

INFORMATION FOR HOME/BUSINESS SITE LEASES

The first information that the applicant needs to be made aware of is that this application is for a home/business site lease not a home/business site assignment. An *Annual Rental* will be charged.

PART #1: This section of the application is for general information such as the name, address and telephone No. of the applicant and their employer, any interests in lands, enrollment and the legal description of the location of the home site. A copy of your *Enrollment Abstract* needs to be attached to the application and a *Beneficiary* to the home site lease needs to be listed at the bottom of the application.

To obtain a legal description, it is the responsibility of the applicant to contact the *Bureau of Indian Affairs, Engineer Technician, Chance Wooden Knife* at (605)856-2334 to obtain a legal land description and aerial photo. Return your legal description back into TLE for further research, if your legal description is available we will begin the lease proposal process for approval of a lease by TLE Board of Directors.

***NOTE:** It is the applicants' responsibility to have an Archaeological field inspection done on their home/business site.

*The TLE Lease Office nor the B.I.A. Engineer does not have to deal with any type of harassment from an Applicant.

ACREAGE LIMITATIONS: HOME SITE LEASES: 2 ½ acres at \$10.00 per acre.
BUSINESS SITE LEASES: 7 ½ acres at \$50.00 per acre.

PART #2: This section was developed as a courtesy to the lessee/permit tee, whichever is the case. If the land is currently under lease or in a range unit, the applicant must notify the person who is leasing the land and inform them of your plans for a home/business site lease. You will need to have the lessee/permit tee sign on the second part of the application approving or disapproving and have him state the reason if they disapprove.

PART #3: This section needs to be completed by the Director of Water Resources Department or his designated representative. The location will be checked to see if the location has adequate water supply and does or does not have an adverse impact on the environment. The Water Resource Department is located in the new building by the RST Ambulance Service in Rosebud.

PART #4: This section was set up for Community use only. You will need Community approval before you submit your application to our Office. The Community Chairman and Community Secretary will need to sign off on the application. *A copy of the Community Minutes needs to be attached to the application when submitted.* If copies of the minutes are not attached the application will be considered incomplete; therefore will delay the process of the home site lease.

PART #5: This section is for **OFFICE USE ONLY.**

If any PART of your application is not completed your application will be considered incomplete and will be returned to you for completion.

The TLE Office will notify you, in writing, of the decision made by the Tribal Land Enterprise Board of Directors.

The TLE Office refers the approved application to the B.I.A. Lease Department for processing of the lease contract.

The B.I.A. will mail you three (3) copies of the lease contract. Please sign all three (3) copies of the lease contract and return all three (3) copies to the B.I.A. for the signatures of the TLE Chairman and the B.I.A. Superintendent.

Your home/business site acreage will be surveyed as soon as the B.I.A. Engineer receives a copy of the *Approved lease contract*.

You have six (6) months to make use of the land, after the lease contract is completed. Non-use of the land may result in cancellation of the lease contract.

All leases will be required to be fenced with the standard three (3) barbed wire fence within thirty (30) days from the date of the lease contract completion. The maintenance and upkeep of this fence will be the responsibility of the home/business site lessee.

***NOTE:** *No applicant will have authority or control over this home/business site lease until there is an approved contract in place.*

Attached to this information is a copy of RST Resolution No. 88-127, which adopted RST Ordinance No. 88-05. Please read these requirements thoroughly.

***NOTE:** The applicant needs to understand that the procedural requirements in RST Ordinance No. 88-05 will take some time which is beyond the control of the Home/Business Site Lease Manager. In other words, don't expect to get this home/business site lease completed in a short period of time.

***IMPORTANT NOTE:** If an application goes through all or part of the procedural requirements and the applicant decides they want to change locations, the applicant will need to start all over again and go through the proper procedures.

ROSEBUD SIOUX TRIBE
Ordinance No. 88-05
Amended 07/10/2003

SECTION 1. Procedural Requirements

A. The following is the accepted procedural requirements for applying for a home site or business site lease.

1. All Applications will be in written form on the forms established by this Ordinance.
2. All applications must have local community minutes attached prior to being submitted to the Land and Natural Resources Committee and/or Land Use Commission, on those tracts not under the management of Tribal Land Enterprise. (per RST Resolution 99-137, approved 7/19/99, attached)
 - a. If any local community fails to establish a quorum for two (2) consecutive months the Chairman and Secretary of the community may sign off on the application with a statement attached to that effect. The statement must also be signed by the community Chairman and Secretary. A statement letter must be ratified by the Community with a copy of minutes to be submitted to TLE & SOLO.
3. All applications must have local community minutes attached prior to being submitted to the Tribal Land Enterprise Board of Directors, on those tracts of land under the management and operation of Tribal Land Enterprise. (per RST Resolution 99-137, approved 7/19/99, attached)
 - a. If any local community fails to establish a quorum for two (2) consecutive months that Chairman and Secretary of the community may sign off on the application with a statement attached to that effect. The statement must also be signed by the community Chairman and Secretary. A Statement letter must be ratified by the Chairman with a copy of minutes attached to be submitted to TLE and SOLO.
4. All Applicants must have a legal land description accompanied by an aerial photograph attached and signed off by the BIA Branch of Land Operations.
5. All applications for businesses dealing in the collections of cars, aluminum or any other salvage which has the potential to leak fluids or hazardous material MUST be accompanied with a Public Hearing of the Community.
6. All Applications must be completely filled out prior to submission to the Land and Natural Resources Committee and/or Land Use Commission, on those tracts of land not under the management and operation of Tribal Land Enterprise (per RST Resolution 99-137, approved 7/19/99, attached).

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Ordinance No. 88-05

Amended 07/10/2003

7. All applications must be completely filled out prior to submission to Tribal Land Enterprise on those tracts of land under the management and operation of Tribal Land Enterprise, (per RST Resolution 99-137, approved 7/19/99, attached)
8. All applications will be acted on at a regularly scheduled Land and Natural Resources Committee meeting and/or Land Use Commission, on those tracts of land not under the management and operation of Tribal Land Enterprise, (per RST Resolution 99-137, approved 7/19/99, attached. Applicants will be notified in writing of the Land and Natural Resources Committee and/or Land Use Commission recommendations.
9. All applications will be acted on at a regularly scheduled Tribal Land Enterprise Board of Directors meeting, on those tracts of land under the management and operation of Tribal Land Enterprise. (per Resolution 99-137, approved 7/19/99, attached)
10. Upon approval of a Home Site Lease or Business Site Lease by the Tribal Council on those tracts of land not under the management and operation of the Tribal Land Enterprise, the Rosebud Sioux Tribal Land Office will be responsible for notifying all applicants in writing of the Tribal Council action.
11. It will be the responsibility of the applicant to complete the lease contract upon receipt of the Contract from the Bureau of Indian Affairs, Lease Department.
12. The Bureau of Indian Affairs, Lease Department will be required to submit copies of all approved home and business site lease contracts to the Rosebud Sioux Tribal Land Office, on those tracts of not under the management and operation of Tribal Land Enterprise.
13. The Bureau of Indian Affairs Lease Department will be required to submit copies of all approved home and business site lease contracts to the Tribal Land Enterprise on those tracts of land under the management and operation of TLE.
14. All approved applications will be billed on a yearly basis for all rentals and taxes. Yearly billings will be the responsibility of the Tribal Real Property Management Office and/or Tribal Land Enterprise.
15. All applications must have a designation of beneficiary form attached to their applications prior to submission to the RST Land Office/or Tribal Land Enterprise. These forms will be provided by the RST Land Office and/or Tribal Land Enterprise.
16. All applicants must have verification that they are 18 years old and an enrolled member.

ROSEBUD SIOUX TRIBE
Ordinance No. 88-05
Amended 07/10/2003

SECTION 2. Acreage Limitations and Rental Consideration.

A. There is established the following acreage limitations and rental consideration for all home site and business site leases:

1. Home site leases: No home site lease shall be more than 2 ½ acres from the date of this Ordinance.
2. Business Site leases: Business site leases will be for 2 ½ to 7 ½ acres. A maximum of 10.00 acres may be allowed, if proven it is needed.
3. Rental Consideration shall be as follows:
 - a. Home Site Leases - \$10.00 per acre/per year minimum.
 - b. Business Site Leases- \$50.00 per acres/per year minimum or based on an annual fair market rental value or whichever is greater value.
 - c. Business sites will be appraised every (5) years for an annual fair market rental value.
 - d. Lot size (within communities) -\$10.00 per lot per year minimum. (This includes all SWA housing clusters).
 - e. Non-payment of rental consideration shall be cause for cancellation. A final notice in writing after 30 days delinquency shall be given, from the Bureau of Indian Affairs.

