

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

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes 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,** The Tribal Business Council has the authority to exchange lands owned by the Tribes and occasionally does so in accordance with the policies established in Resolution No. 88-261-TL, as attached hereto; and
- WHEREAS,** The Tribal Business Council also grants leases of various tracts of land owned by the Tribes to qualified persons or entities; and,
- WHEREAS,** Such lands exchanged or leased may have various rights of way associated with them which allow access to such lands by either the Tribe or to other Tribal members who are land owners or land users; and
- WHEREAS,** The Tribes, for various purposes, including enforcement of its laws and economic development, may need to obtain or preserve access to leased Tribal lands or to former Tribal lands exchanged for Tribal land; and
- WHEREAS,** Adjacent landowners, in order to obtain or preserve access to their lands, may need to obtain or preserve rights of way across leased Tribal lands or to former Tribal lands exchanged for Tribal land;
- WHEREAS,** It is within the Tribes' power to include provisions in leases or conditions for exchanges of lands which protect the interest of the Tribes and of other Tribal members in lands which are being leased or exchanged;
- WHEREAS,** In some instances, lessees of Tribally owned land or persons who have obtained Tribal land through an exchange of land have effectively prevented access to residences and other parcels by preventing rights of way from being obtained or by revoking or withdrawing rights of way which previously existed on the land leased or obtained in exchange for Tribal land; and
- WHEREAS,** Payment for rights of way should be made by those for whom the rights of way are provided, including, where appropriate, the Tribes;
- NOW, THEREFORE, BE IT RESOLVED,** That any entity or individual leasing Tribal land must agree, as a condition of the lease, to preserve any rights of way across such land which exist at the time the lease is executed; and

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BE IT FURTHER RESOLVED, That any entity or individual who wishes to exchange land with the Tribes must agree, as a condition of the exchange, to preserve any rights of way across such land the individual or entity is obtaining as a result of the exchange which exist at the time the exchange is completed; and

BE IT FURTHER RESOLVED, Any entity or individual leasing Tribal land or who obtains land through an exchange of lands with the Tribes must further agree, as a condition of the lease or exchange, to allow a right-of-way through the land to persons who own or lease lands who have no other means of access except through the land leased from the Tribes or obtained through an exchange of lands with the Tribes; and

BE IT FURTHER RESOLVED, That any entity or individual leasing Tribal land or who obtains land through an exchange of lands with the Tribes must agree, as a condition of the lease or exchange, to provide access to the Tribes to the land leased or obtained through an exchange of lands with the Tribes for the purposes of lease enforcement or for purposes of Tribal economic development which requires access and which does not diminish substantially the rights of the lessee or owner to the use of the lands leased or owned; and

BE IT FURTHER RESOLVED, That in the case of the Tribes or persons desiring a right-of-way to their property through land leased from the Tribes or obtained through an exchange of lands with the Tribes, the cost of obtaining the right-of-way shall be borne by the person seeking the right of way; and

BE IT FURTHER RESOLVED, That this resolution will supersede any previous resolutions regarding Tribal rights of way ingress and egress should such a resolution or resolutions exist; further, the conditions mentioned in this Resolution will be attached to all leases involving Tribal lands and as a condition of any exchange of Tribal lands.

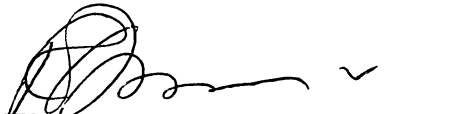
CERTIFICATION

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, 6 were present at a *Regular* Meeting thereof duly called, noticed, convened, and held on the 11th day of July, 1996; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 1 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 11th day of July, 1996.

Dayton Spotted Bear
Secretary, Tribal Business Council

ATTEST:



Chairman, Tribal Business Council