

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

**TRIBAL RESOLUTION # 062719- 03**

Grant of Right-of-Way to  
Petoskey Snowmobile Club

**WHEREAS** the Waganakising Odawak, known as the Little Traverse Bay Bands of Odawa Indians, is a nation of citizens that has 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 impowered to transact business and otherwise act on behalf of the Tribe including in matters involving land use and encumbrances;

**WHEREAS** the Bureau of Indian Affairs is requesting permission to survey Tribal trust land in order to prepare a clearly defined description of the right-of-way for LTBB;

**WHEREAS** the attached survey, Wade Trim Job # ODW2017-01G and legal description, were prepared for the Tribe through a portion of Tribal trust lands, as described in the trust deeds recorded at Liber 717 Page 157, and Liber 1111 Page 227, Emmet County Records, to prepare a clearly defined description of the right-of-way for the Petoskey Snowmobile Club;

**WHEREAS** the Bureau of Indian Affairs requires the granting of a right-of-way to the Petoskey Snowmobile Club to authorize their snowmobile trail on the LTBB trust land described in the attached survey or a new survey prepared by the BIA;

**THEREFORE BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa Indians 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 18 U.S.C. §1151.

**FURTHER RESOLVED** that the Little Traverse Bay Bands of Odawa Indians shall be the owner of any permanent improvements constructed during the term of the Grant and upon expiration of the Grant said permanent improvements, appurtenances, fixtures and equipment placed within the right-of-way shall be removed or taken over by the Tribe at the option of the Tribe;

**FURTHER RESOLVED** this Grant may only be amended through written agreement between the Tribe, Petoskey Snowmobile Club and Bureau of Indian Affairs.

**FURTHER RESOLVED** this easement may only be assigned with consent by official action of the Tribal Council of the Little Traverse Bay Bands of Odawa Indians and BIA approval and within 30 days.

**FURTHER RESOLVED** this easement cannot be mortgaged.

**FURTHER RESOLVED** this Grant will be effective on the date it is approved by the BIA.

**FURTHER RESOLVED** any disputes regarding violations, abandonment, or non-use may be addressed in accordance with 25 CFR § 169.403 and any other applicable Federal or Tribal law or regulation.

**FURTHER RESOLVED** the condition of this Grant shall extend to and be binding upon and shall inure to the benefit of the successors of the GRANTEE.

**FURTHER RESOLVED** that Grantee Petoskey Snowmobile Club is required to complete construction of the permanent improvements within 24 months of BIA approval of the Grant.

**FURTHER RESOLVED** the purpose use is in conformance with applicable LTBB law.

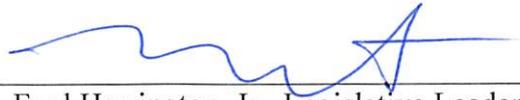
**FUTHER RESOLVED** that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes the BIA to survey and grant a right-of-way to the Petoskey Snowmobile Club on the portion of trust land shown in the attached survey, or a new survey prepared by the BIA, for a snowmobile trail, and requests the Superintendent of the Michigan Agency to prepare and recommend approval of the right-of-way documents. Due to the overall benefits to the Tribe and its members derived from the improvements, compensation/bonding requirements for any damages from the survey and for the granting of the right-of-way is hereby waived.

**FINALLY RESOLVED**, that the Tribal Chairperson, or her 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 the Tribal Council Legislative Leader 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 on June 27, 2019 at which a quorum was present, by a vote of 7 in favor, 0 opposed, 0 abstentions, and 2 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Frank Bernard	X			
David Harrington				X
Dexter McNamara	X			
Emily Proctor	X			
Julie Shananaquet	X			
Leroy Shomin	X			
Marcella Reyes	X			
Tamara Kiogima	X			
Fred Harrington, Jr.				X

Date: 07.01.19   
 Fred Harrington, Jr., Legislative Leader

Date: 6-27-19   
 Tamara Kiogima, Tribal Council Secretary

Received by the Executive Office on 7-1-19 by 

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: 7-1-19   
 Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 07.01.19 by 