SECTION 3. Site Preparation and Maintenance

A. There is established the following site preparation and maintenance requirement for all home site and business site leases: ALL individuals who are approved for a home site or business site lease shall be required to comply with conditions set forth in Title 18, Land Use Code; Title 19, Environmental Protection Code and Title 20, Utilities Code. Copies will be provided by the RST Land Office.

1. All home site and business site leases will be fenced with no less than a three barbed wire fence unless the site is located in a community or housing cluster. Fencing is the responsibility of the lessee and will be done within 30 days after the completion of the BIA Survey of the perimeter. Failure to construct and maintain proper fencing will be cause for cancellation. Extensions may be granted by the Bureau of Indian Affairs, for fencing due to weather or other special circumstances.

2. All home site and business site leases will be maintained in a clean presentable manner so as not to detract from adjoining property.

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Ordinance No. 88-05
Amended 07/10/2003

3. All businesses dealing in the collection of cars, aluminum or any other salvage will be located in areas separate and removed from the home site areas for safety and appearance.
4. No home site shall be for the purpose of maintaining or raising livestock.
5. All home site and business site leases shall have properly approved ingress and egress for all roadways and utilities. Acquisition of the proper right of way shall be the responsibility of the homeowner/lessee.
6. No use of an approved site for a period of six months shall be cause for cancellation of the lease.
7. Any lands used for a purpose unrelated to the Lease or for unlawful purposes shall be subject to cancellation.
8. Cancellation shall be in the form of writing after 30 days notice, from the Bureau of Indian Affairs, to come into compliance. All improvements listed on any home site or business site lease shall become the property of the Leaseholder that caused the improvements to be placed on the land involved.

SECTION 4. Site Location

A. There is established the following site location restriction.

1. No home site or business site lease will be approved on zoned lands that are commercial or industrial in character.
2. No home site or business site lease will be approved within the area designated as timber reserve.
3. No home site or business site lease will be approved for sites removed more than ¼ mile from an improved and maintained roadway.
4. No home site or business site lease will be approved on lands designated or being considered for future tribally owned or managed development.
5. No burial will be allowed on home or business sites.

SECTION 5. Amendments

The Tribal Council may amend this Ordinance in accordance with Ordinance 86-08.

ROSEBUD SIOUX TRIBE
Resolution No. 03-198

WHEREAS, the Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and all pertinent amendments thereof; and

WHEREAS, the Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-Laws; and

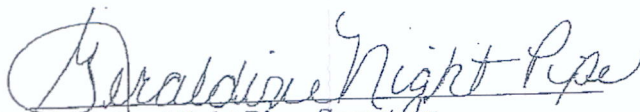
WHEREAS, there is a need to amend Rosebud Sioux Tribe Ordinance 88-05, establishing the requirements for Home Site and Business Site leases in order to comply with regulations set forth in Title 18, Land Use Code and Title 19, Environmental Protection Code. Which were adopted by RST Resolutions No. 92-13 on 2/14/92; now

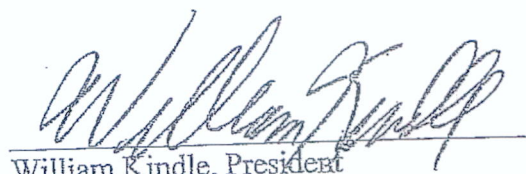
THEREFORE BE IT RESOLVED, that the Rosebud Sioux Tribal Council does approve of the amendments to RST Ordinance 88-05 establishing the requirements for home site and business site leases on the Rosebud Reservation as recommended by the Governmental Affairs Committee.

