



**THE MILLE LACS BAND OF
OJIBWE INDIANS**

Legislative Branch of Tribal Government

RESOLUTION 09-04-104-01

**A RESOLUTION MODIFYING RESOLUTION # 09-03-71-01
AUTHORIZING A BUSINESS LEASE TO ML WASTEWATER
MANAGEMENT, INC.**

- WHEREAS, the Mille Lacs Band Assembly is the duly-elected governing body of the Mille Lacs Band of Ojibwe, a federally-recognized Indian Tribe; and,
- WHEREAS, tribal leases are required for the purposes of a homesite, agricultural and seasonal recreational residence, any commercial activity or acquiring financing for a home on all tribal lands of the Mille Lacs Reservation, and;
- WHEREAS, a business lease is requested by ML Wastewater, Inc., a non-profit organization, and wholly owned subsidiary of the Corporate Commission and the Mille Lacs Band,
- WHEREAS, the subject lease is requested for the purpose of construction and operation of a wastewater treatment facility to be located on the property described herein; and,
- WHEREAS, the term of the lease was for 5 years and renewable for an additional 5 years subject to lease provisions, effective upon date of approval; and
- WHEREAS, ML Wastewater, Inc., is requesting the lease for a period of 25 years and renewable for an additional 25 years subject to the lease provisions, effective upon date of approval; and,
- WHEREAS, the subject property is a part of Tract # 410 TF 95, also known as the Keller property, and;
- WHEREAS, said land is described as follows:
- Tract # 410 TF 95, described as the East ½ one-half (E½) of the Southwest one-quarter (SW¼), and the Northwest one-quarter (NW¼) of the Southwest one-quarter (SW¼), Section Thirty (30), Township Forty-three (43) North, Range Twenty-seven (27) West, Fourth Principal Meridian, Mille Lacs County, Minnesota, approximately 136.56 acres, EXCLUDING therefrom a parcel as shown on Exhibit A of this Resolution.
- WHEREAS, the annual business lease rental fee should reflect 10% of the estimated Fair Market Value (FMV) or an Appraisal completed by a certified appraiser, less the improvements, and the business lease rental fee should be renegotiated to include

DISTRICT I

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(320) 532-4181 • Fax (320) 532-4209

DISTRICT II

Route 2 • Box 58 • McGregor, MN 55760
(218) 768-3311 • Fax (218) 768-3903

DISTRICT III

Route 2 • Box 233-N • Sandstone, MN 55072
(320) 384-6240 • Fax (320) 384-6190

the improvements after the first 25 year term, and there is a lease processing fee;
and,

WHEREAS, any real estate taxes due on the property described herein are the responsibility of ML Wastewater Management Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Mille Lacs Band Assembly hereby authorizes a business lease to be issued to ML Wastewater, Inc. for the purpose of constructing and operating a wastewater treatment facility, on the property as described herein, for a period of 25 years and renewable for an additional 25 years; and

BE IT FURTHER RESOLVED, that ML Wastewater, Inc. will be responsible for payment of all real estate taxes on the property described herein. All other terms and conditions shall remain the same, effective upon date of approval; and,

BE IT FURTHER RESOLVED, that the lessee will utilize the land in conformity with the provisions of the lease within twelve (12) months of the effective date of the lease, and if all terms of the lease are not met, the land will revert back to the Mille Lacs Band of Ojibwe; and,

BE IT FURTHER AND FINALLY RESOLVED, that this lease shall be null and void should the lessee abandon or vacate the above-described property for more than thirty (30) consecutive days after the 1st year anniversary of the effective date of the lease without the prior approval of the Band Assembly; and,

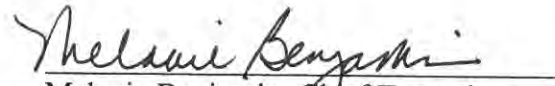
WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a regular session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present held on the 15th of August, 2001 at Hinckley, Minnesota by a vote of 3 FOR, 0 AGAINST, 0 SILENT.

IN WITNESS WHEREOF, we, the Band Assembly hereunto cause to have set the signature of the Speaker of the Assembly to be affixed to this resolution and forwarded to the Chief Executive for Concurrence.


Herb Weyaus, Speaker of the Assembly

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IN CONCURRENCE, with the action of the Speaker of the Assembly, I, set my hand to this resolution.


Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND