



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

*A Resolution entitled, “Consent to Approval of a Right-of-Way across Tribal Tract T 457 for a Utility Corridor.”*

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws under said Act, and

**WHEREAS,** Pursuant to Article III, Section 1 of the Constitution and By-Laws of the Three Affiliated Tribes, also known as the Mandan, Hidatsa, and Arikara Nation (“Tribes” or “MHA Nation”), the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** Pursuant to Article VI, Section 5(1) of said Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Council, its Agencies and Officials; and

**WHEREAS,** Article IX, Sections 1 and 3 of the Constitution provide that the Tribal Business Council has the authority to manage and lease or otherwise deal with Tribal lands and resources; and

**WHEREAS,** Leases and Rights-of-Way (“ROWS”) across Tribal Trust land require the consent of the Tribal Business Council pursuant to federal and Tribal Law; and

**WHEREAS,** Applications for Rights-of-Way (“ROWS”) on Tribal Land are subject to the requirements of Tribal law, including Resolution No. 17-117-FWF, Resolution No. 14-071-VJB (MHA Nation Application for Rights-of-Way and Use of Right-of-Way), Resolution No. 14-089-VJB (MHA Nation Pipeline Right-of-Way Terms and Conditions), and Resolution No. 15-045-LKH (Establishing a Procedure for the Approval of Leases, Rights-of-Way, Setback Variances and Permissions to Survey on Tribal Land); and

**WHEREAS,** A ROW Application has been submitted for a sanity sewer corridor for the Tribes’ South Segment Community, across Tribal Fee tracts listed below; and

**WHEREAS,** The ROW application has been reviewed and recommended for approval in accordance with the MHA Nation’s approved procedure for authorizing ROWs on Tribal land.

**NOW, THEREFORE, BE IT RESOLVED,** that subject to the utility companies’ agreement to the execution of the MHA Right-of-Way Application and Terms and Conditions as



listed therein, and payment of ROW fees, the Tribal Business Council hereby approves the following ROW application:

- 301 T 457 — South Segment
  - Utility Corridor Tribal property on T 457, Section 34, Township 147 North, Range 91 West, in Dunn County, 5<sup>th</sup> Principal Meridian with a 100% Tribal Interest,

Considering the north line of the Northwest Quarter of said Section 34 as monumented by a one-half inch rebar found at the northwest corner of said Section 34 and and a rebar with one-half inch aluminum cap found at the north quarter corner of said Section 34 per corner record C4147, records of Dunn County, North Dakota to bear South 88 degrees 49 minutes 26 seconds East a distance of 2639.05 US survey feet, being a grid bearing and surface distance of the North Dakota State Plane System, NAD 83, with all bearings and distances cited herein relative thereto.

Line 1: Commencing at the north quarter corner of said Section 34; thence South 01 degree 18 minutes 05 seconds West along the north-south quarter line of said Section 34 a distance of 1319.25 feet to the center-north one-sixteenth corner of said Section 34; thence North 88 degrees 46 minutes 03 seconds West along the south line of the North Half of the Northwest Quarter of said Section 34 a distance of 117.21 feet to point A as known herein, which is the point of beginning for Line 1; thence North 62 degrees 31 minutes 43 seconds East for 133.72 feet to said north-south quarter line and there terminating. This strip covers 0.09 acres.

Line 2: Beginning at afore mentioned point A; thence South 62 degrees 31 minutes 43 seconds West a distance of 83.28 feet; thence North 88 degrees 46 minutes 03 seconds West a distance of 1130.49 feet to the west line of of the Southeast Quarter of the Northwest Quarter of said Section 34, known as point B herein and there terminating. This strip covers 0.84 acres.

Line 3: Beginning at afore mentioned point B; thence North 88 degrees 46 minutes 03 seconds West a distance of 50.00 feet and there terminating. This strip covers 0.03 acres.

**BE IT FURTHER RESOLVED**, that the ROW shall have a thirty (30) year term, from the date of the BIA's execution of the grant of the ROW for said project; and

**BE IT FURTHER RESOLVED**, that the Tribes do not consent to waive any bond, insurance, or alternative form of security; and

**BE IT FINALLY RESOLVED**, that the Chairman is hereby authorized to execute such documents and take such further actions as are necessary to carry out the terms and intent of this Resolution.




**CERTIFICATION**


I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 14<sup>th</sup> day of July, 2022; 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 [ X ] voting. [ ] not voting.

Dated this 14<sup>th</sup> day of July, 2022.

**ATTEST:**

  
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Tribal Secretary, Frederick W. Fox Sr.  
Tribal Business Council  
Three Affiliated Tribes

  
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Tribal Chairman, Mark N. Fox  
Tribal Business Council  
Three Affiliated Tribes