CERTIFICATION

This is to certify that the above Resolution No. 2003-198 was duly passed by the Rosebud Sioux Tribal Council in session on July 10, 2003, by vote Fourteen (14) in favor, Two (2) opposed and None (0) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:


Geraldine Night Pipe, Secretary
Rosebud Sioux Tribe


William Kindle, President
Rosebud Sioux Tribe

ROSEBUD SIOUX TRIBE
RESOLUTION NO. 91-138

WHEREAS, the Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and all pertinent amendments thereof; and

WHEREAS, the Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-Laws; and

WHEREAS, the Land and Natural Resources Committee has reviewed Ordinance No. 88-05, Homesite and Business Lease, and recognizes a need to amend the Ordinance in order to expedite the lease process and to clarify that Tribal Land Enterprise land is only under their management and not ownership; and

WHEREAS, applicants for a homesite and business lease must wait for months in order for a community to have a meeting to approve their lease applications; and

WHEREAS, the Land and Natural Resources Committee recommends approval of these amendments in accordance with Ordinance No. 86-08, "Legislative Procedure for the Governing Body of the Rosebud Sioux Tribe", which requires at least two-thirds vote of the full body of the Rosebud Sioux Tribe; now

THEREFORE BE IT RESOLVED, that the Rosebud Sioux Tribal Council hereby adopts the amendments to Ordinance No. 88-05 with the amendments to the Ordinance to read as follows:

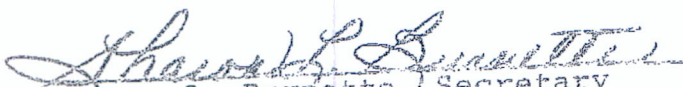
"SECTION 1. Procedural Requirements A. (2) "All applications must have local community minutes attached prior to being submitted to the Land and Natural Resources Committee. After the application is submitted to the Community Chairperson, a public notice must be posted in the community that if a meeting is not held within thirty days, then approval is automatic and the Community Chairperson can sign the application."


"A. (4) All applications involving TLE managed lands must have TLE approval."

CERTIFICATION

This is to certify that the above Resolution No. 91-138 was duly passed by the Rosebud Sioux Tribal Council in session on May 9, 1991, by a vote of eleven (11) in favor, zero (0) opposed and zero (0) not voting. The said Resolution was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:


Sharon L. Burnette, Secretary
Rosebud Sioux Tribe

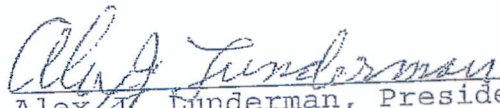

Ralph Moran, President
Rosebud Sioux Tribe

ROSEBUD SIOUX TRIBE
RESOLUTION NO. 88-127

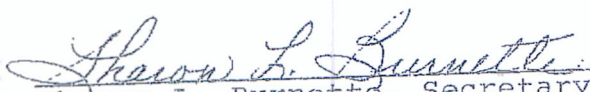
- WHEREAS: the Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and all pertinent amendments thereof; and
- WHEREAS: the Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-Laws; and
- WHEREAS: there is a need to establish a tribal ordinance that ~~will address the issue of homesite and business leases;~~
and
- WHEREAS: the Rosebud Sioux Tribe Land and Natural Resources Committee hereby recommends that Ordinance 88-05 be adopted by the Rosebud Sioux Tribal Council in accordance with Article IV, Section 1(k) of the Rosebud Sioux Tribe's Constitution and By-Laws; now
- THEREFORE BE IT RESOLVED, that the Rosebud Sioux Tribal Council hereby adopts Ordinance 88-05; and
- BE IT FURTHER RESOLVED, that any and all disputes concerning this Ordinance shall be adjudicated within the jurisdiction of the Rosebud Sioux Tribal Court system.

CERTIFICATION

This is to certify that the above Resolution No. 88-127 was duly passed by the Rosebud Sioux Tribal Council in session on November 22, 1988, by a vote of ten (10) in favor, six (6) opposed and one (1) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.


Alex J. Lunderman, President
Rosebud Sioux Tribe

ATTEST:


Sharon L. Burnette, Secretary
Rosebud Sioux Tribe

ROSEBUD SIOUX TRIBE
ORDINANCE NO. 88-05

ORDINANCE ESTABLISHING THE REQUIREMENTS FOR HOMESITE AND BUSINESS
LEASES.

The Rosebud Sioux Tribal Council hereby ordains:

SECTION 1. Procedural Requirements.

