

**Little River Band of Ottawa Indians**

2608 Government Center Drive

Manistee, MI 49660

(231) 723-8288

**Resolution #18-0808-235**

*Approval of Right-Of-Way and*

*Easement for Construction on Daycare Parking Lot – Route #P109; Daycare Drive - Route #2141; Casino Service Drive – Route #2018; and Employee Access Drive – Route #2019*

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 Bureau of Indian Affairs (BIA) requires that as part of the Tribal Transportation Program (TTP) Road Inventory certain statements be made by the tribes regarding the roads when TTP construction funding is to be spent on designing and constructing roads on Tribal lands; and

WHEREAS, the Little River Band of Ottawa Indians has Tribal owned roads/facilities that are currently part of the Tribe's TTP Road Inventory and these roads/facilities are known as: Daycare Parking Lot – Route #P109; Daycare Drive – Route # 2141; Casino Service Drive – Route #2018 and Employee Access Drive – Route #2019; and

WHEREAS, all four of the Tribal owned roads/facilities are contained within Tract Number 482T1; and

WHEREAS, these facilities reside on Tribal property and will remain as Tribal owned facilities in the TTP Road Inventory throughout construction of this project; and

WHEREAS, the Bureau of Indian Affairs requires the granting of a right-of-way to the Little River Band of Ottawa Indians Tribal Council in order to authorize road improvements/construction according to the documents contained in Attachments A, B, C, D and E.

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 the 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 any disputes regarding violations, abandonment, or non-use may be addressed in accordance with 25 CFR 169.403.

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 Little River Band's Tribal Transportation Program is required to complete construction of the permanent improvements within 60 days or by general schedule of construction.

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

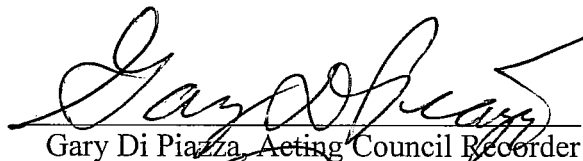
NOW THEREFORE BE IT RESOLVED that the Little River Band of Ottawa Indians Tribal Council hereby authorizes permission to survey and grant a perpetual right-of-way to the Little River Band's Tribal Transportation Program for road improvements/construction on the property described in the exhibits referenced 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 right-of-way documents.

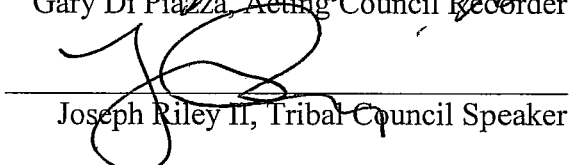
NOW THEREFORE BE IT RESOLVED that this easement may not be mortgaged without applicable consent and BIA approval within 30 days.

BE IT FINALLY RESOLVED that Steve Parsons, BIA Roads/Program Coordinator, is hereby authorized to be the Tribe's Point of Contact as identified on page 2 of the Bureau of Indian Affairs Right of Way Application Form and is as such is authorized to execute any required documentation concerning the Right-of-Way application.

#### **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 August 4, 2018, at the Government Center in Manistee, Michigan, with a quorum being present for such vote.

