



THE MILLE LACS BAND OF OJIBWE INDIANS

Legislative Branch of Tribal Government

corrected -see bar
1-8-08

JOINT RESOLUTION ~~13-01-172-08-~~

13-01-030-08

A RESOLUTION REQUESTING THAT THE BUREAU OF INDIAN AFFAIRS PLACE LAND IN TRUST FOR THE MILLE LACS BAND OF OJIBWE INDIANS.

- WHEREAS, the Mille Lacs Band of Ojibwe (Band) is a member of the Minnesota Chippewa Tribe (MCT); and
- WHEREAS, the Band and the MCT are each federally-recognized Indian tribes; and
- WHEREAS, Article VI, section 1(c) of the MCT Constitution provides “The [Reservation] Business Committee shall be authorized to manage, lease, permit or otherwise deal with tribal lands, interests in lands or other tribal assets, when authorized to do so by the Tribal Executive Committee but no such authorization shall be necessary in the case of lands or assets owned exclusively by the Reservation”; and
- WHEREAS, 3 MLBSA § 1 states that all Band legislative power is vested in the Band Assembly and that it is the body referred to in the MCT Constitution as the Reservation Business Committee; and
- WHEREAS, 3 MLBSA § 2(g) states specifically that the Band Assembly has the power to perform all legislative functions conferred on the Reservation Business Committee in Article VI of the MCT Constitution; and
- WHEREAS, it follows that, under Article VI, section 1(c) of the MCT Constitution and 3 MLBSA §§ 1 and 2(g) the Band Assembly has the power to manage, lease, permit or otherwise deal in lands owned exclusively by the Band including the power to transfer such lands to the United States to be held in trust for the Band; and
- WHEREAS, the tract of land described below is owned exclusively by the Band and, therefore, the Band Assembly has the power to transfer such land to the United States to be held in trust for the Band; and
- WHEREAS, the Band, through the Band Assembly with the concurrence of the Chief Executive, is hereby requesting that the Bureau of Indian Affairs accept the transfer of the tract of land described below to the United States of America in Trust for the Mille Lacs Band of Ojibwe; and

WHEREAS, the tract of land is described as 410 TF 153, and further described as follows: That part of the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼) South of Railway, Section One (1), Township Forty-two (42), Range Twenty-five (25), EXCEPT that part described as follows: Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼) as referred above; thence West on the South Line of said forty, Two Hundred fifty (250) feet; thence North Three Hundred Fifty (350) feet, parallel to the East Line of said forty; thence East Two Hundred Fifty (250) feet, parallel to the South Line of said forty to the East line of said forty; thence South Three Hundred Fifty (350) feet to the point of beginning, located in Mille Lacs County, 4th Principal Meridian, MN; and

WHEREAS, the statutory authority for a fee-to-trust acquisition by the United States of America for the Mille Lacs Band of Ojibwe is found in the Act of June 18, 1934 (48 Stat. 984, 25 U.S.C. 465); and

WHEREAS, Tract #410 TF 153 described above will be used for governmental purposes for a community center; and

WHEREAS, the Chief Executive of the Mille Lacs Band is the designated official for signing conveyance documents; and

WHEREAS, the authority for signing the conveyance documents is found in 4 MLBSA § 6(f), which states specifically that the Chief Executive shall act as custodian of all Band property; and

WHEREAS, the land described above is not intended for gaming or gaming related purposes.

NOW, THEREFORE, BE IT RESOLVED, the Mille Lacs Band of Ojibwe hereby requests the Bureau of Indian Affairs to accept the transfer of the land described above to the United States of America in Trust for the Mille Lacs Band of Ojibwe Indians.

WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a special session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present held on the 1ST of April, 2008 at Isle, 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

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