



**THE MILLE LACS BAND OF  
OJIBWE INDIANS**

*Legislative Branch of Tribal Government*

**RESOLUTION 09-04-03-02**

**A RESOLUTION AUTHORIZING A UTILITY EASEMENT FOR ML  
WASTEWATER INC. IN MILLE LACS COUNTY, MINNESOTA**

- 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, ML Wastewater Inc., a non-profit organization and wholly owned subsidiary of the Corporate Commission and the Mille Lacs Band, respectfully requests a utility easement affecting tracts of Band owned fee simple lands for construction and maintenance of sanitary sewer systems, proposed in construction plans for the ML Wastewater Treatment Facility; and
- WHEREAS, a limited utility easement is to be authorized for ML Wastewater Inc., for the aforementioned purposes only; and
- WHEREAS, appraisal and consideration for the limited easement is to be waived, and said easement is to be issued for a period of 25 years, with an option to renew for an additional 25 years, subject to the terms of the Easement Agreement, effective upon date of approval, for the property described herein; and
- WHEREAS, said lands affected are two (2) 100' x 200' sections whose legal descriptions are as follows:

A part of Tract # 410 TF 53, located in the South one-half (S ½) of the Southwest one-quarter (SW ¼) of Section Twenty (20), Township Forty-three North (T43N), Range Twenty-seven West (R27W), Fourth Principal Meridian, Mille Lacs County, Minnesota described as follows;

Commencing at the southwest corner of said South Half of the Southwest one-quarter of Section 20; thence on an assumed bearing of North 01 degrees 23 minutes 39 seconds West, along the west line of said South Half of the Southwest Quarter, a distance of 853.61 feet to the intersection with the easterly right of way line of County Highway No. 25; thence northeasterly for a distance of 56.88 feet along said right of way line and along a 256.88 foot long non-tangential curve concave to the west to the point of beginning, said curve has a central angle of 12 degrees 01 minutes 00 seconds, a radius of 1224.78 feet and the chord of said curve bears North 09 degrees 01 minutes 32 seconds East; thence continuing along said right of way line and along said curve a distance of 200.00 feet; thence South 86 degrees 58 minutes 58 seconds East, along the easterly extension of a line radial to said curve, a distance of 100.00 feet; thence southwesterly along a non-tangential

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curve concave to the west and parallel with said right of way line for a distance of 216.32 feet, said curve has a central angle of 09 degrees 21 minutes 21 seconds, a radius of 1324.78 feet and the chord of said curve bears South 07 degrees 41 minutes 42 seconds West; thence North 77 degrees 37 minutes 37 seconds West, radial to said curves, a distance of 100.00 feet to said right of way line and the point of beginning,

And a part of Tract 410 TF 72, located in the South 400 feet of the Northeast one-quarter of the Southeast one-quarter of Section eighteen (18), Township Forty-three North (T43N), Range Twenty-seven west (R27W), Fourth Principal Meridian, Mille Lacs County, Minnesota described as follows:

Commencing at the southeast corner of said Northeast one-quarter of the Southeast one-quarter; thence on an assumed bearing of North 00 degrees 01 minutes 29 seconds West, along the east line of said northeast one-quarter of the southeast one-quarter, a distance of 161.48 feet; thence north 89 degrees 36 minutes 28 seconds West a distance of 50.00 feet to the west right of way line of County Highway No. 25; thence continuing North 89 degrees 36 minutes 28 seconds West a distance of 100.00 feet; thence North 00 degrees 01 minutes 29 seconds West, parallel with said east line of the Southeast Quarter, a distance of 200.00 feet; thence South 89 degrees 36 minutes 28 seconds East a distance of 100.00 feet to said west right of way line; thence South 00 degrees 01 minutes 29 seconds East, parallel with said east line of the Southeast one-quarter and along said right of way line, a distance of 200.00 feet to the point of beginning.

NOW, THEREFORE, BE IT RESOLVED, that the Mille Lacs Band Assembly hereby authorizes a limited utility easement to ML Wastewater Inc., for the construction and maintenance of sanitary sewer systems, as proposed in the construction plans for the ML Wastewater Inc. Treatment Facility, on the above described properties, appraisal and consideration for said limited utility easement is hereby waived, and the easement is issued for a period of 25 years, with an option to renew for an additional 25 years, for the property described herein; and

BE IT FURTHER RESOLVED, that ML Wastewater Inc. will utilize the land in conformity with the provisions of the utility Easement Agreement during the term assigned herein and said lands will automatically revert to the Mille Lacs Band of Ojibwe upon the following conditions: (1) end of the term of the utility Easement Agreement; (2) non-conformance by ML Wastewater Inc. to the terms of the Easement Agreement; (3) nonuse of the easement for a consecutive two (2) year period for the permitted purpose set forth above; and (4) abandonment of the easement; and

BE IT FURTHER AND FINALLY RESOLVED, that the Easement Agreement shall become null and void should any of the aforementioned conditions occur and the subject property shall automatically revert to the Mille Lacs Band of Ojibwe.

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 8<sup>th</sup> of January, 2002 at Vineland, 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.

  
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Herb, Weyaus, Speaker of the Assembly

**OFFICIAL SEAL OF THE BAND**