  
\_\_\_\_\_  
Gary Di Piazza, Acting Council Recorder

  
\_\_\_\_\_  
Joseph Riley II, Tribal Council Speaker

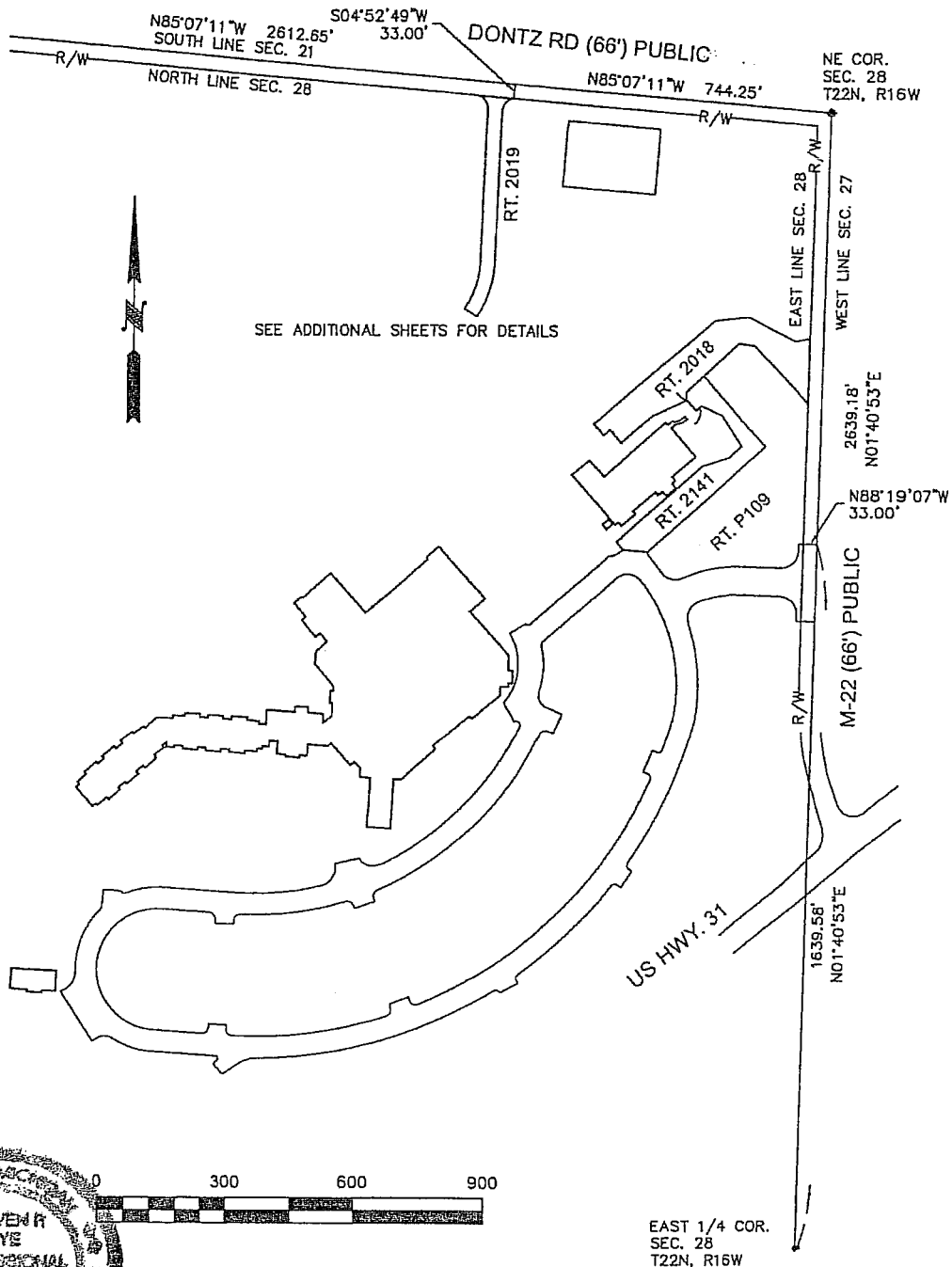
Attest:

Distribution:      Council Records  
                         Tribal Ogema  
                         Tribal Court

