



THE MILLE LACS BAND OF OJIBWE INDIANS

Legislative Branch of Tribal Government

corrected see bar
1-8-08

JOINT RESOLUTION ~~13-01-173-08~~

13-01-031-08

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 75, and further described as follows:

DISTRICT I

43408 Oodena Drive • Onamia, MN 56359

DISTRICT II

36666 State Hwy 65 • McGregor MN 55760

DISTRICT III

Route 2 • Box 233-N • Sandstone, MN 55072

Lot One (1), and the North 105 feet, front and rear, of Lot two (2), Lakeside Terrace, according to the plat thereof on file and of record in the office of the County Recorder in and for the County of Mille Lacs, State of Minnesota, except that part thereof taken for Highway purposes and that part of Government Lot Four (4) of Section Thirty-three (33), Township Forty-three (43), Range Twenty-seven (27), beginning at the most southerly corner of Lot Two (2), Lakeside Terrace according to the recorded plat thereof; thence on an assumed bearing of North 20 degrees West along the Westerly line of said Lot 2 and Lot 1, Lakeside Terrace, a distance of 225 feet to the most westerly corner of said Lot 1; thence South 70 degrees West along the westerly extension of the northerly line of said Lot 1, a distance of 70.88 feet to the easterly right-of-way line of U.S. Highway No. 169; thence South 19 degrees 06 minutes 13 seconds East along said easterly right-of-way line, a distance of 225.03 feet to the intersection of the westerly extension of the southerly line of said Lot 2; thence North 70 degrees East along said extension line, a distance 74.40 feet to the point of beginning. Subject to the right-of-way of public roads and subject to easements of record, if any, reserving unto the State of Minnesota all minerals and mineral rights in and to said premises all located in Mille Lacs County, 4th Principal Meridian, MN. The site is approximately 1 acre more or less; 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 75 described above will be used for governmental purposes to support the Health and Human Services Department; 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.

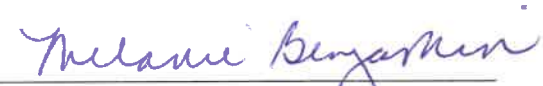
WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a special session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present held on the 29th of April, 2008 at Hinckley, Minnesota by a vote of 2 FOR, 0 AGAINST, 0 SILENT.

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