



THE MILLE LACS BAND OF OJIBWE INDIANS

Legislative Branch of Tribal Government

RESOLUTION 11-01-39-04

A RESOLUTION AUTHORIZING A REALIGNMENT OF COUNTY STATE AID HIGHWAY 15 (C.S.A.H. 15) WHICH CONSISTS OF CONSTRUCTING OF A NEW PORTION OF C.S.A.H. 15 LOCATED ON MILLE LACS BAND TRACT #'S 410TF115 AND 410TFC214 WITHIN A SPECIFIED RIGHT OF WAY IN EXCHANGE FOR PINE COUNTY VACATING A PORTION OF THE EXISTING RIGHT OF WAY FOR C.S.A.H. 15 LOCATED ON TRACT #'S 410T1016, 410TF115 AND 410TFC214 ALL LOCATED WITHIN PINE 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, the Corporate Commission will develop and construct a right-of way located on Mille Lacs Band of Ojibwe Indian Fee land which when completed will be conveyed to Pine County Highway Department in exchange for vacating the portion of C.S.A.H.15 which currently exists on Mille Lacs Band of Ojibwe Trust and Fee Lands; and,
- WHEREAS, Pine County Highway Department will be kept informed by the Corporate Commission regarding the construction of the realignment of C.S.A.H. 15 to ensure the construction of the road is in compliance with Pine County engineering requirements; and,
- WHEREAS, the Right-of-Way described below for the realignment of C.S.A.H. 15, will be conveyed to Pine County by the Band upon completion in exchange for the vacating over, under and across the existing Right-of-Way listed below; and,
- WHEREAS, Pine County will receive a right-of-way for the realignment of C.S.A.H 15 authorized for road purposes only and consideration and appraisal for the right-of-way is waived since this project will remove the existing C.S.A.H. 15 from Trust land, and it is issued in perpetuity, subject to the terms of the right-of-way agreement, effective upon date of approval, for the property described herein; and,
- WHEREAS, the existing Right-of-Way to be vacated over, under and across is described as affecting the following tracts:

A part of Tract # 410 T 1016 described as the west one-half (W ½) of the Northwest one-quarter (NW ¼) of the Northeast one-quarter (NE ¼) of Section Twenty-nine (29), Township Forty-one North (T41N), Range Twenty West (R20W); and,

A part of Tract # 410 TF 115 described as the North Sixty (60) acres of the South one-half (S ½) of the Northeast one-quarter (NE ¼) and the South one-half (S ½) of the Northeast one-quarter (NE ¼) of Section Twenty-nine (29), Township Forty-one North (T41N), Range Twenty West (R20W) less the following described parcel:

Commencing at the Northwest (NW) corner of the said South one-half (S ½) of the Northeast one-quarter (NE ¼); thence south over and along the West boundary line of said South one-half (S ½) of the Northeast one-quarter (NE ¼) a distance of 400 feet; thence East and parallel to the North boundary line of said South one-half (S ½) of the Northeast one-quarter (NE ¼) a distance 1090 feet; thence North and parallel to the West boundary line of said South one-half (S ½) of the Northeast one-quarter (NE ¼) a distance of 400 feet to the North boundary line of said South one-half (S ½) of the Northeast one-quarter (NE ¼); thence West over and along the North boundary line of said South one-half (S ½) of the Northeast one-quarter (NE ¼) a distance of 1090 feet to the point of beginning;

AND

The South one-half (S ½) of the Northeast one-quarter (NE ¼) of Section Twenty-nine (29), Township Forty-one North (T41N), Range Twenty West (R20W) lying south of the North 60 acres thereof; and,

A part of Tract # 410 TFC 214 described as that part of the North Sixty acres of the South one-half (S ½) of the Northeast one-quarter (NE ¼) of Section Twenty-nine (29), Township Forty-one North (T41N) Range Twenty West (R20W) described as follows:

Commencing at the Northwest (NW) corner of the said South one-half (S ½) of the Northeast one-quarter (NE ¼); thence south over and along the West boundary line of said South one-half (S ½) of the Northeast one-quarter (NE ¼) a distance of 400 feet; thence East and parallel to the North boundary line of said South one-half (S ½) of the Northeast one-quarter (NE ¼) a distance 1090 feet; thence North and parallel to the West boundary line of said South one-half (S ½) of the Northeast one-quarter (NE ¼) a distance of 400 feet to the North boundary line of said South one-half (S ½) of the Northeast one-quarter (NE ¼); thence West over and along the North boundary line of said South one-half (S ½) of the Northeast one-quarter (NE ¼) a distance of 1090 feet to the point of beginning;

AND

All that part of the Southeast one-quarter (SE ¼) of the Northwest one-quarter (NW ¼) of Section Twenty-nine (29), Township Forty-one North (T41N), Range Twenty West (R20W).