A. The following is the accepted procedural requirements for applying for a homesite or business lease:

1. All applications will be in written form on the form established by this Ordinance.
2. All applications must have local community minutes attached prior to being submitted to the Land and Natural Resources Committee. After the application is submitted to the Community Chairperson, a public notice must be posted in the community that if a meeting is not held within thirty days, then approval is automatic and the Community Chairperson can sign the application.
3. All applications must have a legal land description accompanied by an aerial photograph and be signed off by the BIA Branch of Land Operations.
4. All applications involving TLE managed lands must have TLE approval.
5. All applications must be completely filled out prior to submission to the Land and Natural Resources Committee.
6. All applications will be acted on at regularly scheduled Land and Natural Resources Committee meetings. Applicants will be notified in writing of the Committee recommendation.
7. All applications must be approved by the Tribal Council at a regular or special meeting.
8. All approved applications will have a signed and approved home or business lease completed and filed with the Bureau of Indian Affairs, the Tribal Real Property Management Office.
9. All approved applications will be billed on a yearly basis for all rentals and taxes. Yearly billing will be the responsibility of the Tribal Real Property Management Office.

SECTION 2. Acreage Limitations and Rental Consideration.

A. There is established the following acreage limitations and rental consideration for all homesite and business leases:

ROSEBUD SIOUX TRIBE
RESOLUTION NO. 88-05

1. Homesite leases: No homesite lease shall be more than 2 1/2 acres from the date of this Ordinance.
2. Business leases: Business leases will be for 2 1/2 to 10 acres with acreage limited to 10 acres at maximum.
3. Rental consideration shall be as follows:
 - A. Homesite - \$10 per acre/per year minimum.
 - B. Business - \$20 per acre/per year minimum.
 - C. Non-payment of rental consideration shall be cause for cancellation. Cancellation shall be in writing after 30 days notice of non-payment.

SECTION 3. Site Preparation and Maintenance.

~~A.~~ There is established the following site preparation and maintenance requirements for all homesite and business leases:

1. All homesite and business leases will be fenced with no less than a three wire, barbed fence. Fencing is the responsibility of the lessee and will be done within thirty days of the lease approval. Failure to construct and maintain proper fencing will be cause for cancellation. Extensions may be granted for fencing due to weather or other special circumstances.
2. All homesite and business leases will be maintained in a clean presentable manner so as not to detract from adjoining property.
3. All businesses dealing in the collection of cars, aluminum or any other salvage will be located in areas separate and removed from the homesite areas for safety and appearance.
4. No homesite shall be for the purpose of maintaining or raising livestock.
5. All homesite and business leases shall have properly approved ingress and egress for all roadways and utilities. Acquisition of the proper right-of-way shall be the responsibility of the homeowner.
6. Nonuse of an approved site for a period of six months shall be cause for cancellation of the lease.
7. Any lands used for a purpose unrelated to the lease or for unlawful purposes shall be subject to cancellation.

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7. Cancellation shall be in the form of writing after 30 days notice to come into compliance. All improvements listed on any homesite or business lease shall become the property of the leaseholder that caused the improvements to be placed on the land involved.

SECTION 4. Site Location.

A. There is established the following site location restrictions:

1. No homesite or business lease will be approved on zoned lands that are commercial or industrial in character.
2. No homesite or business lease will be approved within the area designated as timber reserve.
3. No homesite or business lease will be approved for sites removed more than 1/4 mile from an improved and maintained roadway. Exceptions may be made after review.
4. No homesite or business lease will be approved on lands designated or being considered for future tribally owned or managed development.

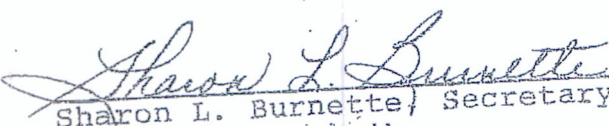
SECTION 5. Amendments.

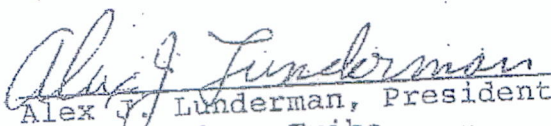
The Tribal Council may amend this Ordinance in accordance with Ordinance 86-08.

CERTIFICATION

This is to certify that the above Ordinance No. 88-05 was duly considered by the Rosebud Sioux Tribal Council in session on November 22, 1988, by a vote of ten (10) in favor, six (6) opposed and one (1) not voting approving Resolution No. 88-127 establishing Ordinance No. 88-05. Said Ordinance was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:


Sharon L. Burnette, Secretary
Rosebud Sioux Tribe


Alex J. Lunderman, President
Rosebud Sioux Tribe