# RT. P109, RT.2141, RT.2018 & RT. 2019

PART OF THE NE 1/4 SEC. 28, T22N, R16W,  
MANISTEE TWP., MANISTEE CO.,  
MICHIGAN

Attachment A



EAST 1/4 COR.  
SEC. 28  
T22N, R16W

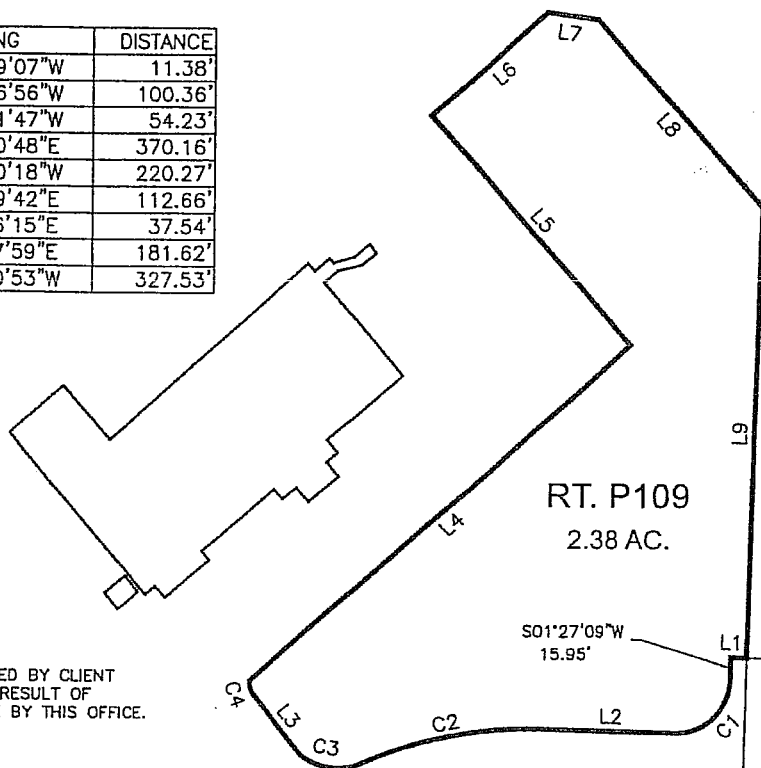
STEVEN P. BYE LAND SURVEYOR, PLC  
3863 SANDIA PLACE  
TRAVERSE CITY, MI 49684  
(231) 645-8655

|                |                  |
|----------------|------------------|
| FOR: GTEC      |                  |
| DATE: 07/25/18 | JOB NO. 2108 012 |
| SCALE: 1"=300' |                  |
| REVISION:      | SHTS: 1 of 5     |

## RT. P109

PART OF THE NE 1/4 SEC. 28, T22N, R16W,  
MANISTEE TWP., MANISTEE CO.,  
MICHIGAN

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | N88°19'07"W | 11.38'   |
| L2   | N88°16'56"W | 100.36'  |
| L3   | N38°11'47"W | 54.23'   |
| L4   | N48°20'48"E | 370.16'  |
| L5   | N41°50'18"W | 220.27'  |
| L6   | N48°09'42"E | 112.66'  |
| L7   | S82°06'15"E | 37.54'   |
| L8   | S42°17'59"E | 181.62'  |
| L9   | S01°40'53"W | 327.53'  |



NOTE:  
LINEWORK PROVIDED BY CLIENT  
AND IS NOT THE RESULT OF  
ACTUAL FIELDWORK BY THIS OFFICE.

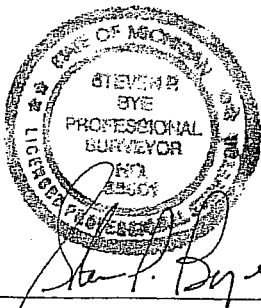
| CURVE | ARC LENGTH | RADIUS  | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|---------|-------------|---------------|--------------|
| C1    | 60.62'     | 41.00'  | 84°42'56"   | S43°48'37"W   | 55.25'       |
| C2    | 137.65'    | 297.36' | 26°31'19"   | S78°27'25"W   | 136.42'      |
| C3    | 44.52'     | 41.00'  | 62°12'53"   | N79°56'40"W   | 42.36'       |
| C4    | 12.50'     | 14.00'  | 51°09'25"   | N20°00'24"W   | 12.09'       |

## RT. P109 DESCRIPTION

That part of the Northeast 1/4 of Section 28, Town 22 North, Range 16 West, Manistee County, Michigan, more fully described as:

