



**Little River Band of Ottawa Indians
Tribal Council**
2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

**Moved to
Open Session
05/11/16**

Resolution #16-0511-136

Authorizing Execution of Commercial-Industrial Listing Agreement (Exclusive Right to Sell And/Or Lease) regarding 375 River Street in Manistee, Michigan between the Tribe and Coldwell Banker A.L.M. Reality & Associates, Inc.

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 [codified at 25 U.S.C. §1300k-2(a)]; 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, Article I, Section 1 of the Constitution describes the Tribe's territory as encompassing all lands which are now or hereinafter owned by or reserved for the Tribe, including the Manistee Reservation in Manistee County and all lands which are now or at a later date owned by the Tribe or held in trust for the; and

WHEREAS, the Tribe's legislative powers are vested in the Tribal Council in Article IV of the Constitution; and

WHEREAS, Tribal Council is authorized by Article IV, Section 7(a)(4) to provide for the manner of making, holding and revoking assignments of the Tribe's lands or interests therein; and

WHEREAS, Tribal Council is authorized by Article IV, Section 7(b) to authorize and ratify agreements and contracts negotiated by the Tribal Ogema on behalf of the Tribe; and

WHEREAS, Tribal Council is authorized by Article IV, Section 7(d) to approve or veto the sale, disposition, lease or encumbrance of the Tribe's land, interests in land, personal property or other assets; and

WHEREAS, the Tribe's executive powers are vested in the office of the Tribal Ogema in Article V of the Constitution; and

WHEREAS, the Tribal Ogema is authorized by Article V, Section 5(a)(1) to enforce and execute the laws, ordinances and resolutions of Tribal Council, consistent with the Constitution; and

WHEREAS, the Tribal Ogema is authorized by Article V, Section 5(a)(2) to consult, negotiate and execute agreements and contracts on behalf of the Tribe with private persons or organizations; and

WHEREAS, the Tribal Ogema has negotiated a Commercial-Industrial Listing Agreement with Coldwell Banker A.L.M. Reality & Associates, Inc. which contemplates the listing for sale of three property owned in fee simple by the Tribe, namely the commercial property commonly known as 375 River Street in Manistee, Michigan; and

WHEREAS, the Tribal Council and the Tribal Ogema agree that it is in the best financial interests of the Tribe and its Members to list the above-referenced property for sale.


NOW THEREFORE IT IS RESOLVED, that the Tribal Council authorizes the Tribal Ogema's execution of the Commercial-Industrial Listing Agreements with Coldwell Banker A.L.M. Reality & Associates, Inc. for the listing of the above-referenced property.

IT IS FURTHER RESOLVED, that final sale of the listed properties shall be subject to Tribal Council approval of the Tribal Ogema's execution of closing documents and deed transfers.

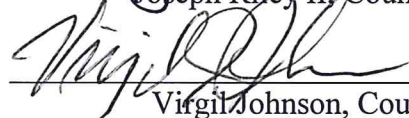
IT IS FINALLY RESOLVED, that the Tribal Council authorizes a limited waiver of the Tribe's inherent sovereign immunity for suit in the Tribal Court of the Little River Band of Ottawa Indians for specific enforcement of the Commercial-Lease Agreements, with any monetary judgment limited to an amount equal to the commissions due to Coldwell Banker A.L.M. Reality & Associates, Inc. as identified in the agreement.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on May 11, 2016 at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.



Joseph Riley II, Council Recorder



Virgil Johnson, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Commerce
Purchasing Department