

**Little River Band of Ottawa Indians**

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

**Resolution #19-0821-227**

*Approval of Right-Of-Way and Easement  
for Resurfacing and Improvements of the Police Department Parking Lot – Route #P102*

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 Tribal Transportation Program construction funding is to be spent on designing and constructing roads on Tribal lands; and

WHEREAS, the Little River Band of Ottawa Indians has a Tribal owned road/facility that is currently part of the Tribe's Tribal Transportation Plan Road Inventory identified as the Police Department Parking Lot – Route #P102; and

WHEREAS, this Tribal owned road/facility is contained within the Newland Academy Parcel, Tract Number 482T7; and

WHEREAS, this facility resides on Tribal property and will remain as a Tribal owned facility in the Tribal Transportation Program 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 “*Exhibits to Rt. P102.*”

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 Bureau of Indian Affairs 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

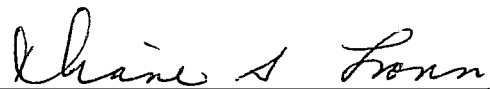
improvements/construction on the property described in the exhibits referenced earlier in this resolution. Due to the overall benefits to the Tribe and its members derived from the road improvements, compensation/bonding/insurance requirements for any damages from the survey and for the granting of the 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 Bureau of Indian Affairs approval within 30 days.

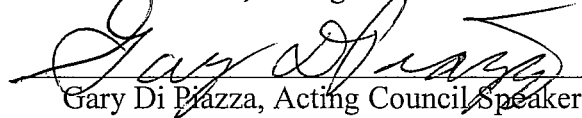
BE IT FINALLY RESOLVED that Steve Parsons, Bureau of Indian Affairs Roads/Planning Coordinator, is hereby authorized to be the Tribe's Point of Contact as identified on page 2 of the Bureau of Indian Affairs Right of Way Application Form and is as such is authorized to execute any required documentation 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 21, 2019, at the Government Center in Manistee, Michigan, with a quorum being present for such vote.