Commencing at the East 1/4 corner of said Section 28, thence North 01°40'55" East, 1639.58 feet along the East line of said Section 28; thence North 88°19'07" West, 33.00 feet to the West Right-of-Way line of M-22 and the POINT OF BEGINNING; thence North 88°19'07" West, 11.38 feet; thence South 01°27'09" West, 15.95 feet; thence 60.62 feet along the arc of a 41.00 foot radius curve to the right (chord bears South 43°48'37" West, 55.25 feet); thence North 88°16'56" West, 100.36 feet; thence 137.65 feet along the arc of a 297.36 foot radius curve to the left (chord bears South 78°27'25" West, 136.42 feet); thence with a reverse curve 44.52 feet along the arc of a 41.00 foot radius curve to the right (chord bears North 79°56'40" West, 42.36 feet); thence North 38°11'47" West, 54.23 feet; thence 12.50 feet along the arc of a 14.00 foot radius curve to the right (chord bears North 20°00'24" West, 12.09 feet); thence North 48°20'48" East, 370.16 feet; thence North 41°50'18" West, 220.27 feet; thence North 48°09'42" East, 112.66 feet; thence South 82°06'15" East, 37.54 feet; thence South 42°17'59" East, 181.62 feet to said West Right-of-Way line; thence South 01°40'53" West, 327.53 feet along said West Right-of-Way line to the POINT OF BEGINNING.

Containing 2.38 acres, more or less.



STEVEN P. BYE LAND SURVEYOR, PLC  
3863 SANDIA PLACE  
TRAVERSE CITY, MI 49684  
(231) 645-6655

FOR:

RCA, LLC

DATE: 05/15/18

SCALE: 1"=150'

REVISION:

JOB NO. 2108 005

SHTS:

2 of 5

EAST 1/4 COR.  
SEC. 28  
T22N, R16W

## RT. 2141

PART OF THE NE 1/4 SEC. 28, T22N, R16W,  
MANISTEE TWP., MANISTEE CO.,  
MICHIGAN

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | N88°19'07"W | 11.38'   |
| L2   | N88°16'56"W | 100.36'  |
| L3   | N38°11'47"W | 54.23'   |
| L10  | N85°35'58"W | 57.81'   |
| L11  | N40°40'46"W | 24.48'   |
| L12  | N48°24'28"E | 267.35'  |
| L13  | N72°41'10"E | 67.81'   |
| L14  | N48°29'19"E | 39.87'   |
| L15  | N33°25'15"W | 86.31'   |
| L16  | N65°52'36"W | 53.92'   |
| L17  | S49°25'44"W | 16.52'   |
| L18  | N43°22'51"W | 34.09'   |
| L19  | N00°21'12"E | 17.96'   |
| L20  | N48°09'42"E | 55.42'   |
| L21  | S41°50'18"E | 220.27'  |
| L22  | S48°20'48"W | 370.16'  |

NOTE:  
LINEWORK PROVIDED BY CLIENT  
AND IS NOT THE RESULT OF  
ACTUAL FIELDWORK BY THIS OFFICE.

| CURVE | ARC LENGTH | RADIUS  | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|---------|-------------|---------------|--------------|
| C1    | 60.62'     | 41.00'  | 84°42'56"   | S43°48'37"W   | 55.25'       |
| C2    | 137.65'    | 297.36' | 26°31'19"   | S78°27'25"W   | 136.42'      |
| C3    | 44.52'     | 41.00'  | 62°12'53"   | N79°56'40"W   | 42.36'       |
| C4    | 12.50'     | 14.00'  | 51°09'25"   | N20°00'24"W   | 12.09'       |

## RT. 2141 DESCRIPTION

That part of the Northeast 1/4 of Section 28, Town 22 North, Range 16 West, Manistee County, Michigan,  
more fully described as:

Commencing at the East 1/4 corner of said Section 28, thence North 01°40'55" East, 1639.58 feet along the East line of said Section 28; thence North 88°19'07" West, 33.00 feet to the West Right-of-Way line of M-22; thence North 88°19'07" West, 11.38 feet; thence South 01°27'09" West, 15.95 feet; thence 60.62 feet along the arc of a 41.00 foot radius curve to the right (chord bears South 43°48'37" West, 55.25 feet); thence North 88°16'56" West, 100.36 feet; thence 137.65 feet along the arc of a 297.36 foot radius curve to the left (chord bears South 78°27'25" West, 136.42 feet); thence with a reverse curve 44.52 feet along the arc of a 41.00 foot radius curve to the right (chord bears North 79°56'40" West, 42.36 feet); thence North 38°11'47" West, 54.23 feet; thence 12.50 feet along the arc of a 14.00 foot radius curve to the right (chord bears North 20°00'24" West, 12.09 feet) to the POINT OF BEGINNING; thence North 85°35'58" West, 57.81 feet; thence North 40°40'46" West, 24.48 feet; thence North 48°24'28" East, 267.35 feet; thence North 72°41'10" East, 67.81 feet; thence North 48°29'19" East, 39.87 feet; thence North 33°25'15" West, 86.31 feet; thence North 65°52'36" West, 53.92 feet; thence South 49°25'44" West, 16.52 feet; thence North 43°22'51" West, 34.09 feet; thence North 00°21'12" East, 17.96 feet; thence North 48°09'42" East, 55.42 feet; thence South 41°50'18" East, 220.27 feet; thence South 48°20'48" West, 370.16 feet to the POINT OF BEGINNING.

