

Little River Band of Ottawa Indians

2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

Resolution #19-0213-041

Approval of Right-Of-Way and Easement for Construction on Custer Parcel Cemetery Road 1-Route #2085; Custer Parcel Cemetery Road 2-Route #2090; Custer Parcel Cemetery Road-Route #2095; and Custer Parcel Cemetery Road 4-Route #2100

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: Custer Parcel Cemetery Road 1 – Route #2085; Custer Parcel Cemetery Road 2 - Route #2090; Custer Parcel Cemetery Road 3 - #2095; and Custer Parcel Cemetery Road 4 - #2100; and

WHEREAS, all four of the Tribal owned roads/facilities are contained within the Pere Marquette Parcel, Tract Number 482T6; 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 (nine pages) contained in Attachment A.

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 7 FOR, 0 AGAINST, 0 ABSTAINING, and 2 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on February 13, 2019, at the Government Center in Manistee, Michigan, with a quorum being present for such vote.

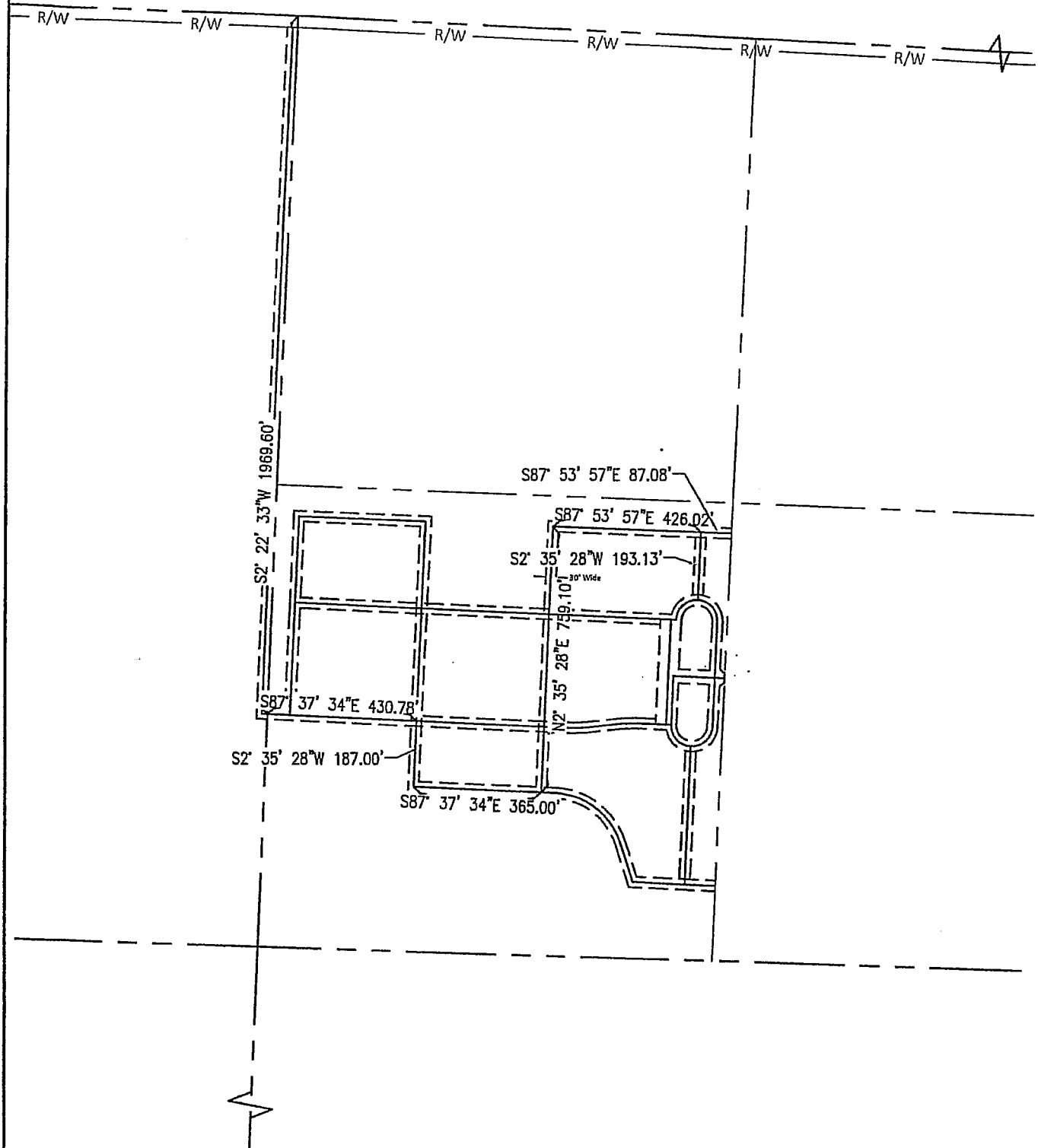

Sandra Lewis, Tribal Council Recorder


Joseph Riley II, Tribal Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court