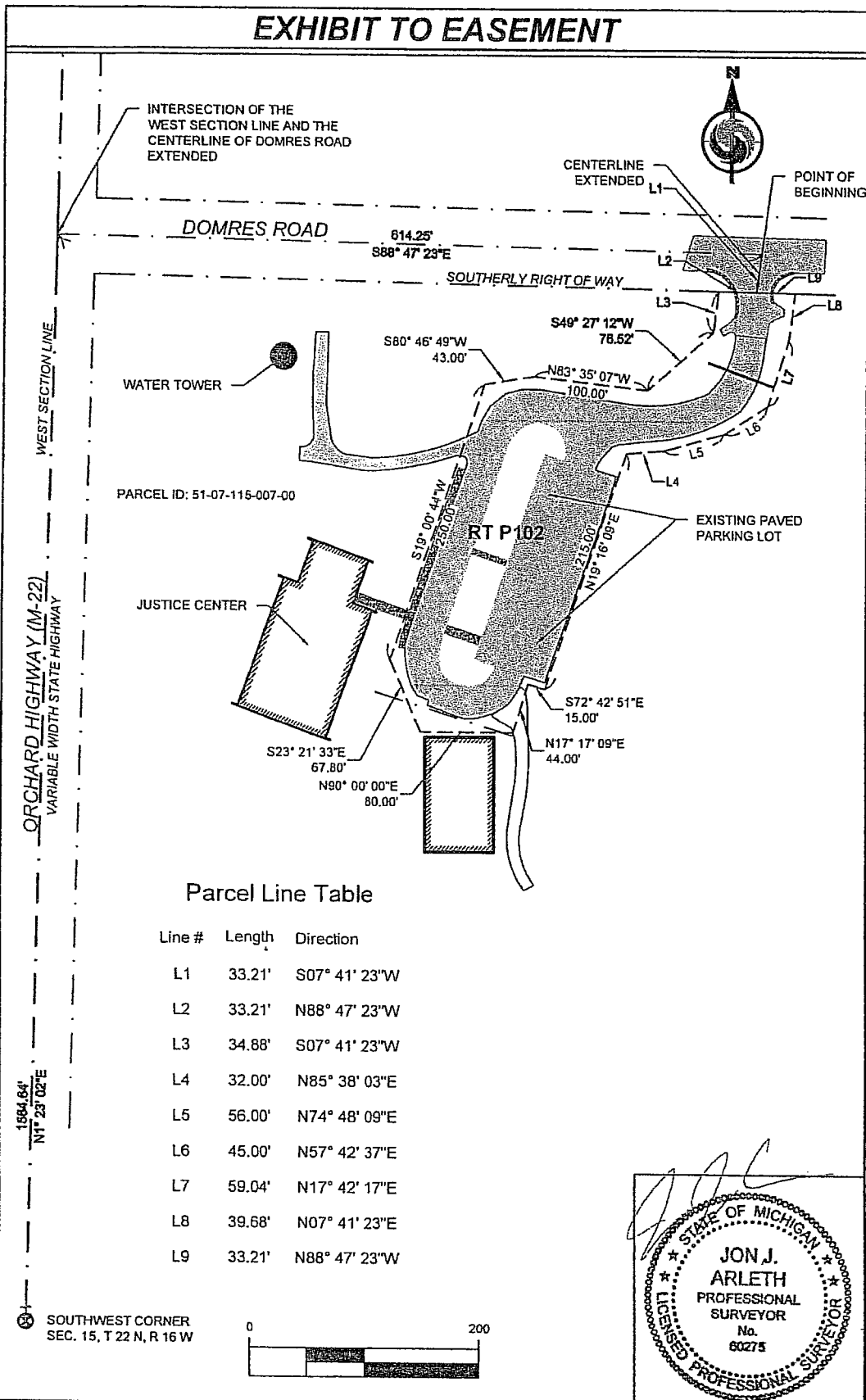
Diane Lonn, Acting Council Recorder



Gary Di Piazza, Acting Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court

**EXHIBIT TO EASEMENT**

**EASEMENT****RT P102**

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, Section 15, Town 22 North, Range 16 West, Manistee Township, Manistee County, Michigan, more particularly described as:

Commencing at the Southwest corner of Section 15, Town 22 North, Range 16 West, Manistee Township, Manistee County, Michigan; thence North 01 degrees 23 minutes 02 seconds East, along the West section line of said section, 1564.64 feet to the intersection of the West section line of said section and the centerline of the existing Domres Road extended; thence South 88 degree 47 minutes 23 seconds East along the existing centerline of Domres Road, 614.25 feet to the intersection of said existing centerline and the centerline of the existing entrance to the Little River Band of Ottawa Indians Justice Center extended; thence South 07 degree 41 minutes 23 seconds West, 33.21 feet, along the said existing centerline to the Southerly right of way of Domres Road and the POINT OF BEGINNING; thence North 88 degrees 47 minutes 23 seconds West, 33.21 feet along the Southerly right of way of Domres Road; thence South 07 degrees 41 minutes 23 seconds West, 34.88 feet; thence South 49 degrees 27 minutes 12 seconds West, 76.52 feet; thence North 83 degrees 35 minutes 07 seconds West, 100.00 feet; thence South 80 degrees 46 minutes 49 seconds West, 43.00 feet; thence South 19 degrees 00 minutes 44 seconds West, 250.00 feet; thence South 23 degrees 21 minutes 33 seconds East, 67.80 feet; thence North 90 degrees 00 minutes 00 seconds East, 80.00 feet; North 17 degrees 17 minutes 09 seconds East, 44.00 feet; thence South 72 degrees 42 minutes 51 seconds East, 15.00 feet; thence North 19 degrees 16 minutes 09 seconds East, 215.00 feet; thence North 85 degrees 38 minutes 03 seconds East, 32.00 feet; thence North 74 degrees 48 minutes 09 seconds East, 56.00 feet; thence North 57 degrees 42 minutes 37 seconds East, 45.00 feet; thence North 17 degrees 42 minutes 17 seconds East, 59.04 feet; thence North 07 degrees 41 minutes 23 seconds East, 39.68 feet to the Southerly right of way of Domres Road; thence North 88 degree 47 minutes 23 seconds West, 33.21 feet along said Southerly right of way to the POINT OF BEGINNING.



