



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

A Resolution Entitled: “*Home Site Lease Resolution – January 2023.*”

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes, also known as the Mandan, Hidatsa, and Arikara Nation (“Tribes” or “MHA Nation), generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Business Council and other Tribal agencies; 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, The Tribal Business Council has authority to approve of Home Site Leases and Utility Corridors on Tribal lands and to amend such Home Site Leases and Utility Corridors when circumstances merit including, but not limited to, for failure to complete lease documents as required by the Tribal application process and the applicant is deceased.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby approves the Home Site listed below as follows:

West Segment

- Nicole M. Beston, an Enrolled Member, requesting a home site on Tribal Land T694A, SE $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, T. 149 N., R. 94 W., McKenzie County, 5th PM of North Dakota, containing 1.25 acres, more or less.

Utility Corridor:

1. Approve an easement for the local electric cooperative, which will be providing an Electrical Service Line in the above-mentioned Tribally owned land in each segment. The easement will run a service line to a home site being built in and across all Tribal owned lands;



2. Approve an easement for Telephone/Internet service with the Telephone Cooperative for providing a Service Line in the above-mentioned Tribally owned land in each segment, in and across all Tribal owned lands;
3. Approve an easement for an access road with the Roads Department, to provide an access road in the above-mentioned Tribally owned land in each segment. The easement will run a road to the home site being built in and across all Tribal owned lands;
4. The Tribal Business Council finds it appropriate to authorize a ROW for a rural water line connection described herein and to waive the provisions for payment and bond in consideration of the public benefit that the FBRW provides; and
5. Approve an easement from the mainline to the meter pit and an easement from the meter pit to the home for a Water Service Line with the homeowner in the above-mentioned Tribally owned land in each segment. The easements will run a service line to a home site being built in and across all Tribal owned lands.
 - a. The portion of the Water Service Line from the mainline to the meter pit is approved for a perpetual easement to be granted to the United States of America and its assigns with the acquiring federal agency listed as the Department of the Interior, Bureau of Reclamation.
 - b. The portion of the Water Service Line from the meter pit to the homeowner's house will be the homeowner's responsibility to operate and maintain.
 - c. In accordance with 25 CFR § 169, Subpart B - Service Line Agreements, the homeowner agrees to sign a service line agreement with Fort Berthold Rural Water.
 - d. The homeowner agrees to comply with the terms of the latest version of the Fort Berthold Rural Water Supply System Policy and Procedures for Water Service, including signing a water service agreement with FBRW.

BE IT FURTHER RESOLVED, that the Tribal Business Council, with regard to the FBRW system, hereby consents to the aforementioned ROW(s) to the United States of America and its assigns (acquiring agency is the Department of the Interior, Bureau of Reclamation) for the construction, operation, maintenance, and replacement of the FBRW system service line up to the meter pit; and

BE IT FURTHER RESOLVED, that the term of the ROW(s), with regard to the FBRW system, shall be perpetual (subject to termination in accordance with applicable federal regulations), and the requirements for compensation and bond are hereby waived; 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 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 Regular Meeting thereof duly called, noticed, convened and held on the 11th day of January, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 2 members not voting, and that said Resolution has not been rescinded or amended in any way.

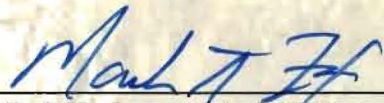
Chairman [] Voting. [X] Not Voting.

Dated this 11th day of January, 2023.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes



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