Containing 0.71 acre, more or less.



STEVEN P. BYE LAND SURVEYOR, PLC  
3863 SANDIA PLACE  
TRAVERSE CITY, MI 49684  
(231) 645-6655

FOR:

RCA, LLC

DATE: 09/15/18

SCALE: 1"=100'

REVISION:

JOB NO. 2108 005

SHTS:

3 of 5

SECTION 8  
SECTION 7

M-22 (66') PUBLIC

N88°19'07"W  
33.00'S01°27'09"W  
15.95'

1639.58'

N01°40'55"E

EAST 1/4 COR.  
SEC. 28  
T22N, R16W

# RT. 2018

PART OF THE NE 1/4 SEC. 28, T22N, R16W,  
MANISTEE TWP., MANISTEE CO.,  
MICHIGAN

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | N88°19'07"W | 11.38'   |
| L2   | N88°16'56"W | 100.36'  |
| L3   | N38°11'47"W | 54.23'   |
| L10  | N85°35'58"W | 57.81'   |
| L11  | N40°40'48"W | 24.48'   |
| L12  | N48°24'28"E | 267.35'  |
| L13  | N72°41'10"E | 87.81'   |
| L14  | N48°29'19"E | 39.87'   |
| L15  | N33°25'15"W | 86.31'   |
| L16  | N65°52'36"W | 53.92'   |
| L17  | S49°25'44"W | 16.52'   |
| L18  | N43°22'51"W | 34.09'   |
| L23  | S48°28'24"W | 5.15'    |
| L24  | S65°39'03"W | 81.97'   |
| L25  | S49°07'56"W | 97.28'   |
| L26  | N40°00'55"W | 75.85'   |
| L27  | N49°56'59"E | 349.72'  |
| L28  | N83°56'17"E | 82.92'   |
| L29  | S62°04'26"E | 118.29'  |
| L30  | N79°00'46"E | 36.07'   |
| L31  | S01°40'53"W | 151.97'  |
| L32  | N40°00'55"W | 40.03'   |
| L33  | S49°59'15"W | 20.68'   |
| L34  | N39°57'09"W | 35.81'   |
| L35  | N49°56'59"E | 370.37'  |

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L55  | N42°17'59"W | 181.62'  |
| L56  | N82°06'15"W | 37.54'   |
| L57  | S48°09'42"W | 168.08'  |
| L58  | S00°21'12"W | 17.96'   |

NOTE:  
LINEWORK PROVIDED BY CLIENT  
AND IS NOT THE RESULT OF  
ACTUAL FIELDWORK BY THIS OFFICE.

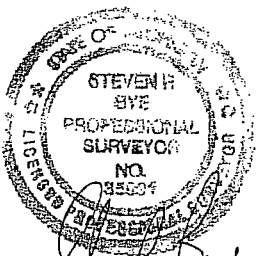
| CURVE | ARC LENGTH | RADIUS  | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|---------|-------------|---------------|--------------|
| C1    | 60.62'     | 41.00'  | 84°42'56"   | S43°48'37"W   | 55.25'       |
| C2    | 137.65'    | 297.36' | 26°31'19"   | S78°27'25"W   | 136.42'      |
| C3    | 44.52'     | 41.00'  | 62°12'53"   | S79°56'40"E   | 42.38'       |
| C4    | 12.50'     | 14.00'  | 51°09'25"   | N20°00'24"W   | 12.09'       |