All tracts are located in the 4th Principal Meridian, Pine County, Minnesota; and,

WHEREAS, the Existing roadway easement to be vacated lies within a strip of land 100 feet in width centered on the following described centerline of C.S.A.H. 15, hereinafter called Line "A" and is described as follows:

Beginning at the South Quarter corner of Section 29, Township 41, Range 20, Pine County, Minnesota; thence assuming that the line between the South Quarter corner and

the North Quarter corner of said Section 29 bears due north, North 00 degrees 16 minutes 15 seconds West a distance of 2934.16 feet; thence northeasterly along a curve concave to the southeast with a delta of 32 degrees 23 minutes 01 seconds, a radius of 1146.00 feet and a length of 647.72 feet; thence North 32 degrees 06 minutes 46 seconds East a distance of 495.79 feet; thence northerly along a curve concave to the northwest with a delta of 32 degrees 07 minutes 42 seconds, a radius of 1146.00 feet and a length of 642.62 feet; thence North 0 degrees 00 minutes 56 seconds West a distance of 700.00 feet to a point on the north line of the Northeast Quarter of said Section 29 and there terminating, said point lying 600.36 feet easterly of the North Quarter corner of said Section 29.

AND

Which lies within strip of land 66 feet in width centered on the following described road centerline, hereinafter called Line "B" and described as follows:

Beginning at a point on Line "A" described above, 3581.88 feet northerly of its point of beginning, proceeding perpendicular to said Line "A" to the northwest a distance of 98.63 feet; thence northerly along a curve concave to the northeast with a delta of 57 degrees 01 minutes 36 seconds, a radius of 200.00 feet and a length of 199.06 feet and there terminating.

Excepting therefrom the existing highway right-of-way. Refer to Document filed December 14, 1991.

WHEREAS, the Right-of-Way to be conveyed to Pine County is a proposed 100 foot wide C.S.A.H. 15 Realignment over, under and across affecting the following tracts:

A part of Tract # 410 TF 115 described as the North Sixty (60) acres of the South one-half of the Northeast one-quarter and the South Half of the Northeast quarter of Section Twenty-nine (29), Township Forty-one North (T41N), Range Twenty West (R20W) less the following described parcel:

Commencing at the Northwest (NW) corner of the said South one-half ($S \frac{1}{2}$) of the Northeast one-quarter ($NE \frac{1}{4}$); thence south over and along the West boundary line of said South one-half ($S \frac{1}{2}$) of the Northeast one-quarter ($NE \frac{1}{4}$) a distance of 400 feet; thence East and parallel to the North boundary line of said South one-half ($S \frac{1}{2}$) of the Northeast one-quarter ($NE \frac{1}{4}$) a distance 1090 feet; thence North and parallel to the West boundary line of said South one-half ($S \frac{1}{2}$) of the Northeast one-quarter ($NE \frac{1}{4}$) a distance of 400 feet to the North boundary line of said South one-half ($S \frac{1}{2}$) of the Northeast one-quarter ($NE \frac{1}{4}$); thence West over and along the North boundary line of said South one-half ($S \frac{1}{2}$) of the Northeast one-quarter ($NE \frac{1}{4}$) a distance of 1090 feet to the point of beginning;

AND

The East one-half (E ½) of the Northwest one-quarter (NW ¼) of the Northeast one-quarter (NE ¼) of Section Twenty-nine (29), Township Forty-one North (T41N), Range Twenty West (R20W);

AND

The South one-half (S ½) of the Northeast one-quarter (NE ¼) of Section Twenty-nine (29), Township Forty-one North (T41N), Range Twenty West (R20W) lying south of the North 60 acres thereof; and,

