



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

Resolution #17-0308-095

*Approval of Right-Of-Way and Easement for Construction of Gathering Grounds Roads
and Parking Lots*

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 Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; 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 Bureau of Indian Affairs (BIA) is requesting permission to survey Tribal trust land in order to prepare a clear defined description of the right-of-way for the Gathering Grounds Roads and Parking Lots, and

WHEREAS, the Bureau of Indian Affairs requires the granting of a Right-Of-Way to the Little River Band's Tribal Transportation Program in order to authorize road improvements/construction on the following parcel as described on Exhibits A, Tribal Trust Land: Located in Section 27, Township 22N, Range 16W; the roads to be known as Routes 2014, 2030, 2031, and P100.

NOW THEREFORE BE IT RESOLVED that the Little River Band of Ottawa Indians, Tribal Council hereby maintains its existing jurisdiction over the land, activities, and persons within the Right-Of-Way and this grant does not diminish to any extent: (a) the tribe's power to tax the land, any improvements on the land, or any person or activity within, the Right-Of-Way; (b) the tribe's authority to enforce tribal law of general or particular application on the land subject to and within the right-of-way, as if there were no grant of Right-Of-Way; (c) the tribe's inherent sovereign power to exercise civil jurisdiction over non-members on Indian land; or (d) the character of the land subject to the Right-Of-Way as Indian country under U.S.C. 1151.

NOW THEREFORE BE IT RESOLVED that Little River Band's Tribal Transportation Program shall be the owner of any permanent improvements constructed during the term of the Grant and said permanent improvements, appurtenances, fixtures and equipment placed within the Right-Of-Way shall be removed or an option for landowner to take possession of and title to the permanent improvements or as otherwise negotiated.

NOW THEREFORE BE IT RESOLVED the Grant may be amended.

NOW THEREFORE BE IT RESOLVED this easement may be assigned with applicable consent and BIA approval and within 30 days.

NOW THEREFORE BE IT RESOLVED the Grant will be effective on the date it is approved.

NOW THEREFORE BE IT RESOLVED the condition for this grant shall extend to and be binding upon and shall inure to the benefit of the successors of the GRANTEE.

NOW THEREFORE BE IT RESOLVED that the proposed use is in conformance with applicable tribal law.


NOW THEREFORE BE IT RESOLVED that the Little River Band of Ottawa Indians Tribal Council hereby authorizes permission to survey and grant a perpetual Right-Of-Way to the Little River Band's Tribal Transportation Program for road improvements/construction on the above parcel of land and as referenced on the attached Exhibits A. Due to the overall benefits to the Tribe and its members derived from the road improvements, compensation/bonding/insurance requirements for any damages from the survey and for the granting of the Right-Of-Way are hereby waived. The Superintendent of the Michigan Agency is hereby requested to recommend approval of the Right-Of-Way documents.

NOW THEREFORE BE IT RESOLVED, that the Ogema is hereby authorized to execute any documentation required concerning the project, for and on behalf of the Little River Band of Ottawa Indians.

BE IF FURTHER RESOLVED, that Resolution #17-0201-042 is hereby rescinded.

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 Session of the Little River Band of Ottawa Indians Tribal Council held on March 8, 2017, at the Little River Band of Ottawa Indians Government Center in Manistee, Michigan, with a quorum being present for such vote.



Joseph Riley II, Tribal Council Recorder

Virgil Johnson, Tribal Council Speaker

Attest:

Distribution: Council Records
 Tribal Ogema
 Tribal Court