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

231.941.8505 PAPER SIZE: LEGAL

PREPARED FOR: LITTLE RIVER BAND OF OTTAWA INDIANS

PUBLIC SAFETY PARKING LOT IMPROVEMENTS  
SECTION 15, TOWNSHIP 22 NORTH, RANGE 16 WEST  
MANISTEE TOWNSHIP, MANISTEE COUNTY, MI

DATE: 07/22/2019

P.M. OCKERT

19001A

DRW: JJA CKD: RC

SHEET 2 OF 2

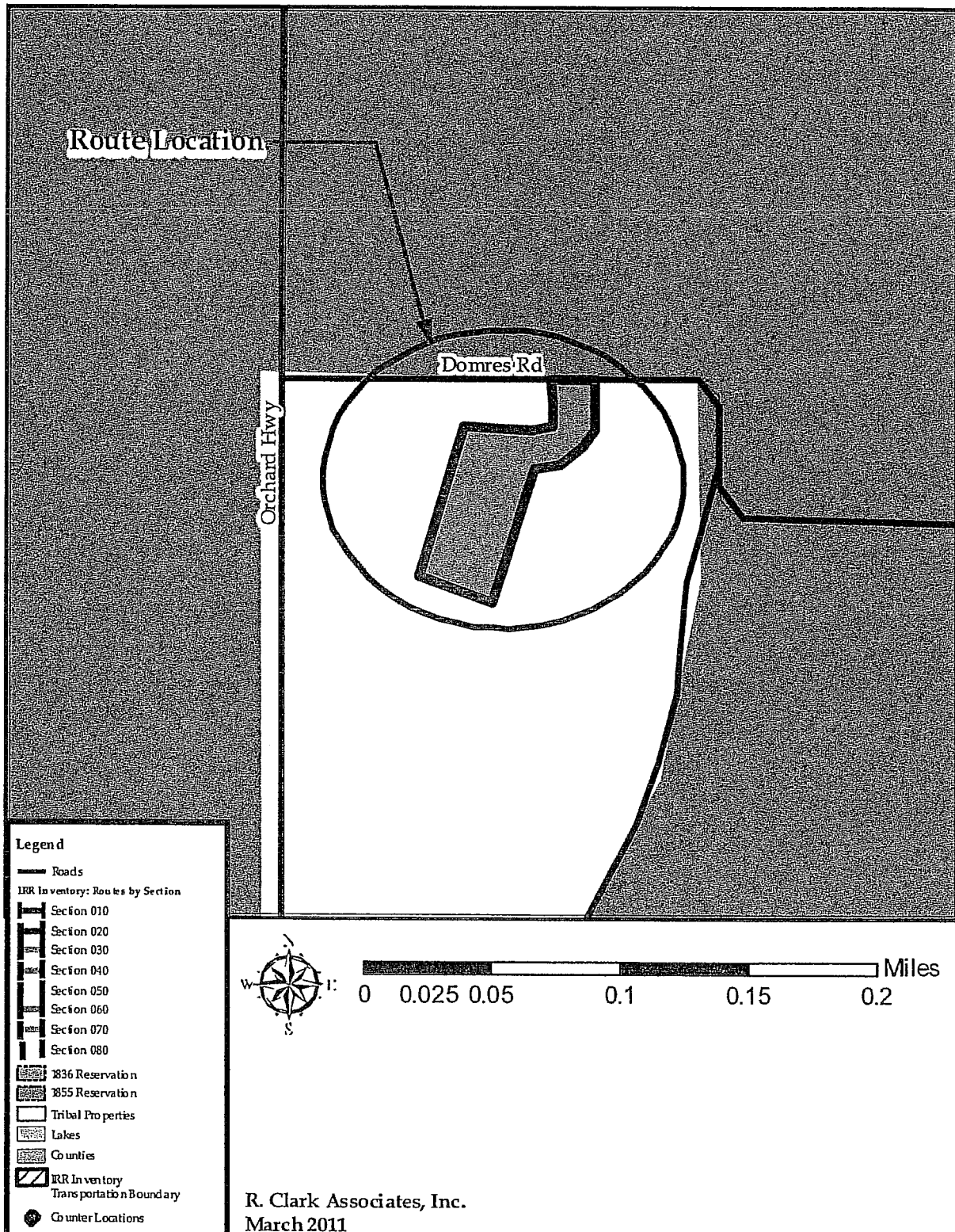
# Little River Band of Ottawa Indians

Route No: P102

Route Name: POLICE DEPARTMENT PARKING LOT

Size: 70,484 Square Feet

Location: 44° 18' 23.419" N 86° 14' 30.497" W to 44° 18' 23.419" N 86° 14' 30.497" W



# Little River Band of Ottawa Indians Manistee County

