

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

CERTIFIED MOTION # 021617-05

Authorization of Perpetual Right-of-Way for Odawa Circle Extension
to the Bureau of Indian Affairs

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 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;

WHEREAS the BIA requires the granting of a right-of-way to the BIA 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

NOW THEREFORE BE IT RESOLVED

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 25 U.S.C. §1151.

2. that the BIA 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;
3. this Grant may be amended;
4. this easement may be assigned with applicable consent and BIA approval and within 30 days;
5. this easement may not be mortgaged without applicable consent and BIA approval and within 30 days;
6. this Grant will be effective on the date it is approved;
7. any disputes regarding violations, abandonment, or non-use may be addressed as set in accordance with 25 CFR 169.403;
8. 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;
9. that Bureau of Indian Affairs (BIA) is required to complete construction of the permanent improvements by general schedule of construction;
10. that the proposed use is in conformance with applicable tribal law, if applicable
11. 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 Bureau of Indian Affairs (BIA) 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

12. that the LTBB Tribal Chair, Vice-Chair, 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: Regina Davis Bentley]

Executive, Tribal Chair/Vice Chair

Received by the Legislative Office on 2-16-17 by [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