



**RESOLUTION OF THE GOVERNING BODY OF THE
THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution entitled, "Refinery Land Purchase"

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Three Affiliated Tribes Constitution authorizes and empowers the Mandan, Hidatsa & Arikara Tribal Business Council to engage in activity on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, The Three Affiliated Tribes are currently conducting a FEED (Front End Engineering Design) study for an Oil Refinery for which the bulk of the work is scheduled to be completed in May of 2003, and for which there will be continuing work to support the completion of the Environmental Assessment and project financing; and

WHEREAS, Requirements for the site of the Oil Refinery include access to highways, railroads, a crude oil pipe line, a natural gas pipe line, electrical power, easements structured in a manner that will minimize infrastructure costs and land situated so that the refinery will not have a significant environmental impact; and

WHEREAS, The Three Affiliated Tribes have contracted with Watne Real Estate of Minot, North Dakota to secure an option to purchase lands meeting the above requirements; and

WHEREAS, Watne Real Estate has obtained Options for the Three Affiliated Tribes to purchase three tracts of land that meet the above requirements, and the purchase costs for these tracts are described as follows:

Tract 1.) NW1/4 of Section 20; Township 152 North; Range 87 West less Highway and Railroad right of way, containing approximately 148.39 acres. Any mineral rights presently in the possession of the Owner will be split 50/50 when property is transferred to Buyer. Total Purchase Price is \$115,000.

Tract 2.) North ½ of section 19; Township 152 North; Range 87 West less Highway and Railroad right-of-way containing approximately 309.57 acres. No mineral rights are included. The Total Purchase Price is \$240,000.



Tract 3.) Outlot 1 in the NE¼ , Section 19, Township 152 North, Range 87 West including all buildings on the property. The lot contains 10.00 acres plus a triangle parcel adjoining same, which contains 0.8737 acres for a total of 10.8737 acres. No mineral rights are included. Total purchase price is \$71,500. The list of buildings on the parcel that are included in the purchase price is as follows:

- House: 1,740 sq. ft.
- Garage: 970 sq ft
- Quonset: 2,196sq. ft.
- Grain Bin: 10ft. dia.
- Grain Bin: 20ft. dia.
- Grain bin: 144sq. ft.
- Barn: 1,995sq. ft.
- Metal Shed: 840 sq. ft.
- Metal Shed: 960 sq. ft.
- Metal Shed: 480 sq. ft.; and

WHEREAS, the broker's fee is 3 ½ % of the total purchase price, or \$14,927.50, on the total acreage of 468.8337 acres; and

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council hereby approves the purchase of Tracts 1, 2 and 3 inclusive of all buildings on Tract 3 as mentioned above, for a total purchase price of is \$441,427.50, inclusive of the real estate broker's fee; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes the Tribal Chairman to pursue a loan for the purchase of Tracts 1 and 2 with the Farm Services Agency of the United States Department of Agriculture or with such other agencies or lenders as may be necessary to purchase the land; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes a down payment to secure the purchase of Tracts 1 and 2 in an amount not greater than 15% of the total purchase price (inclusive of the broker's fee), with such sums to come from a designated land purchase fund maintained by the Tribe, and further authorizes the Chairman to execute the appropriate purchase money agreement to reflect the down payment on the purchase of these tracts; and



NOW THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council authorizes the Chairman to execute any and all documents associated with the purchase of all of the above described tracts of land, including all documents necessary for the loan needed to purchase the land, and with the total purchase price for Tract 3 of \$74,403.50, inclusive of the broker's fee, to come from funds already obtained and budgeted for the Refinery Project from a designated land purchase fund; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council hereby authorizes that the options or purchase money agreements for the purchase of Tracts 1 and 2 be retained as long as necessary to obtain those parcels for the refinery project.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Special Meeting thereof duly called, noticed, convened and held on the 5th day of February, 2003, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman Voting. [] Not Voting.

Dated this 5th day of February, 2003.

Randy Phelan
Executive Secretary, Randy Phelan
Tribal Business Council

ATTEST:

Tex G. Hall
Chairman, Tex G. Hall
Tribal Business Council