

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

**7500 Odawa Circle
Harbor Springs, MI 49740**

TRIBAL RESOLUTION # 070915-03

Grant of Perpetual Utility Right-of-Way to Tribe for Improvements
On Shops at Victories Trust Parcel

- WHEREAS** the Waganakising Odawak, known as the 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 or Tribe) 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 being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);
- WHEREAS** the Tribal Council is empowered under the Constitution to grant right-of-ways on Tribal trust lands;
- WHEREAS** the Tribe, through its Tribal Corporation, Odawa Economic Development Management, Inc. (OEDMI), is in the process of pursuing non-gaming economic development on Parcel A in the Survey prepared by Benchmark Engineering dated July 7, 2011, Job Number 11-098, which is on land held in trust for the Tribe by the United States in T34N, R5W, Bear Creek Township, Emmet County, Michigan per the trust deeds recorded at Liber 717 Page 157, and Liber 1111 Page 227, Emmet County Records (“Shops at Victories Parcel”);
- WHEREAS** per the attached engineer’s affidavit signed on June 18, 2015, David Boyle of Northwest Design Group was contracted by the BIA, Great Lakes Agency to prepare the attached survey and legal descriptions of the road, parking lots and utility right-of-ways necessary to develop the Shops at Victories Parcel;
- WHEREAS** the Bureau of Indian Affairs requires the granting of a utility right-of-way to the Tribe in order to authorize construction on the Shops at Victories Parcel;

THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians’ Tribal Council accepts the grant of a perpetual right-of-way from the BIA for a multiple use utility easement on the Shops at Victories Parcel as depicted and described in the Northwest Design Group survey. Due to the overall benefits to the Tribe and its members derived from the utilities, compensation for any damages resulting from the granting the right-of-way is waived, and the Tribe assumes all responsibilities for any damages that may be caused by the

development and maintenance of the utilities. The Superintendent of the Great Lakes Agency is requested to prepare and recommend approval of the right-of-way documents.

FURTHER RESOLVED THAT that the Chairperson or Tribal Administrator, or their duly delegated representatives, are authorized to execute any documentation required concerning the project, for and on behalf of the Little Traverse Bay Bands of Odawa Indians.

CERTIFICATION

As Tribal Council Treasurer and Tribal Council Secretary, we certify that this Tribal Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held July 9, 2015 at which a quorum was present, by a vote of 5 in favor, 0 opposed, 0 abstentions, 3 absent (Councilor Otto, Councilor Naganashe, Councilor Wemigwase):

Date: 7-13-2015 Marcella R. Reyes
Marcella R. Reyes, Treasurer

Date: 7-10-15 Julie Shananaquet
Julie A. Shananaquet, Secretary

Received by the Executive Office on 7-13-15 by JLJ

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 7-15-15 Regina Gasco Bentley
Regina Gasco Bentley, Tribal Chairperson