, that the Band Assembly, pursuant to Band Statute 1142-MLC-2, Section 5.05 ratifies and approves the Second Amendment to the Business Leasehold mortgages in favor of Peoples Bank of Commerce and Nations Bank of Virginia, N.A., as trustee, subject to the approval, if any, required by the Department of the Interior, Bureau of Indian Affairs, United States of America; and ratifies and confirms the terms of the Reciprocal Easement Agreement.

BE IT FURTHER RESOLVED, that Doug Twait, as the Commissioner of corporate Affairs, is hereby authorized and directed execute and deliver the above-referenced documents and such other documents and take such other actions as may be necessary and appropriate to carry out the foregoing resolution, the acceptability and approval of said documents by the Commission to be conclusively evidenced by the execution of such documents by Doug Twait, as the Commissioner of Corporate Affairs..

BE IT FURTHER RESOLVED, the Commission's obligations under the above-referenced documents shall be limited obligations of the Commission payable solely from revenues or properties as defined in the Leasehold Mortgages referenced above and shall not constitute credit or the general credit or taxing powers of the Band.

BE IT FURTHER RESOLVED, the Commission hereby expressly waives its sovereign immunity from suit should an action be commenced on the above-referenced documents but only in the limited manner expressly set fourth in such documents; provided that this waiver and consent is not, and shall not be deemed to be a waiver of the sovereign immunity of the Band or a consent by the Commission to the levy of any judgment, lien or income of the Commission other than as expressly required by the terms of such documents. This waiver:

(i) is granted solely to the parties designed in such documents and their assignees, to the extent that assignment is allowed by the above-reference documents;

(i) shall extend only to suit to enforce the obligations of the Commission pursuant to the above referenced documents;

(iii) shall be enforceable solely against the revenues or the collateral described in such documents, to the extent of the Commission's interest therein;

(iv) shall be enforceable only in a court of competent jurisdiction and only to the extent the Commission has consented to the jurisdiction of such court, and

(v) the governing law shall be as set forth in the above referenced documents.

BE IT FURTHER AND FINALLY RESOLVED, that the above-referenced documents are all forwarded to the Bureau of Indian Affairs (BIA) requesting their expeditious approval, as appropriate.

IT IS HEREBY CERTIFIED, that the foregoing resolution was duly concurred with and adopted at a special session of the Band Assembly in Legislative Council assembly, a quorum of legislators being present held on the 27th day of October, 1994 at Vineland, Minnesota by a vote of 3 FOR, 0 AGAINST, 0 SILENT.

IN WITNESS WHEREOF, the Band Assembly has caused the signature of the Speaker of Assembly to be affixed to this resolution.



David G. Matrious, Speaker of Band Assembly

IN CONCURRENCE, with the action of the Speaker of the Assembly, we the Administrative Policy Board cause to have of the Chief Executive to this resolution.



Marge Anderson, Chief Executive