EXHIBIT TO EASEMENT



Grand Traverse Engineering & Construction
3147 Logan Valley Rd
Traverse City, MI 49684
www.gtecusa.com

231.941.8505

PREPARED FOR: LITTLE RIVER BAND OF OTTAWA INDIANS

PART OF THE NORTH 1/2,
SECTION 21, TOWNSHIP 18 NORTH, RANGE 16 WEST
CUSTER TOWNSHIP, MASON COUNTY, STATE

PAPER SIZE: LETTER

DATE: 12/26/2018

P.M. OCKERT

15022

DRW: JJA CKD: JJA

SHEET 1 OF 9

EXHIBIT TO EASEMENT

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R/W

R/W

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R

S2° 22' 33"W 1969.60'

S87° 53' 57"E 87.08'

S87° 53' 57"E 426.02'

S2° 35' 28"W 193.13'

ROUTE 2095' Wide

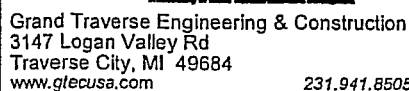
ROUTE 2095

N2° 35' 28"E 759.10'

S87° 37' 34"E 430.78'

S2° 35' 28"W 187.00'

S87° 37' 34"E 365.00'

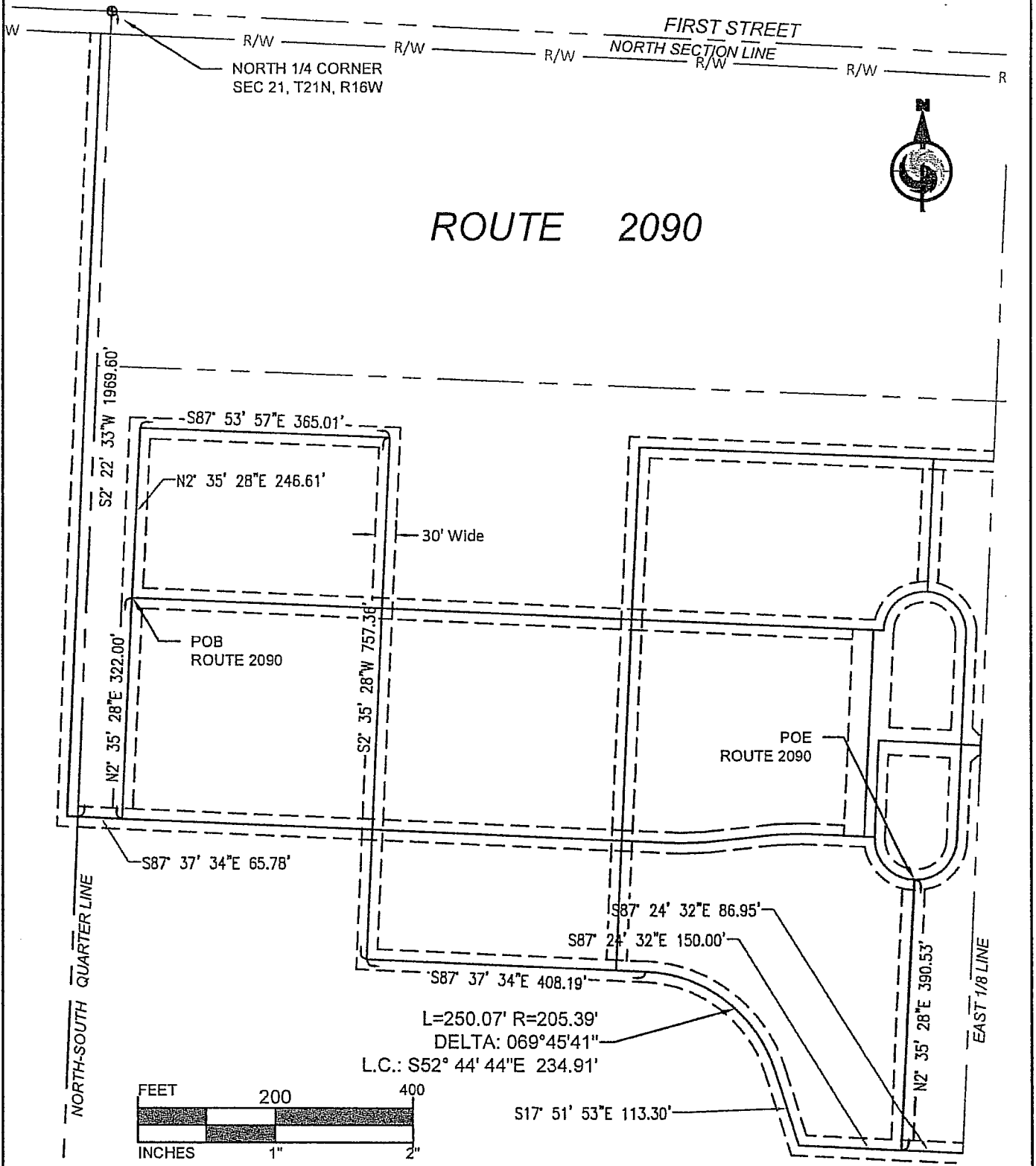


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SHEET 2 OF 9

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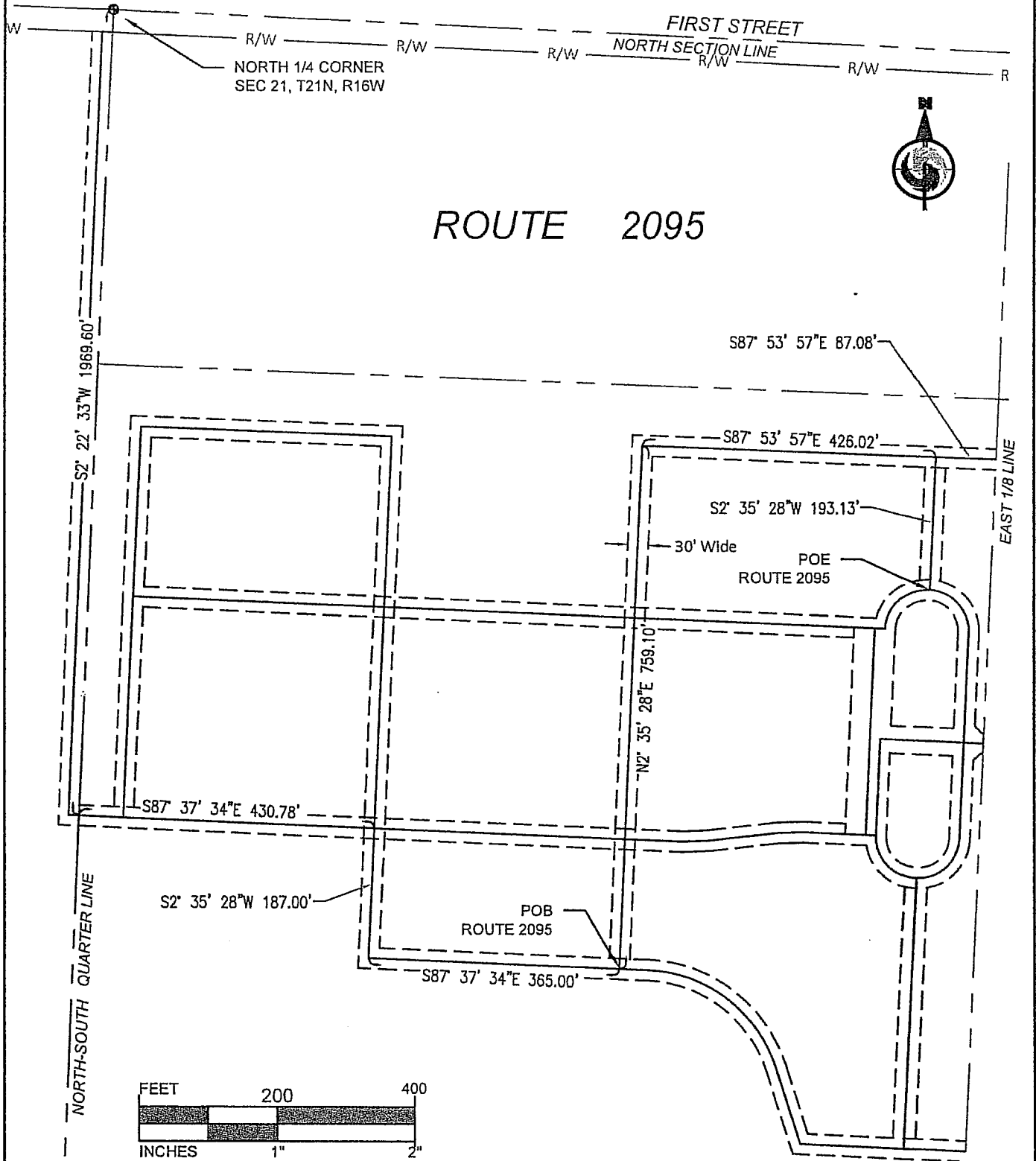
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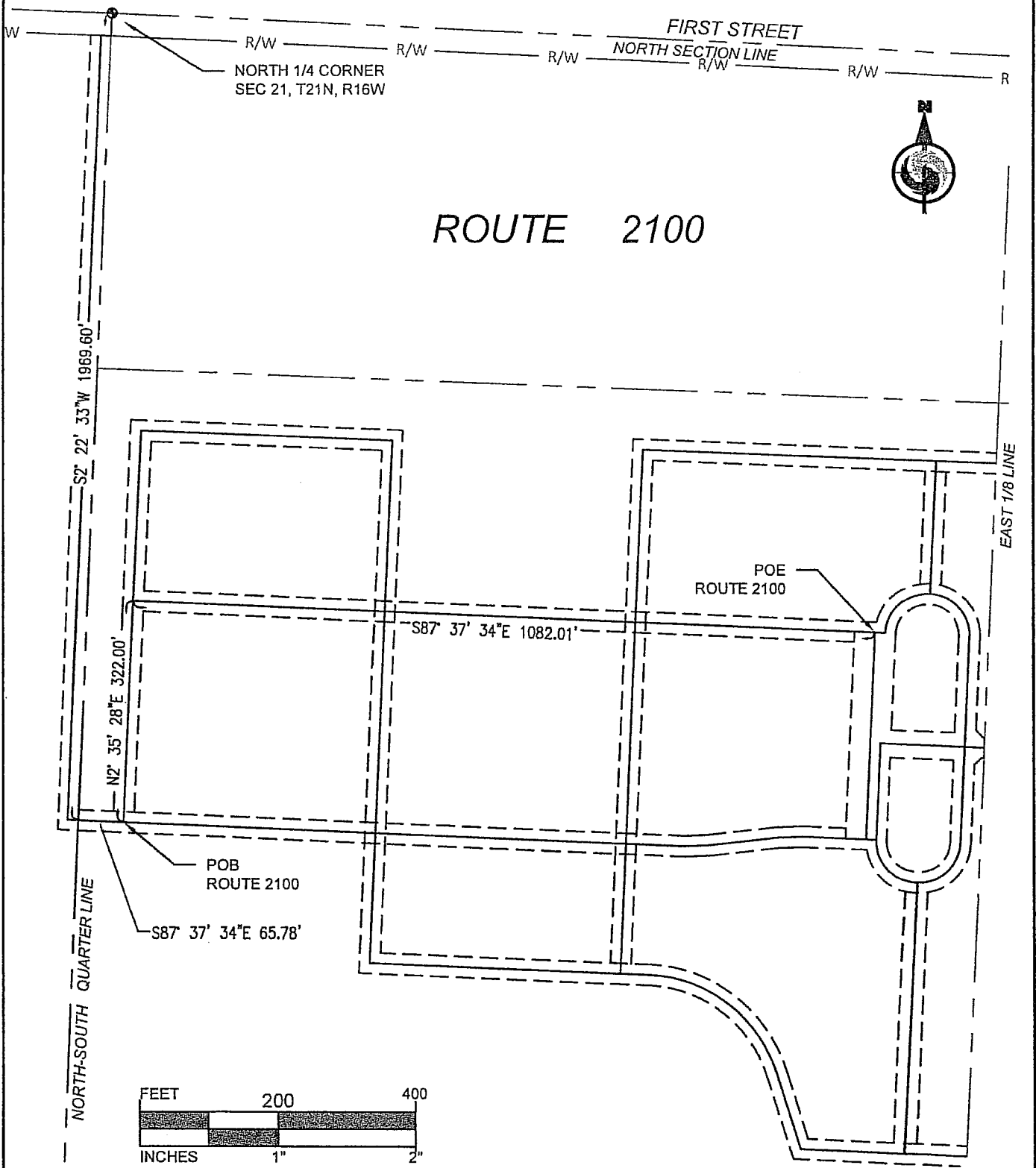
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SHEET 5 OF 9

