



Little River Band of Ottawa Indians

PO Box 314

Manistee MI 49660-0314

(616) 723-8288

RESOLUTION NO. #99-0527-57

**APPROVING AND GRANTING EASEMENT TO
THE MICHIGAN DEPARTMENT OF TRANSPORTATION,
FOR RIGHT-OF-WAY FOR THE PURPOSE OF
WIDENING M-22 TO SERVE TRIBAL GAMING FACILITIES**

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, the Tribe wishes to have certain road improvements completed at the intersection of U.S. 31 and M-22, and on M-22 adjacent to the Tribe's gaming property to assure the protection of the public traveling on the roadways serving the Tribe's gaming property; and

WHEREAS, the Michigan Department of Transportation desires granting of a right-of-way in order to widen M-22 adjacent to the gaming property and to construct the road improvements desired by the Tribe, which right-of-way is expected to consist of:

A seventeen (17) foot wide strip of land on the East edge of the following described parcel referred to as the Manistee Orchard-A Parcel:

The NE¼, Section 28, Township 22 North, Range 16 West, excepting that part commencing at the Northeast corner of the SE¼ of the NE¼, 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.

for the purpose of widening M-22 and providing additional intersection site distance, if necessary; and

WHEREAS, the Michigan Department of Transportation has agreed to cover the costs associated with certain signal improvements at the intersection and has further agreed to assume responsibility for the upkeep and maintenance of the right-of-way following completion of the improvements.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby approves and grants an easement for the right-of-way requested by the Michigan Department of Transportation for the purpose of authorizing the permitting and completion of the above-described improvements on the above parcels of land. A more clearly defined description will be provided on the completed Survey and Construction Map provided by Cunningham-Limp Company.

IT IS FURTHER RESOLVED, that the Tribal Council hereby waives any deposit for property damage resulting from the survey and construction of this right-of-way and further waives compensation for the granting of the right-of-way due to the overall benefits to the Tribe and its members derived from the improvements and in view of the fact that the Michigan Department of Transportation has agreed to assume upkeep and maintenance of the right-of-way.

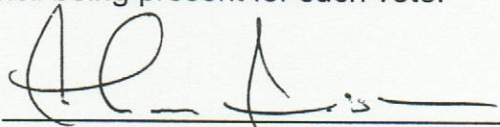
IT IS FURTHER RESOLVED, that the Tribal Council requests the Superintendent, Michigan Agency, prepare and recommend approval of the easement documents submitted by the Tribe and MDOT.

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 right-of-way easement, 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 Regular Session held at the Little River Community Center on May 27, 1999, by a vote of 7 in favor, 0 opposed, 2 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 5/27/99



Charles Fisher, Council Recorder

Attest:



Donald Koon, Councilor