



Little River Band of Ottawa Indians

375 River Street
Manistee MI 49660
(231) 723-8288

RESOLUTION NO. #01-1107-10

**APPROVING AND GRANTING EASEMENT TO
CONSUMERS ENERGY
FOR RIGHT-OF-WAY FOR THE PURPOSES OF BUILDING AND
MAINTAINING UNDERGROUND ELECTRICAL LINES**

WHEREAS, the Little River Band of Ottawa Indians is a federally recognized tribe, as reaffirmed under P.L. 103-324, enacted on September 21, 1994; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7 (b) of the Constitution of the Little River Band of Ottawa Indians ("Tribal Constitution"), has the power to authorize and ratify agreements and contracts negotiated on behalf of the Tribe with the federal government; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7(d) of the Tribal Constitution is authorized to approve any sale, disposition, lease or encumbrance of Tribal lands or interests in lands; and

WHEREAS, the Tribe wishes to have housing developed on the reservation for its members and it is necessary to develop underground utilities to serve these homes. The utilities include electrical lines; and

WHEREAS, Consumers Energy desires granting of an easement for the purposes of building and maintaining electrical lines along the housing development roads, which easement consists of:

- (1) Along the Aki maadiziwin Road system: A 100 foot wide strip of land, which includes the 80 foot road and 10 feet on each side of it;
- (2) A forty foot wide easement from the southeast part of Dontz Road that follows the watermain into Aki maadiziwin; and

- (3) A twenty foot wide easement that travels from the Aki maadiziwin road system to the well. These easements are located on the described parcel referred to as Dontz Road "A" Parcel:

The NE $\frac{1}{4}$, except the North 660.00 feet, of the East 1320.00 feet thereof,
Section 29, Township 22 North, Range 16 West.

Said parcel contains 140.47 acres more or less.

Property I.D. #51-07-129-001-20

Also – The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 28, Township 22
North, Range 16 West. –Michigan Meridian

Said parcel contains 40.21 acres more or less.

Property I.D. #51-07-128-006-00;

WHEREAS, Consumers Energy has further agreed to assume responsibility for the upkeep and maintenance of the easement following completion of the improvements.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby approves and grants an easement for the right-of-way requested by Consumers Energy for the purpose of authorizing the permitting and completion of the above-described improvements on the land. A more clearly defined description will be provided on the completed easement.

IT IS FURTHER RESOLVED, that the Tribal Council hereby waives any deposit for property damage resulting from the survey and construction of this right-of-way and further waives compensation for the granting of the right-of-way due to the overall benefits to the Tribe and its members derived from the improvements and in view of the fact that the Consumers Energy has agreed to assume upkeep and maintenance of the right-of-way.

IT IS FURTHER RESOLVED, that the Tribal Council requests the Superintendent, Michigan Agency, prepare and recommend approval of the easement documents submitted by the Tribe and Consumers Energy.

CERTIFICATION OF ADOPTION

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at a Regular Session held at the Little River Community Center on November 7, 2001, by a vote of 9 in favor, 0 opposed, 0 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 11/7/01


Janine Sam, Council Recorder

Attest:


Steve Parsons, Speaker