

Oneida Tribe of Indians of Wisconsin

Post Office Box 365

Phone: 869-2214

Oneida, WI 54155



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the British refused to aid them



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the Colony of Pennsylvania, a new nation, the United States, was



RESOLUTION # 8-2-89-3

WHEREAS, The Oneida Tribe of Indians of Wisconsin is a federally recognized Indian Government and a Treaty Tribe recognized by the laws of the United States; and,

WHEREAS, The Oneida General Tribal Council is the governmental body of the Oneida Tribe of Indians of Wisconsin; and,

WHEREAS, The Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and,

WHEREAS, The Oneida Tribe of Indians of Wisconsin has entered into certain leases with Oak Ridge Plaza, Inc., a Wisconsin Corporation for the purposes of developing a 240,000 square foot multi-rental retail shopping center; and,


WHEREAS, In order to facilitate the construction of the retail center, the Oneida Tribe of Indians of Wisconsin desires to execute an Estoppel Certificate in favor of Merchants National Bank and Trust Company of Indianapolis, Indiana and Associated Kellogg Bank of Green Bay, Wisconsin; more particularly outlined in the Estoppel Certificate attached hereto and incorporated by reference.

NOW, THEREFORE BE IT RESOLVED, that the Oneida Business Committee, in session assembled, hereby approves the attached Estoppel Certificate; and,

BE IT FURTHER RESOLVED, that the Chairman of the Oneida Tribe of Indians of Wisconsin is authorized to execute the Estoppel Certificate on behalf of the Oneida Tribe of Indians of Wisconsin.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of nine (9) members, of whom 7 members constituting a quorum, were present at a meeting duly called, noticed and held on the 2nd day of August, 1989; that the foregoing resolution was duly adopted at such meeting by a vote of 6 for, 0 against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.


Anelia Cornelius, Tribal Secretary
Oneida Business Committee

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ESTOPPEL CERTIFICATE

July 20, 1989

Merchants National Bank and Trust Company of Indianapolis
1 Merchants Plaza
Indianapolis, Indiana 46255

Re: Wal-Mart Retail Shopping Center/Green Bay, Wisconsin

Gentlemen:

The undersigned, hereby certifies to you as follows:

1. The undersigned is the Lessor of the above referenced property under leases dated April 6, 1989 and July 18, 1989 respectively, ("Leases").
2. The lease is in full force and effect and the Lessee is not presently in default thereunder, nor does any event exist which with the passage of time would be a default or accelerate the terms and conditions of default.
3. The leases have not been modified or amended and are the only leases between the undersigned and Oak Ridge Plaza, Inc., as Lessee affecting said property. No further modification or amendment will be made to said leases without the written approval of Merchants National Bank and Trust Company of Indianapolis.
4. The Lessee is in actual occupancy of said property and is paying rent and other charges specified in the leases according to the terms thereunder.
5. That any and all construction plans and general specifications described in Article Seven of the leases and/or including but not limited to the plans and specifications for Sam's Wholesale Club have been approved and in conformance with applicable building codes.
6. That the Master Ground Lease referred to in paragraph 1 of this Estoppel Certificate shall under no circumstance be constructed to include any payment to the Tribe of any of the distributable proceeds from construction financing or initial permanent financing provided by any lender.

7. That the total tribal taxes and assessments detailed in Article Seventeen of the Leases shall not be construed so as to create a liability greater than the difference between what normal taxes would be on similar property and improvements in the City of Green Bay, Wisconsin and the amount actually paid by Lessee pursuant to the terms of an agreement in lieu of real estate taxes between Lessee and the City of Green Bay.

8. That the Lessee has exercised any and all option rights provided for in the lease agreements referenced above. That said option rights and renewal of leases have been executed to contain the same terms and conditions as the original leases.

9. That the premises subject to the lease between the Oneida Tribe of Indians of Wisconsin and Oak Ridge Plaza, Inc., dated the 18th day of July, 1989 and located in the Oneida Indian Reservation, Brown County, Wisconsin are not currently held in trust with the United States and therefore not on record with the Bureau of Indian Affairs.

10. That the Oneida Tribe of Indians of Wisconsin shall take no steps to place any "non-trust" land now or hereafter leased to Oak Ridge Plaza, Inc., its successors and assigns, in trust with the United States Government for the full term of any such leases without the express written consent of Oak Ridge Plaza, Inc., its successors or assigns.

11. That the common council of the City of Green Bay, Wisconsin, is currently in the process of amending the official street map of the City of Green Bay by placing thereon a right-of-way required for the relocation of the Frontage Road, North side of West Mason Street from Hinkle to 430 feet East, and the widening of Hinkle Street from West Mason Street to 400 feet North as described in the attachments hereto marked as Exhibits A and B respectively.

12. That the amendment to the official City Street map referenced in paragraph 11 of this Estoppel Certificate affects lands owned by the Oneida Tribe of Indians of Wisconsin, said lands being "non-trust" land.

13. That the amendment referenced in paragraph 11 of this Estoppel Certificate is being done at the request of the Oneida Tribe of Indians of Wisconsin and with the full consent and cooperation of the Tribe. In the event the official street map is, for any reason, not amended to create the Frontage Road and right-of-way referenced above, the Oneida Tribe of Indians of Wisconsin certifies that a right-of-way, for ingress and egress, for use by the general public shall be granted to Oak Ridge Plaza, Inc., its successors or assigns across the identical lands described in the attachments hereto and marked as Exhibits "A" and "B" respectively.

Lessor - Oneida Tribe of Indians of Wisconsin

Name

Title

Recommended For Approval:

Superintendent, Great Lakes Agency

Date

Approved

Minneapolis Area Director

Date

EXHIBIT "A"

AMOUNT OF RIGHT-OF-WAY REQUIRED FOR FRONT E ROAD
NORTH SIDE OF WEST MASON STREET
FROM HINKLE STREET TO 430 FEET EAST

That part of Lots 1 & 2 of the certified survey map recorded in Volume 3, page 491, Certified Survey Maps, Brown County Records being part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Section 28, Township 24 North, Range 20 East, City of Green Bay, Brown County, Wisconsin and lying 35.00 feet on each side of the following described centerline: Commencing at the Southwest corner of said Lot 1 thence N 00°-22'-36" W, 35.00 feet along the West line of said Lot 1 to the start of said described centerline; a 200.00 foot radius curve to the right 279.28 feet, said curve having a chord which bears S 50°-23'-40" E 257.14 feet; thence along the arc of a 200.00 foot radius curve to the left 279.52 feet, said curve having a chord which bears S 50°-25'-5" E, 257.32 feet to the end of said described line.

Excepting therefrom that part previously dedicated for street purposes.

Tax parcel numbers 6H-1097 and 6H-1096-2