

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS**  
**7500 Odawa Circle**  
**Harbor Springs, MI 49740**

**CERTIFIED MOTION # 021617-04**

Authorization of Perpetual Right-of-Way for Odawa Circle Extension Parking Lot  
to the Little Traverse Bay Bands of Odawa Indians Tribal Transportation Program

**WHEREAS** the Waganakising Odawak, known in English as Little Traverse Bay Bands of Odawa Indians is a nation of citizens with inherent sovereignty and right to self-governance;

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians ("LTBB") is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians Tribal Council is the elected Legislative body of the Tribe;

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians is a federally recognized Tribe of Indians;

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians Tribal Council is the elected Legislative body of the Tribe;

**WHEREAS** the LTBB government is organized under the Constitution adopted by the Tribal citizenship on February 1, 2005, and approved by the Secretary of the Interior on July 22, 2005. Article VII(D)(8) delegates to Tribal Council the authority to "enact laws governing the encumbrance of Tribal lands";

**WHEREAS** the Bureau of Indian Affairs (BIA) is requesting permission to survey Tribal trust land in order to prepare a clear defined description of the right-of-way for Odawa Circle Extension Parking lot;

**WHEREAS** the Bureau of Indian Affairs requires the granting of the a right-of-way to the Little Traverse Bay Bands of Odawa Indians Tribal Transportation Program in order to authorize road improvements/construction on the following parcel of Tribal Trust Land: Located in Section 9, Township 35N, Range 5W; the road to be known as Odawa Circle Extension Parking Lot;

**NOW THEREFORE BE IT RESOLVED**

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Certified Motion # 021617-04 Authorization of Perpetual Right-of-Way for Odawa Circle Extension Parking Lot to the  
Little Traverse Bay Bands of Odawa Indians Tribal Transportation Program  
Secretary Shananaquet 

1. that the Little Traverse Bay Bands of Odawa 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
2. this Grant may be amended;
3. this easement may be assigned with applicable consent and BIA approval and within 30 days;
4. this Grant will be effective on the date it is approved;
5. any disputes regarding violations, abandonment, or non-use may be addressed as set in accordance with 25 CFR 169.403;
6. the condition for this Grant shall extend to and be binding upon and shall inure to the benefit of the successors of the Little Traverse Bay Bands of Odawa Indians;
7. that the proposed use is in conformance with applicable tribal law, if applicable;
8. that the Little Traverse Bay Bands of Odawa Indians Tribal Council hereby authorizes permission to survey and grants a perpetual right-of-way to the Little Traverse Bay Bands of Odawa Indians Tribal Transportation Program for road improvements/construction on the above parcel of land. A more clearly defined description will be prepared upon completion of the survey. Due to the overall benefits to the Tribe and its members derived from the road improvements, compensation/bonding requirements for any damages from the survey and for the granting the right-of-way is hereby waived. The Superintendent of the Great Lakes Agency is hereby requested to prepare and recommend approval of the right-of-way documents; and
9. that the LTBB Tribal Chair, Vice Chair, Direct Services Administrator, or another designee from the Tribal Chair is authorized to execute any documents necessary to apply for, receive, and administer funds under the Grant.

**CERTIFICATION**

Received by the Executive Office on 2-16-17 by [Signature]

The Executive concurs and recommend this action of the Tribal Council.

Date: 2-16-17  
[Signature: Reg. Vasco Bentley]  
Executive, Tribal Chair/Vice Chair

Received by the Legislative Office on 2-16-17 by [Signature]  
[Signature] Legislative Leader

As Tribal Council ~~Treasurer~~ and Tribal Council Secretary, we certify that this Certified Motion was duly approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held February 16, 2017 at which a quorum was present, by a vote of 6 in favor, 0 opposed, 0 abstentions, 3 absent as recorded by this certification as an official action on behalf of Little Traverse Bay Bands of Odawa Indians.

Date: 02-17-2017  
[Signature: Aaron Otto]  
Aaron Otto, Legislative Leader

Date: 2-16-17  
[Signature: Julie Shananaquet]  
Julie Shananaquet, Secretary