PAPER SIZE: LETTER

EASEMENT DESCRIPTIONS

ROUTE 2085

The following described easement is for ingress and egress, and for the installation and maintenance of public or private utilities, in part of the Southwest one-quarter on the Northeast one-quarter, Section 21, Town 18 North, Range 16 West, Custer Township, Mason County, Michigan, more particularly described as:

ROUTE 2085

Commencing at the North one-quarter corner of Section 21, Town 18 North, Range 16 West, Custer Township, Mason County, Michigan for the centerline of a 30-foot-wide easement; thence South 02 degrees 22 minutes 33 seconds West, along the North-South quarter line of said section, 32.99 feet, more or less to the Southerly right-of-way of First Street; thence North 87 degrees 37 minutes 27 seconds West, perpendicular to the North-South quarter line of said section, 15.00 feet to the POINT OF BEGINNING; thence South 02 degrees 22 minutes 33 seconds West, parallel to the North-South quarter line of said section, 1936.61 feet; thence South 87 degrees 37 minutes 34 seconds East, 894.47 feet; thence North 88 degrees 01 minutes 54 seconds East, 37.86 feet; thence North 83 degrees 41 minutes 23 seconds East, 103.23 feet; thence North 88 degrees 01 minutes 54 seconds East, 37.86 feet; thence South 87 degrees 33 minutes 16 seconds, 105.85 feet; thence 185.00 feet along a curve to the left having a radius of 59.00 feet, a delta angle of 179 degrees 39 minutes 15 seconds, a long chord bearing of South 87 degrees 34 minutes 55 seconds East, and a long chord distance of 118.00 feet; thence North 02 degrees 35 minutes 28 seconds East, 300.91 feet; ; thence 185.35 feet along a curve to the left having a radius of 59.00 feet, a delta angle of 180 degrees 00 minutes 00 seconds, a long chord bearing of North 87 degrees 37 minutes 34 seconds West, and a long chord distance of 118.00 feet; thence North 87 degrees 37 minutes 34 seconds West, 15.00 feet, FOR THE START of the centerline of a 60-foot-wide easement; thence South 02 degrees 35 minutes 28 seconds West, 300.80 feet, to the POINT OF ENDING.

TOGETHER with a 40-foot-wide easement with the following described centerline: Commencing at the North one-quarter corner of Section 21, Town 18 North, Range 16 West, Custer Township, Mason County, Michigan; thence South 02 degrees 22 minutes 33 seconds West, along the North-South quarter line of said section, 32.99 feet, more or less to the Southerly right-of-way of First Street; thence North 87 degrees 37 minutes 27 seconds West, perpendicular to the North-South quarter line of said section, 15.00 feet; thence South 02 degrees 22 minutes 33 seconds West, parallel to the North-South quarter line of said section, 1936.61 feet; thence South 87 degrees 37 minutes 34 seconds East, 894.47 feet; thence North 88 degrees 01 minutes 54 seconds East, 37.86 feet; thence North 83 degrees 41 minutes 23 seconds East, 103.23 feet; thence North 88 degrees 01 minutes 54 seconds East, 37.86 feet; thence South 87 degrees 33 minutes 16 seconds, 105.85 feet; thence North 02 degrees 35 minutes 28 seconds East, 140.01 feet, to the POINT OF BEGINNING; thence South 87 degrees 31 minutes 03 seconds East, 146.02 feet, to the East one-eighth line of said section and the POINT OF ENDING.

All sidelines of the above described easements extend to the intersection of the sidelines of Routes 2085, 2090, 2095 and 2100 and or the East one-eighth line.