A part of Tract # 410 TFC 214 described as that part of the North Sixty acres of the South one-half (S ½) of the Northeast one-quarter (NE ¼) of Section 29, Township Forty-one North (T41N), Range Twenty West (R20W) described as follows:

Commencing at the Northwest (NW) corner of the said South one-half (S ½) of the Northeast one-quarter (NE ¼); thence south over and along the West boundary line of said South one-half (S ½) of the Northeast one-quarter (NE ¼) a distance of 400 feet; thence East and parallel to the North boundary line of said South one-half (S ½) of the Northeast one-quarter (NE ¼) a distance 1090 feet; thence North and parallel to the West boundary line of said South one-half (S ½) of the Northeast one-quarter (NE ¼) a distance of 400 feet to the North boundary line of said South one-half (S ½) of the Northeast one-quarter (NE ¼); thence West over and along the North boundary line of said South one-half (S ½) of the Northeast one-quarter (NE ¼) a distance of 1090 feet to the point of beginning;

AND

All that part of the Southeast one-quarter (SE ¼) of the Northwest one-quarter (NW ¼) of Section Twenty-nine (29), Township Forty-one North (T41N), Range Twenty West (R20W).

All tracts are located in the 4th Principal Meridian, Pine County, Minnesota; and,

WHEREAS, the centerline of the proposed 100-foot wide C.S.A.H. 15 Realignment is described as follows:

Commencing at the northwest corner of the Northeast Quarter of Section 29, Township 41, Range 20, Pine County, Minnesota; thence on an assumed bearing of South 89 degrees 27 minutes 53 seconds East along the north line of said Northeast Quarter East a distance of 1084.31 feet to the point of beginning of said centerline; thence South 00 degrees 28 minutes 25 seconds West a distance of 147.09 feet; thence southerly 379.64 feet along a tangential curve concave westerly having a radius of 5000.00 feet and a central angle of 4 degrees 21 minutes 01 seconds; thence South 04 degrees 49 minutes 26

seconds West, tangent to said curve a distance of 220.83 feet; thence southerly 373.91 feet along a tangential curve concave easterly having a radius of 5000.00 feet and a central angle of 4 degrees 17 minutes 05 seconds; thence South 00 degrees 32 minutes 21 seconds West tangent to said curve a distance of 197.59 feet; thence southwesterly 927.10 feet on a tangential curve concave northwesterly having a radius of 800 feet and a central angle of 66 degrees 23 minutes 55 seconds; thence South 66 degrees 56 minutes 16 seconds West, tangent to said curve, a distance of 217.13 feet; thence westerly and southerly 603.81 feet along a tangential curve concave to the southeast having a radius of 510.00 feet and a central angle of 67 degrees 50 minutes 06 seconds; thence South 00 degrees 53 minutes 50 seconds East tangent to said curve a distance of 100.00 feet to the south line of said Southeast Quarter of the Northwest Quarter and said centerline there terminating.

NOW, THEREFORE, BE IT RESOLVED, that the Mille Lacs Band Assembly hereby authorizes the construction of the C.S.A.H. 15 realignment by the Corporate Commission for road purposes only affecting the above described property; and,

BE IT FURTHER RESOLVED, that upon completion of C.S.A.H. 15 realignment project the Right-of-Way will be conveyed to Pine County by the Band in exchange for the vacating over, under and across the existing Right-of-Way described in this resolution; and,

BE IT FURTHER RESOLVED, that consideration and appraisal for the right-of-way is hereby waived since this project will remove the existing C.S.A.H. 15 from Trust and it is issued in perpetuity, subject to terms of the right-of-way agreement, effective upon date of approval; and,

BE IT FURTHER RESOLVED, that the County will utilize the land in conformity with the provisions of the right-of-way agreement, and if all terms of the agreement are not met, the land will revert back to the Mille Lacs Band of Ojibwe; and,

BE IT FURTHER AND FINALLY RESOLVED, that the right-of-way shall be null and void should Pine County abandon or vacate the above-described realignment Right-of-Way of C.S.A.H. 15 and the Right-of-Way realignment will 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 of legislators being quorum present held on the 23rd of March 2004 at East Lake, 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.


Herb Weyaus, Speaker of the Assembly

OFFICIAL SEAL OF THE BAND