



Little River Band of Ottawa Indians

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RESOLUTION NO. #99-0306-01

**APPROVING AND GRANTING EASEMENT FOR UNDERGROUND
ELECTRIC LINE ACROSS AND UNDER TRIBAL GAMING PROPERTIES
AND APPROVING SERVICE LINES TO SERVE TRIBAL
GAMING FACILITIES AND OTHER USERS ON THE MANISTEE ORCHARD-A
AND MANISTEE ORCHARD-B PROPERTIES**

WHEREAS, the Little River Band of Ottawa Indians is a federally recognized tribe, as reaffirmed under P.L. 103-324, enacted on September 21, 1994; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7(b) of the Constitution of the Little River Band of Ottawa Indians ("Tribal Constitution"), has the power to authorize and ratify agreements and contracts negotiated on behalf of the Tribe with the federal government; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7(d) of the Tribal Constitution is authorized to approve any sale, disposition, lease or encumbrance of Tribal lands or interests in lands; and

WHEREAS, the Tribal Ogema, pursuant to Article VI, Section 5(a) of the Tribal Constitution, is authorized to negotiate and execute contracts on behalf of the Tribe, provided such contracts are approved and ratified by the Tribal Council; and

WHEREAS, the Tribal Council Speaker, pursuant to Article IV, Section 5(a)(4) of the Tribal Constitution, is authorized to perform the duties of the Tribal Ogema in the absence of the Ogema; and

WHEREAS, Consumers Energy requires granting of an easement in order to construct an underground electric line and service lines to serve the Tribe's gaming facilities, related developments on the Tribe's Reservation, and which will serve other customers along said easement to be located on the following lands of Little River Band of Ottawa:

A ten (10) foot wide strip of land, being five (5) feet on each side of each such lateral line on the North and East edge(s) of the following described parcel referred to as the Manistee Orchard-A Parcel:

The NE $\frac{1}{4}$, Section 28, Township 22 North, Range 16 West, excepting that part commencing at the Northeast corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, West 264 feet, South 1 degree 40' East 165 feet, East 264 feet, North 165 feet to the place of beginning. Also excepting the highway right-of-way for U.S. 31 in Liber 18, Page 180, and the highway right-of-way for M-22 in Liber 248, Page 18.

Together with a ten (10) foot wide strip of land for service lines to the Tribe's gaming facilities to be located on the above-described parcel and a service line to the proposed wastewater treatment plan to be located on the following described parcel referred to as the Manistee Orchard-B parcel:

That part of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 27, Township 22 North, Range 16 West, lying South of the U.S. 31 right-of-way, and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, of Section 27, Township 22 North, Range 16 West.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby approves and grants an easement for Consumers Energy underground electric lines and service lines on the above parcels of land. A more clearly defined description will be provided on the completed Survey and Construction Map provided by Consumers Energy.

IT IS FURTHER RESOLVED, that the Tribal Council hereby waives any deposit for property damage resulting from the survey and construction of this easement and further waives compensation for the granting of the easement due to the overall benefits to the Tribe and its members derived from the easement and in view of the fact that the easement granted is necessitated by the Tribe's particular electric service needs.

IT IS FURTHER RESOLVED, that the Tribal Council requests the Superintendent, Michigan Agency, prepare and recommend approval of the easement documents submitted by the Tribe and Consumers Energy.

IT IS FURTHER RESOLVED, that the Tribal Ogema, or in his absence, the Tribal Council Speaker, is authorized to execute any documentation required concerning the easement and service lines, for and on behalf of the Little River Band of Ottawa Indians.

CERTIFICATE OF ADOPTION

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at a Special Session called for this purpose on March 6, 1999, by a vote of 9 in favor, 0 opposed, 0 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 3/6/99


Charles Fisher, Council Recorder

Attest:


Kathy Berentsen, Councilor