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SHEET 6 OF 9

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EASEMENT DESCRIPTIONS

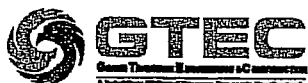
ROUTE 2090

The following described easement is for ingress and egress, and for the installation and maintenance of public or private utilities, in part of the Southwest one-quarter on the Northeast one-quarter, Section 21, Town 18 North, Range 16 West, Custer Township, Mason County, Michigan, more particularly described as:

ROUTE 2090

Commencing at the North one-quarter corner of Section 21, Town 18 North, Range 16 West, Custer Township, Mason County, Michigan for the centerline of a 30-foot-wide easement; thence South 02 degrees 22 minutes 33 seconds West, along the North-South quarter line of said section, 1969.60 feet, to the centerline of the previously described 30-foot-wide easement; thence South 87 degrees 37 minutes 34 seconds East, 65.78 feet, along the centerline of the previously described 30-foot-wide easement; thence North 02 degrees 35 minutes 28 seconds East, 322.00 feet, to the POINT OF BEGINNING; thence continuing North 02 degrees 35 minutes 28 seconds East, 246.61 feet; thence South 87 degrees 53 minutes 57 seconds East, 365.01 feet; thence South 02 degrees 35 minutes 28 seconds West, 757.36 feet; thence South 87 degrees 37 minutes 34 seconds East, 408.19 feet; thence 250.07 feet along a curve to the right having a radius of 205.39 feet, a delta angle of 69 degrees 45 minutes 41 seconds, a long chord bearing of South 52 degrees 44 minutes 44 seconds East, and a long chord distance of 234.91 feet; thence South 17 degrees 51 minutes 53 seconds East, 113.30 feet; thence South 87 degrees 24 minutes 32 seconds East, 150.00 feet; thence North 02 degrees 35 minutes 28 seconds East, 390.53 feet to a 30 foot wide easement and the POINT OF ENDING and ALSO said previous line continuing South 87 degrees 24 minutes 32 seconds East, 86.95 feet more or less to the East one-eighth line of said section.

All sidelines of the above described easements extend to the intersection of the sidelines of Routes 2085, 2090, 2095 and 2100 and or the East one-eighth line.



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SHEET 7 OF 9

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EASEMENT DESCRIPTIONS

ROUTE 2095

The following described easement is for ingress and egress, and for the installation and maintenance of public or private utilities, in part of the Southwest one-quarter on the Northeast one-quarter, Section 21, Town 18 North, Range 16 West, Custer Township, Mason County, Michigan, more particularly described as:

ROUTE 2095

Commencing at the North one-quarter corner of Section 21, Town 18 North, Range 16 West, Custer Township, Mason County, Michigan for the centerline of a 30-foot-wide easement; thence South 02 degrees 22 minutes 33 seconds West, along the North-South quarter line of said section, 1969.60 feet, to the centerline of the previously described 30-foot-wide easement; thence South 87 degrees 37 minutes 34 seconds East, 430.78 feet, along the centerline of the previously described 30-foot-wide easement; thence South 02 degrees 35 minutes 28 seconds West, 187.00 feet; thence South 87 degrees 37 minutes 34 seconds East, 365.00 feet to the POINT OF BEGINNING; thence North 02 degrees 35 minutes 28 seconds East, 759.10 feet; thence South 87 degrees 53 minutes 57 seconds East, 462.02 feet; thence South 02 degrees 35 minutes 28 seconds West, 193.13 feet to a 30 foot wide easement and the POINT OF ENDING and ALSO said previous line continuing South 87 degrees 53 minutes 57 seconds East, 87.08 feet more or less to the East one-eighth line of said section.

All sidelines of the above described easements extend to the intersection of the sidelines of Routes 2085, 2090, 2095 and 2100 and or the East one-eighth line.



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SHEET 8 OF 9

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EASEMENT DESCRIPTIONS

ROUTE 2100

The following described easement is for ingress and egress, and for the installation and maintenance of public or private utilities, in part of the Southwest one-quarter on the Northeast one-quarter, Section 21, Town 18 North, Range 16 West, Custer Township, Mason County, Michigan, more particularly described as:

ROUTE 2100

Commencing at the North one-quarter corner of Section 21, Town 18 North, Range 16 West, Custer Township, Mason County, Michigan for the centerline of a 30-foot-wide easement; thence South 02 degrees 22 minutes 33 seconds West, along the North-South quarter line of said section, 1969.60 feet, to the centerline of a 30-foot-wide easement; thence South 87 degrees 37 minutes 34 seconds East, 65.78 feet, continuing along the centerline of a 30-foot-wide easement to the POINT OF BEGINNING; thence North 02 degrees 35 minutes 28 seconds East, 322.00 feet; thence South 87 degrees 37 minutes 34 seconds East, 1082.01 feet, to the centerline of a 60-foot-wide easement and the POINT OF ENDING.

All sidelines of the above described easements extend to the intersection of the sidelines of Routes 2085, 2090, 2095 and 2100 and or the East one-eighth line.



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