## RT. 2018 DESCRIPTION

That part of the Northeast 1/4 of Section 28, Town 22 North, Range 16 West, Manistee County, Michigan, more fully described as:

Commencing at the East 1/4 corner of said Section 28, thence North 01°40'55" East, 1639.58 feet along the East line of said Section 28; thence North 88°19'07" West, 33.00 feet to the West Right-of-Way line of M-22; thence North 88°19'07" West, 11.38 feet; thence South 01°27'09" West, 15.95 feet; thence 60.62 feet along the arc of a 41.00 foot radius curve to the right (chord bears South 43°48'37" West, 55.25 feet); thence North 88°16'56" West, 100.36 feet; thence 137.65 feet along the arc of a 297.36 foot radius curve to the left (chord bears South 78°27'25" West, 136.42 feet); thence with a reverse curve 44.52 feet along the arc of a 41.00 foot radius curve to the right (chord bears North 79°56'40" West, 42.38 feet); thence North 38°11'47" West, 54.23 feet; thence 12.50 feet along the arc of a 14.00 foot radius curve to the right (chord bears North 20°00'24" West, 12.09 feet); thence North 85°35'58" West, 57.81 feet; thence North 40°40'48" West, 24.48 feet; thence North 48°24'28" East, 267.35 feet; thence North 72°41'10" East, 87.81 feet; thence North 48°29'19" East, 39.87 feet; thence North 33°25'15" West, 86.31 feet; thence North 65°52'36" West, 53.92 feet; thence South 49°25'44" West, 16.52 feet; thence North 43°22'51" West, 34.09 feet to the POINT OF BEGINNING; thence South 48°28'24" West, 5.15 feet; thence South 65°39'03" West, 81.97 feet; thence South 49°07'56" West, 97.28 feet; thence North 40°00'55" W, 40.03 feet; thence South 49°59'15" West, 20.68 feet; thence North 39°57'09" West, 35.81 feet; thence North 49°56'59" East, 370.37 feet; thence North 83°56'17" East, 82.92 feet; thence South 62°04'26" East, 118.29 feet; thence North 79°00'46" East, 36.07 feet to said West Right-of-Way line; thence South 01°40'53" West, 151.97 feet along said West Right-of-Way line; thence North 42°17'59" West, 181.62 feet; thence North 82°06'15" West, 37.54 feet; thence South 48°09'42" West, 168.08 feet; thence South 00°21'12" West, 17.96 feet to the POINT OF BEGINNING.

Containing 1.05 acres, more or less



STEVEN P. BYE LAND SURVEYOR, PLC  
3863 SANDIA PLACE  
TRAVERSE CITY, MI 49684  
(231) 645-6655

FOR: RCA, LLC

DATE: 05/15/18  
SCALE: 1"=100' JOB NO. 2108 005

REVISION: SHTS: 4 of 5

EAST 1/4 COR.  
SEC. 28  
T22N, R16W

1639.58'  
N01°40'55"E

N88°19'07"W  
33.00'

