



Little River Band of Ottawa Indians

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

Resolution # 05-0907-434

Approving and granting easement to DTE Energy for right-of-way for the purposes of building and maintaining underground natural gas lines serving Little River Casino Resort

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe 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 Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

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

WHEREAS, the Tribe is currently expanding the facilities at Little River Casino Resort and it is necessary to relocate some of the underground natural gas lines to serve these facilities; and

WHEREAS, DTE Energy/Michigan Consolidated Gas Company ("DTE") desires granting of easement for the purposes of building and maintaining a new natural gas line along a route through the Casino Resort property, which property is owned by the United States in trust for the Tribe and more particularly described as:

The NE ¼ of Section 28, Township 22 North, Range 16 West, excepting that part commencing at the NE corner of the SE ¼ of the NE ¼, West 264 feet, South 1 degree 40' East 165 feet, East 264 feet, North 165 feet to the place of beginning. Also excepting the highway right-of-way for M-22 in Liber page 248, page 18.

WHEREAS, the location of the easement for the right-of-way to be granted to DTE is described in detail on the attached diagram, which is incorporated herein by reference; and

WHEREAS, upon approval of this easement by the Bureau of Indian Affairs, DTE has further agreed to assume responsibility for the upkeep and maintenance of the easement following completion of the improvements.


NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves and grants an easement for the right-of-way by DTE 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 DTE 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 DTE.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, 1 ABSENT, and 1 VACANT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on September 7, 2005, at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court