



Little River Band of Ottawa Indians

2608 Government Center Drive

Manistee, MI 49660

(231) 723-8288

Resolution #18-0404-104

Approval of Easement to Consumers Energy for Construction and Maintenance of Electric Facilities on the Gathering Grounds Trust Parcel

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 easement for construction and maintenance of electrical facilities on the Gathering Grounds parcel; and

WHEREAS, the Bureau of Indian Affairs requires the granting of an easement to Consumers Energy in order to authorize the construction and maintenance of electrical facilities on the Gathering Grounds parcel, according to the following attached document: Exhibit A—Certificate of Survey.

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 easement 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 of Ottawa Indians 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 50-year easement to Consumers Energy for construction and maintenance on the property described in Exhibit A referenced earlier in this resolution. 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 easement documents.

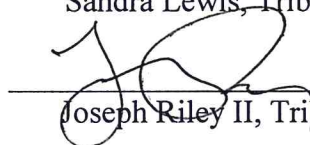
NOW THEREFORE BE IT RESOLVED, that the Ogema is hereby authorized to execute any documentation required concerning the easement, for and on behalf of the Little River Band of Ottawa Indians.

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 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on April 4, 2018, at the Little River Band of Ottawa Indians Government Center in Manistee, Michigan, with a quorum being present for such vote.



Sandra Lewis, Tribal Council Recorder



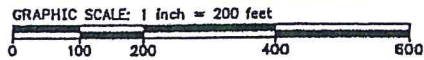
Joseph Riley II, Tribal Council Speaker

Attest:

Distribution: Council Records
 Tribal Ogema
 Tribal Court

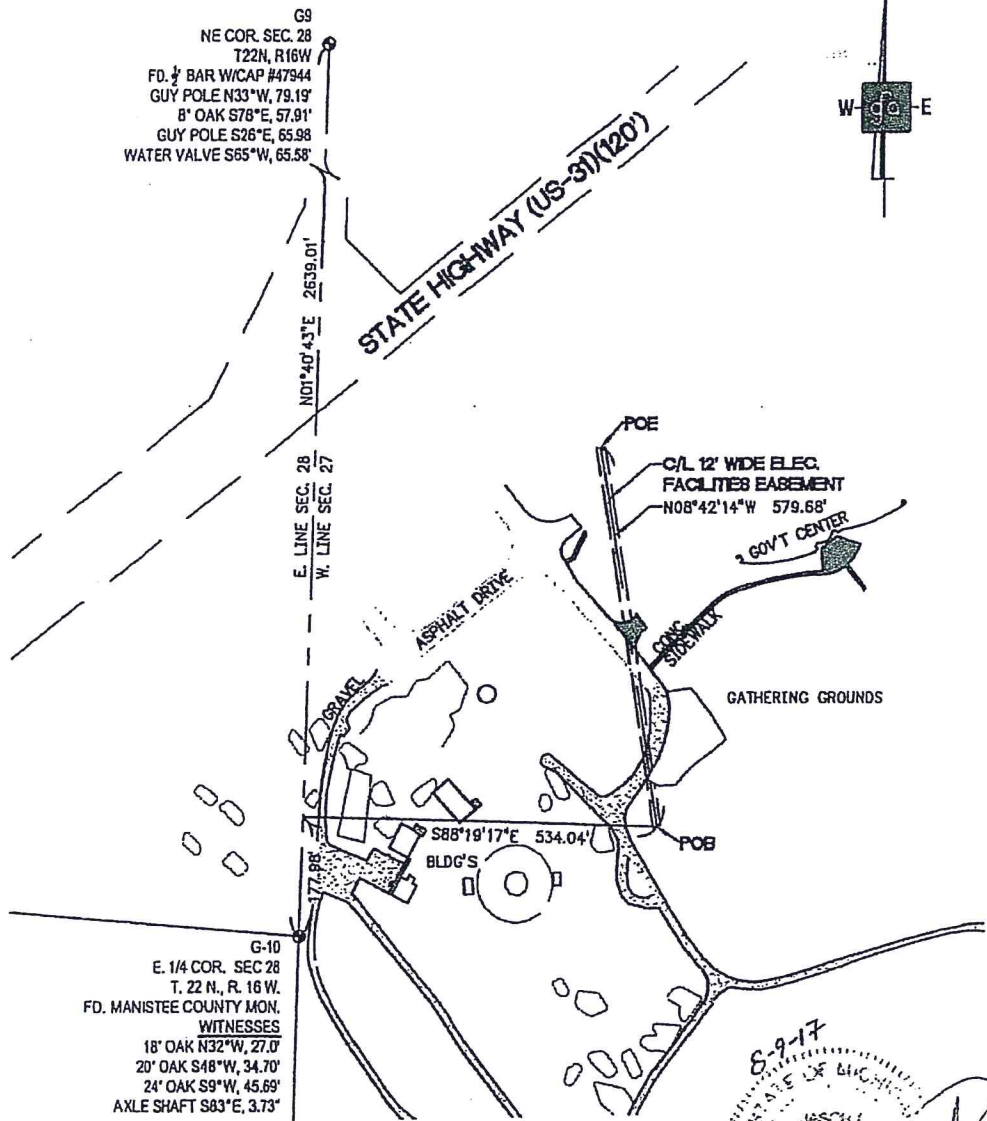
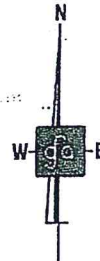
Exhibit - A

