



THE MILLE LACS BAND OF OJIBWE INDIANS

Legislative Branch of Tribal Government

RESOLUTION 11-02-104-04

A RESOLUTION AUTHORIZING A UTILITY EASEMENT FOR GARRISON SEWER DISTRICT 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, Garrison Sewer District respectfully requests a utility easement affecting tracts of Band owned fee simple lands for construction and maintenance of two sanitary sewer lift station systems, proposed in the construction plans for the Garrison Sewer District; and
- WHEREAS, a limited utility easement is to be authorized for Garrison Sewer District, 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 100 years, subject to the terms of the Easement Agreement, effective upon date of approval, for the property described herein; and
- WHEREAS, said lands affected and legal descriptions are as follows:

Lift Station #1 easement on Tract # 410 TF 81 part of Government Lots 1 and 5, 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 Government Lot 5; thence North 34 degrees 47 minutes 51 seconds West 1190.40 feet to the point of beginning of the easement to be described; thence North 32 degrees 34 minutes 59 seconds West 100.00 feet; thence North 57 degrees 25 minutes 01 second East 45 feet, more or less, to the westerly right-of-way line of Trunk Highway 169; thence Southwesterly along said westerly right-of-way line to its intersection with the line that bears North 57 degrees 25 minutes 01 second East from the point of beginning; thence South 57 degrees 25 minutes 01 second West 45 feet, more or less, to the point of beginning. Approximately 100 X 45 feet.

Lift Station #2 easement on Tract 410 TF 34 part of Government Lot 1, 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 northwest corner of said Government Lot 1; thence South 73 degrees 49 minutes 27 seconds East 1441.75 feet to the point of beginning of the easement to be described; thence South 14 degrees 06 minutes 01 second East 60.00 feet; thence North 75 degrees 53 minutes 59 seconds East 45 feet, more or less, to the westerly right-of-way line of Trunk Highway 169; thence northerly along said westerly right-of-way line to its intersection with the line that bears North 75 degrees 53 minutes 59 seconds East from the point of beginning; thence South 75 degrees 53 minutes 59 seconds West 45 feet, more or less, to the point of beginning. Approximately 60 X 45 feet.

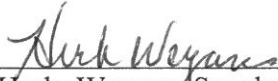
NOW, THEREFORE, BE IT RESOLVED, that the Mille Lacs Band Assembly does hereby authorize a limited utility easement to Garrison Sewer District, for the construction and maintenance of two sanitary sewer lift station systems, as proposed in the construction plans for the Garrison Sewer District, on the above described properties, appraisal and consideration for said limited utility easement is hereby waived, and the easement is issued for a period of 100 years, for the property described herein; and

BE IT FURTHER RESOLVED, that Garrison Sewer District 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 Garrison Sewer District to the terms of the Easement Agreement; and (3) nonuse of the easement for a consecutive two (2) year period for the permitted purpose set forth above; (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 24th of September, 2004 at Onamia, 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