



**Little River Band of Ottawa Indians**

PO Box 314

Manistee MI 49660-0314

(616) 723-8288

Resolution No. #98-1213-cl

**Authorizing the Acquisition of the Manistee Forge – East Lake Property and  
Authorizing the Tribal Chairperson/Speaker to Execute Documents  
Necessary to Complete Such Transaction**

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §1300k et seq.)(hereinafter "Little River Act"); and

WHEREAS, the Tribal Council and Tribal membership has determined that restoration of the Tribe's historic reservation land base and other lands within the Tribe's historic territory is a critical priority;

WHEREAS, the Congress of the United States has recognized the Tribe's historic claim to Reservation lands in Manistee and Mason Counties in Michigan, as well as the Tribe's traditional ties to other Counties in Michigan; and

WHEREAS, the Tribal Council has adopted a Reservation Restoration Plan to guide land acquisition efforts by the Tribe and the Secretary of the Interior; and

WHEREAS, the Tribe's Reservation Restoration Plan establishes as a priority, the acquisition of lands for economic and community development purposes; and

WHEREAS, the Tribe has obtained an option on a parcel of land within the Manistee Reservation, known as the "Manistee Forge – East Lake Property", for the purpose of securing land for development of a manufacturing facility to provide jobs and housing opportunities for Tribal members; and

WHEREAS, the Tribe desires to purchase such property for \$925,000.00, plus \$7,955.00 in transfer taxes, for a total purchase price of \$932,955.00, plus other closing expenses in accordance with the terms of the Option/Purchase Agreement previously authorized by motion of the Tribal Council; 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 Tribal Council, pursuant to Article IV, Section 7(c) of the Constitution, has the power to acquire lands which are deemed beneficial to the Tribe; and

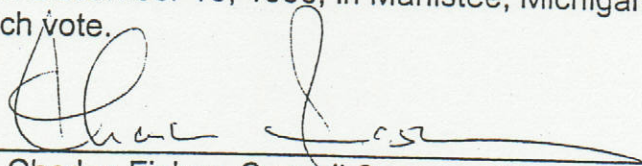
WHEREAS, pursuant to Article IV, Section 5 (a)(4) and Article V, Section 5(a)(3) and (8) of the Tribal Constitution, the Tribal Ogema, or in his/her absence, the Council Chairperson/Speaker is authorized to represent the Tribe in its relations with other organizations and manage the economic affairs/enterprises of the Tribe, in a manner consistent with the Tribal Constitution and resolutions of the Tribal Council.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Chairperson/Speaker, Robert Guenthardt, to execute any documents necessary to complete the purchase of the Manistee Forge – East Lake Property.

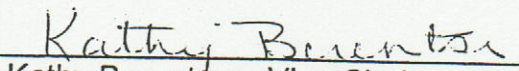
IT IS FURTHER RESOLVED THAT the Tribal Council directs the Tribal Attorney to approve all documents prior to the closing and to represent the Tribe at Closing.

#### CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 5 FOR, 1 AGAINST, 1 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on December 13, 1998, in Manistee, Michigan, with a quorum being present for such vote.

  
Charles Fisher, Council Secretary/Recorder

Attest:

  
Kathy Berentsen, Vice-Chairperson



## **EXERCISE OF OPTION AGREEMENT**

**WHEREAS**, the parties hereto entered into an Option/Purchase and Sales Agreement of Property on May 18, 1998, and an Amendment/Second Addendum to Option/Purchase Agreement for Real Property on August 28, 1998, attached hereto; and

**WHEREAS**, in consideration of the mutual promises and covenants contained herein and in the Option/Purchase Agreement and Amendment/Second Addendum to Option/Purchase Agreement, the parties desire to provide for additional monies to be placed on deposit by Purchaser and to extend the date for closing;

**WHEREAS**, the property which is the subject of this Agreement is described as:

Township of Manistee, County of Manistee, and State of Michigan

**Parcel 1:** That part of Government Lot One (1), Section Seven (7), Township Twenty-one (21) North, Range Sixteen (16) West, not included in the Plat of R. G. Peters Addition to the Village of East Lake, **except** railroad right-of-way and **also except** all that part of the North 200 feet of Government Lot One (1) lying Westerly of Main Street, R. G. Peters Addition to the Village of East Lake as recorded in Liber 2-B of Plats, page 48, Manistee County Records.

**Parcel 2:** That part of Government Lot Two (2), Section Seven (7), Township Twenty-one (21) North, Range Sixteen (16) West, shown in the Plat of the Village of East Lake as the "Mill Reserve", **except** railroad right-of-way.

**NOW, THEREFORE**, the Purchaser, pursuant to the terms of the Option/Purchase and Sales Agreement of Property and Amendment/Second Addendum to Option/Purchase Agreement for Real Property, hereby exercises its option to purchase the property in accordance with the terms of the parties' agreement.

**IT IS FURTHER AGREED** between the parties that the closing of the sale of the property shall be no later than December 31, 1998.

**IT IS FURTHER AGREED** by the parties that an additional sum of Ninety-one Thousand Two Hundred Ninety-five Dollars (\$91,295.00) shall be deposited by Purchaser with Manistee Abstract & Title Company and held as a non-refundable earnest money deposit. Should Purchaser fail to close this transaction for any reason



other than the refusal or inability of the Seller to provide title, Seller may retain as liquidated damages, and not as a penalty, the additional earnest money deposit herein provided and the earnest money deposit of Two Thousand Dollars (\$2,000.00) already held by Seller. In addition, Seller may pursue any other legal or equitable remedies it may have.

This Agreement may be signed in separate counterparts, which together shall constitute one agreement.

MANISTEE FORGE CORPORATION,  
Seller

By: Andrew P Michalko  
Andrew P. Michalko  
Its President

Dated: 10-14-98

LITTLE RIVER BAND OF OTTAWA  
INDIANS, Purchaser

By: Robert Gendron  
Its Chairman

Dated: 10-14-98

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