EASEMENT EXHIBIT



Legend





Government Corner



8-9-17
STATE OF MICHIGAN
JASON J. JULLIENET
JULIENET
PROFESSIONAL
SURVEYOR
No. 17287
Exp. 12/31/2017

PREPARED FOR: **RCA PC**

DATE OF BEARINGS: U.S. STATE PLANE ZONE 2112, NAD83 (2011)

ENGINEERING SURVEYING TESTING & OPERATIONS		 http://gfoa.lc	Location:	DATE August 8, 2017
				BY JASON JULLIENET
123 West Front Street Traverse City, MI 49684	 231.946.5874 (p)  231.946.3703 (f)		PART OF THE NW 1/4 SECTION 27, TOWN 22 NORTH, RANGE 16 WEST MANISTEE TWP., MANISTEE CO., MI	CHK MLF
				CC: JAU
				17287
				SHT 1 OF 2

THESE DOCUMENTS ARE PROVIDED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT

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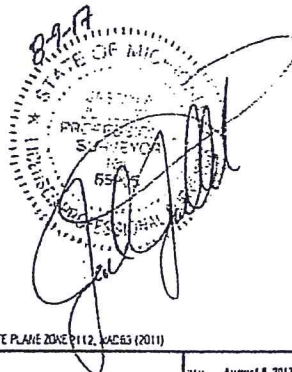
REV. .

EASEMENT EXHIBIT

EASEMENT FOR ELECTRICAL FACILITIES





An easement for the installation and maintenance of Electrical facilities in part of the Northwest one-quarter of Section 27, Town 22 North, Range 16 West, Manistee Township, Manistee County, Michigan the easement being 12 feet wide the side lines of which are 6 feet each side of and parallel to the following described centerline:

Commencing at the East one-quarter corner of said Section 28,
thence North 01°40'43" East, 177.98 feet,
along the West line of said Section 27;
thence South 88°19'17" East, 534.04 feet,
along a line running perpendicular to the said West line of said Section 27, to the Point of
Beginning of said 12.00 foot wide electrical facilities easement centerline;
thence North 08°42'14" West, 579.68 feet,
to the Point of Ending of said 12.00 foot wide electrical facilities easement centerline.



PREPARED FOR: **RCA PC**

BASIS OF BEARINGS: U.S. STATE PLANE ZONE 12, NAD83 (2011)

ENGINEERING SURVEYING TESTING & OPERATIONS 123 West Front Street Traverse City, MI 49684		 http://glo.ic  231.946.5874 (p)  231.946.3703 (t)	Location: PART OF THE NW 1/4 SECTION 27, TOWN 22 NORTH, RANGE 16 WEST MANISTEE TWP., MANISTEE CO., MI	DATE: August 8, 2017
				BY: JASON JULLERET DA: MJF CO: JAJ 17287 SHT 2 OF 2

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PROJECT: 17287, NW 1/4 SECTION 27, TOWN 22 NORTH, RANGE 16 WEST, MANISTEE TWP., MANISTEE CO., MI
REV: .