



Little River Band of Ottawa Indians
375 River Street
Manistee MI 49660
(231) 723-8288

Moved to
open
3/26/03

Resolution No. #02-0828-08

**Authorizing the Tribal Ogema, or in his absence, the
Tribal Council Speaker to Execute a Special Real Estate Agency
Agreement with Wilcox Realty to
Permit Consideration of Acquisition of the "Starport Marina" Property**

WHEREAS, the Band's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §1300k et seq.)(hereinafter "Little River Act"); and

WHEREAS, the Band adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7(c) of the Constitution, has the power to acquire lands which are deemed beneficial to the Band; and

WHEREAS, pursuant to Article IV, Section 5 (a)(4) and Article V, Section 5(a)(3) and (8) of the Band's Constitution, the Tribal Ogema, or in his/her absence, the Council Speaker is authorized to represent the Band in its relations with other organizations and manage the economic affairs/enterprises of the Band, in a manner consistent with the Tribal Constitution and resolutions of the Tribal Council

WHEREAS, the Tribal Council and the Band's membership have determined that restoration of the Band's historic reservation land base and other lands within the Band's historic territory is a critical priority;

WHEREAS, the Band's Reservation Restoration Plan has identified acquisition of lands which provide Band members access to Lake Michigan to promote the exercise of the Band's treaty reserved fishing rights in the Great Lakes, and to support the Band's regulation of its treaty fishery; and

WHEREAS, the Band's Natural Resource Commission and Tribally-licensed fishers have identified the "Starport Marina" property in Pere Marquette Township as having the facilities and other characteristics necessary to support commercial fishing operations, and which would be suitable for multiple uses in the development of Tribal programs; and

WHEREAS, the Tribal Ogema believes that the "Starport Marina" property affords the Band with a unique, affordable opportunity to acquire suitable access/dockage for its commercial fishery and which could support other economic development objectives of the Band; and

WHEREAS, the Tribal Ogema believes that the Band can best complete the negotiation and execution of an Agency and Purchase Agreement for the "Starport Marina" property through a confidential third party, which will require the Tribe to enter into a Special Real Estate Agency Agreement with a third party; and

WHEREAS, the Band has previously utilized Wilcox Realty Associates (hereafter "Wilcox") of St. Clair Shores, Michigan for this purpose and Tribal Ogema is recommending retaining Wilcox for the purpose of negotiating a Real Estate Purchase Agreement and completing necessary due diligence to assist the Band determine if it wishes to close on the purchase of the "Starport Marina" parcel; and

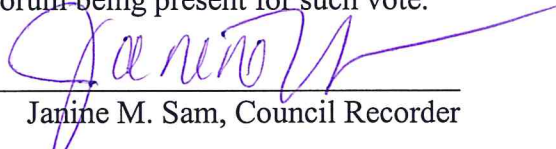
WHEREAS, under the terms of such Agency Agreement, Wilcox would negotiate and enter into a Purchase Agreement for the "Starport Marina" property for a purchase price not to exceed ~~\$500,000.00~~, unless agreed to by Resolution of the Tribal Council, which purchase would be contingent upon the Tribal Council's approval of inspections and obtaining financing, if desired.

350,000

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema, or in the absence of, the Tribal Council Speaker, to and execute an Agency Agreement with Wilcox Realty Associates in the form dated August 12, 2002, authorizing Wilcox to negotiate and enter into a purchase agreement for the acquisition of the "Starport Marina" property, described on Exhibit A, attached, and to execute all other documents necessary to complete the purchase of the Properties at a date and time mutually agreeable to the Band and the Sellers.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSENT, and 0 ABSTAINING, at a Closed Meeting portion of the Regular Session of the Little River Band of Ottawa Indians' Tribal Council held at the Little River Band's Downtown offices on August 28, 2002, in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Record
Tribal Ogema
Legal Department
Wilcox Realty