



**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 22 Project by North Dakota 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 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 provides 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 a construction easement across Tribally owned property. NDDOT submitted a ROW application for ND Highway 22 Project, across Tribal tract:

- Allotment Number 301-5629 in Section 10, Township 147 North, Range 95 West, Dunn County, 5th PM of North Dakota, containing a 100% interest, more or less.

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 the execution of the Bureau of Indian Affairs Right-of-Way Application and Terms and Conditions as listed therein, the Tribal Business Council of the Three Affiliated Tribes hereby approves the following ROW application and waives payment of ROW fees:

- NDDOT — ND Highway 22 Project Repair Project - Allotment Number 301-5629 in Section 10, Township 147 North, Range 95 West, Dunn County, 5th PM of North Dakota, containing a 100% interest, more or less.

- Parcel Number 1-1

A portion of the NE1/4 of the SW1/4 the of Section 10, Township 147 N, Range 95 W, of the 5th Principal Meridian, County of Dunn, State of North Dakota, described as follows and as shown on Plat 1 of 1:

Commencing at the NE corner of the SW1/4 of Section 10; thence westerly along the 1/4 line of Section 10, N 88 deg. 33 min. 28 sec. W, a distance of 883.84 feet; thence S 14 deg. 30 min. 21 sec. E along the existing westerly right of way of ND 22 a distance of 278.69 feet to the point of beginning; thence S 14 deg. 30 min. 21 sec. E along the existing westerly right of way of ND 22 a distance of 75.00 feet; thence S 75 deg. 29 min. 39 sec. W a distance of 180.00 feet; thence N 14 deg. 30 min. 21 sec. W a distance of 75.00 feet; thence N 75 deg 29 min. 39 sec. E a distance of 180.00 feet to the point of beginning.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the state of North Dakota and North Dakota Department of Transportation by this instrument shall terminate upon completion of said project, or in five years from the date of conveyance, whichever comes first.

Said Parcel is shown on the plat as Parcel 1-1 and contains 0.31 acres more or less, and is subject to any easements or rights of way previously acquired. The Tribe will waive the payment, due to the emergency need of the repairs, for public safety.

- Parcel Number 1-2

A portion of the E1/2 of the NW1/4 and the NE1/4 of the SW1/4 of Section 10, Township 147 N, Range 95 W, of the 5th Principal Meridian, County of Dunn, State of North Dakota, described as follows and as shown on Plat 1 of 1:

Commencing at the SE corner of the NW1/4 of Section 10; thence westerly along the 1/4 line of Section 10, N 88 deg. 33 min. 28 sec. W, a distance of 883.84 feet to the point of beginning; thence S 14 deg. 30 min. 21 sec. E along the existing westerly right of way of ND 22 a distance of 7.88 feet; thence S 75 deg. 29 min. 39 sec. W a distance of 195.00 feet; thence N 14 deg. 30 min. 21 sec. W a distance of 75.00 feet; thence N 75 deg. 29



min. 39 sec. E a distance of 195.00 feet; thence S 14 deg. 30 min. 21 sec. E along the existing westerly right of way of ND 22 a distance of 67.12 feet to the point of beginning.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the State of North Dakota and North Dakota Department of Transportation by this instrument shall terminate upon completion of said project, or in five years from the date of conveyance, whichever comes first.

Said Parcel is shown on the plat as Parcel 1-2 and contains 0.34 acres more or less, and is subject to any easements or rights of way previously acquired. The Tribes will waive the payment, due to the emergency need of the repairs, for public safety.

BE IT FURTHER RESOLVED, that the ROW easement shall be for a term as indicated above (subject to applicable federal laws and regulations and/or the easement no longer being used for the purpose ass indicated by NDDOT) 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.

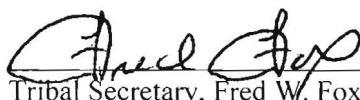
CERTIFICATION

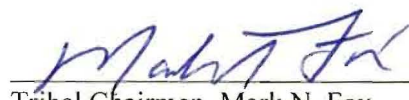
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 7th day of March, 2024, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] Voting. [X] Not Voting.

Dated this 7th day of March, 2024.

ATTEST:


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


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