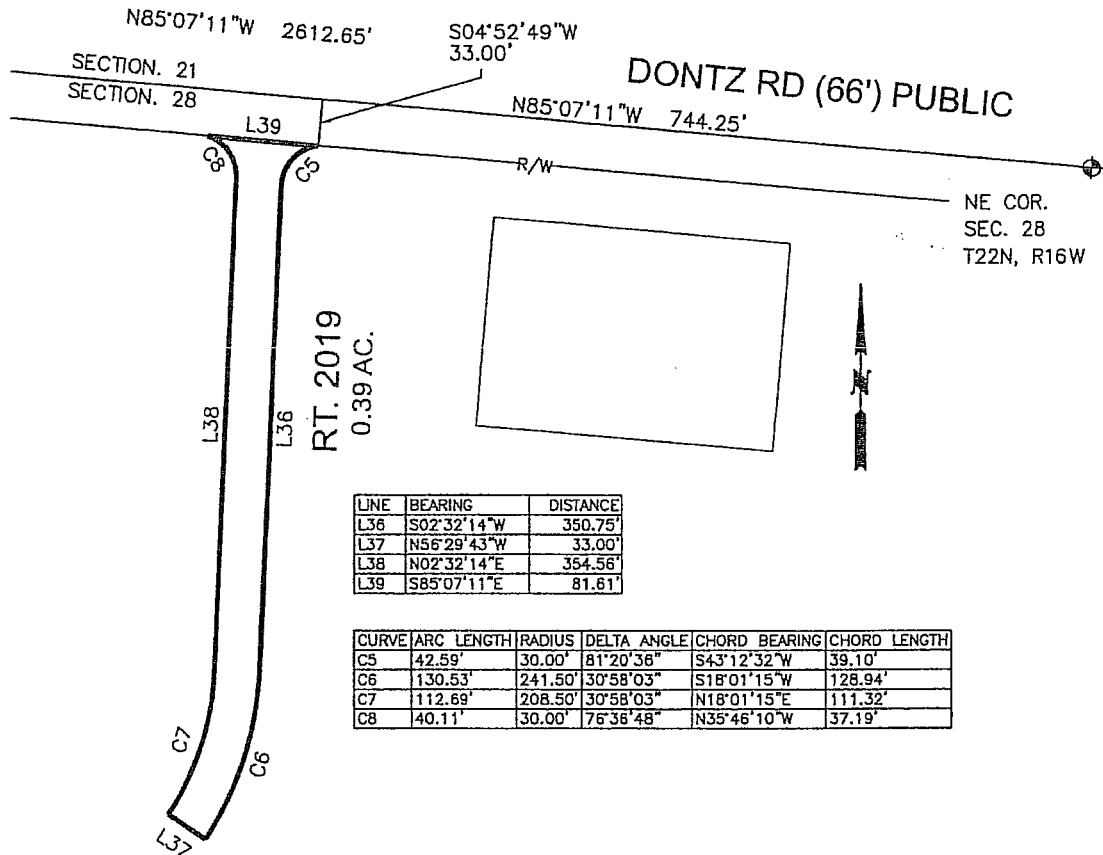
M-22 (66') PUBLIC

SECTION 8  
SECTION 7



## RT. 2019

PART OF THE NE 1/4 SEC. 28, T22N, R16W,  
MANISTEE TWP., MANISTEE CO.,  
MICHIGAN

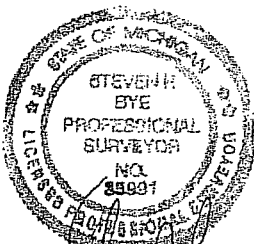


## RT. 2019 DESCRIPTION

That part of the Northeast 1/4 of Section 28, Town 22 North, Range 16 West, Manistee County, Michigan, more fully described as:

Commencing at the Northeast corner of said Section 28, thence North 85°07'11" West, 744.25 feet along the North line of said Section 28, thence South 04°52'49" West, 33.00 feet to the South Right-of-Way line of Dontz Road and the POINT OF BEGINNING; thence 42.59 feet along the arc of a 30.00 foot radius curve to the left (chord bears South 43°12'32" West, 39.10 feet); thence South 02°32'14" West, 350.75 feet; thence 130.53 feet along the arc of a 241.50 foot radius curve to the right (chord bears South 18°01'15" West, 128.94 feet); thence North 56°29'43" West, 33.00 feet; thence 112.69 feet along the arc of a 208.50 foot radius curve to the left (chord bears North 18°01'15" East, 111.32 feet); thence North 02°32'14" East, 354.56 feet; thence 40.11 feet along the arc of a 30.00 foot radius curve to the left (chord bears North 35°46'10" West, 37.19 feet) to said South Right-of-Way line of Dontz Road; thence South 85°07'11" East, 81.81 feet along said South Right-of-Way line to the POINT OF BEGINNING.

Containing 0.39 acre, more or less.



STEVEN P. BYE LAND SURVEYOR, PLC  
3863 SANDIA PLACE  
TRAVERSE CITY, MI 49684  
(231) 645-6655

FOR:

RCA, LLC

DATE: 05/15/18

SCALE: 1"=100'

REVISION:

JOB NO. 2108 005

SHTS:

5 of 5