



**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 land submitted for the ND Highway 73 Project by ND Department of Transportation.”

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, North Dakota Department of Transportation (“NDDOT”) is requesting an easement across Tribally owned property. NDDO submitted a ROW application for ND Highway 73 Project, across Tribal tracts:

- Allotment Number 301-1131A in Lots 1 & 2, E½NW¼, Section 19, Township 150 North, Range 94 West, McKenzie County, 5th PM of North Dakota, containing an undivided .4996145126 interest in this property;



- Allotment Number 301-1131A-A in NE¼, Section 24, Township 150 North, Range 95 West, McKenzie County, 5th PM of North Dakota, containing an undivided .4996145126 interest in this property;
- Allotment Number 301-T 2172 AC in the SW¼SE¼, Section 19, Township 150 North, Range 94 West, McKenzie County, 5th PM of North Dakota, containing a 100% interest in this property;

WHEREAS, The easement 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 NDDOT's agreement to and execution of the Bureau of Indian Affairs Right-of-Way Application and Terms and Conditions as listed therein and payment of ROW fees, the Tribal Business Council of the Three Affiliated Tribes hereby approves the following ROW application:

NDDOT for the ND Highway 73 Improvement Project

- Parcel Number 3-2

A portion of Allotment 1131A-A of the NE 1/4 of Section 24, Township 150 N, Range 95 W, of the 5th Principal Meridian, County of McKenzie, State of North Dakota, described as follows and as shown on plat 3 of 5:

Commencing at the N 1/4 corner of section 24, thence easterly along the north line of section 24, S 88 deg. 19 min. 31 sec. E a distance of 1536.18 feet to a point on the existing right of way line of ND 73, this point is also the point of beginning; Thence continue easterly along the south line of section 24, S 88 deg. 19 min. 31 sec. E a distance of 70.40 feet; Thence S 20 deg. 39 min. 27 sec. W a distance of 27.63 feet to a point on the existing right of way line of ND 73; Thence beginning a non-tangent curve concave to the left (southerly) having a radius point that bears S 26 deg. 07 min. 00 sec. W a distance of 1373.57 feet; Thence northwesterly along the existing right of way line of ND 73 and curve, a distance of 66.74 feet through a central angle of 02 deg. 47 min. 02 sec. to the point of beginning.

Said parcel is shown on the plat as parcel 3-2 and contains 0.02 acres more or less, and is subject to any easements or rights of way previously acquired. With a minimum payment of \$50.00 for the Tribal Share.

- Parcel Number 4-2

A portion of Allotment 1131A of Government Lot 2 of E 1/2 NW 1/4 of Section 19, Township 150 N, Range 94 W, of the 5th Principal Meridian, County of McKenzie, State of North Dakota, described as follows and as shown on plat 4 of 5:

Commencing at the W 1/4 corner of section 19, thence easterly along the 1/4 line of section 19, S 88 deg. 34 min. 49 sec. E a distance of 997.54 feet to the point of beginning; Thence N 29 deg. 19 min. 25 sec. E a distance of 38.49 feet to a point on the existing



right of way line of ND 73; Thence S 60 deg. 40 min. 47 sec. E along the existing right of way line of ND 73 a distance of 72.69 feet to the east-west 1/4 line of section 19; Thence westerly along the east-west 1/4 line N 88 deg. 34 min. 49 sec. W a distance of 82.25 feet to the point of beginning.

Said parcel is shown on the plat as parcel 4-2 and contains 0.03 acres more or less, and is subject to any easements or rights of way previously acquired. With a minimum payment of \$50.00 for the Tribal Share.

- Parcel Number 5-2

A portion of Trust T 2172 AC of the SW1/4 SE1/4 of Section 19, Township 150 N, Range, 94 W, of the 5th Principal Meridian, County of McKenzie, State of North Dakota, described as follows and as shown on plat 5 of 5:

Commencing at the S 1/4 corner of section 19, thence northerly along the 1/4 line of section 19, N 01 deg. 37 min. 09 sec. E a distance of 1046.20 feet to a point on the existing right of way line of ND 73, this point is also the point of beginning; Thence N 01 deg. 37 min. 09 sec. E along the 1/4 line a distance of 97.75 feet; Thence N 65 deg. 31 min. 15 sec. E a distance of 56.92 feet; Thence beginning a non-tangent curve, concave to the left (northeasterly) with a radius that bears N 65 deg. 31 min. 15 sec. E a distance of 860.00 feet; Thence southeasterly along said curve, a distance of 795.39 feet through a central angle of 52 deg. 59 min. 29 sec. to the end of the curve; Thence N 40 deg. 59 min. 18 sec. E a distance of 240.16 feet; Thence beginning a non-tangent curve, concave to the left (northeasterly) with a radius point that bears N 40 deg. 59 min. 18 sec. E a distance of 740.00 feet, a distance of 487.18 feet through a central angle of 37 deg. 43 min. 15 sec. to the end of the curve; Thence S 19 deg. 50 min. 46 sec. W a distance of 494.68 feet to a point on the existing right of way line of ND 73; Thence beginning a non-tangent curve, concave to the right (northeasterly) with a radius point that bears N 14 deg. 05 min. 04 sec. E a distance of 719.02 feet; Thence northwesterly along the existing right of way line of ND 73 and curve, 682.41 feet through a central angle of 54 deg. 22 min. 43 sec. to the end of the curve; Thence N 21 deg. 32 min. 14 sec. W along the existing right of way line of ND 73 a distance of 18.54 feet to the point of beginning.

Said parcel is shown on the plat as parcel 5-2 and contains 2.85 acres more or less, and is subject to any easements or rights of way previously acquired. With a payment of \$3,135.00 for the Tribal Share; and

BE IT FURTHER RESOLVED, that the ROW permanent easement shall be in perpetuity (subject to applicable federal laws and regulations and/or the easement no longer being used for the purpose as indicated by NDDOT), from the date of the BIA's execution of the grant of the ROW for said project.

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



BE IT FURTHER RESOLVED, that this Resolution supersedes Resolution 22-141-FWF; 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.

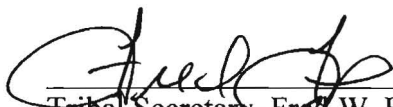
CERTIFICATION

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 8th day of March, 2023; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 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 8th day of March, 2023.

ATTEST:



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



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