

**WAKANAKISING ODAWAK STATUTE 2015-011**  
**DONATED LAND ACCEPTANCE**

**SECTION I. SHORT TITLE.**

This Statute shall be cited as the 'Land Acceptance Statute'.

**SECTION II. PURPOSE**

The purpose of this Statute is to solicit and receive land or other interest in land as gifts that are beneficial to the Tribe and its Tribal Citizens.

**SECTION III. DEFINITIONS**

- A. "Interest in Land" means any and all, partial or total right to property or for the use of property.
- B. "Tribal Lands" means property either owned or leased by the Tribe or property that is held in trust for the benefit of the Tribe.
- C. The "Tribe or LTBB" shall mean the Little Traverse Bay Bands of Odawa Indians.

**SECTION IV. CONSTITUTIONAL AUTHORITY**

- A. In accordance with the Constitution, Tribal Council has the power to receive by gift both land and interests in land, in which the Tribal Council may deem beneficial to the Tribe.

**SECTION V. LAND**

- A. All gifts of land or other interest in property shall be approved by Tribal Council by majority vote.
  
- B. Prior to acceptance of any gift of land or other interest in property, Tribal Council shall require an initial environmental review, known as a Phase I assessment and a legal assessment.
  - 1. Phase I assessment typically includes an preliminary environmental impact statement, analysis of land use and cover of land that identifies such items as plant life, buildings, utility easements, etc., the current zoning of the property, recommendations for potential use, and other additional information specific to the land. In the event that the initial review reveals a potential problem, the Tribe may require an environmental audit.
  
  - 2. A legal assessment will determine if there are any covenants, conditions, restrictions, reservations, easements, encumbrances or other limitations associated with the property.

**SECTION VI. CRITERIA FOR ACCEPTANCE OF GIFTS OF LAND OR INTERESTS IN LAND**

- A. Through the approval of a land acquisition plan or as amended, Tribal Council shall prioritize and rank various land acquisition goals to determine the benefits of the land or interest in land to the Tribe and its Tribal Citizens.
  
- B. Such items shall be considered in determining the benefit to the Tribe and its Tribal Citizens:
  - 1. Cost, including insurance, property taxes, mortgages, notes, and maintenance expenses associated with the property

2. Land within the Reservation or proximity to the Reservation
3. Location suitable for intended use
4. Cultural importance
5. Tribal image with consideration toward culture, political, historical considerations
6. Housing
7. Jobs
8. Schools/Education
9. Health Care
10. Treaty Rights
11. Community inclusion
12. Natural Resources.

#### **SECTION VII. ACCEPTANCE of LAND**

Prior to the acceptance of land by majority vote of Tribal Council, a fiscal impact statement shall be developed and funds shall be allocated if necessary.

#### **SECTION VIII. SEVERABILITY**

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction,

Donated Land Acceptance Statute

Secretary Shananaque 

such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION IX. EFFECTIVE DATE**

Effective upon signature of the Executive or thirty (30) days from Tribal Council approval which ever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

**SECTION X. OTHER RELATED STATUTES**

See Waganakising Odawak Statute 2009-007“Land Use Statute”, or as may be amended.

**CERTIFICATION**

As the Tribal Council Treasurer and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on June 18, 2015 at which a quorum was present, by a vote of 6 in favor, 0 opposed, 0 abstentions, and 2 absent as recorded by this roll call:

	<u>In Favor</u>	<u>Opposed</u>	<u>Abstained</u>	<u>Absent</u>
Bill A. Denemy				X
John W. Keshick III	X			
Beatrice A. Law	X			
Michael J. Naganashe	X			
Aaron Otto	X			
Winnay J. Wemigwase	X			
Julie A. Shananaquet				X
Marcella R. Reyes	X			

Date: 6-24-2015 Marcella R. Reyes  
 Marcella R. Reyes, Treasurer

Date: 6-23-2015 Julie Shananaquet  
 Julie A. Shananaquet, Secretary

Received by the Executive Office on 6-25-15 by CORAL FIELD

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: 6-26-15 Regina Gasco Bentley  
 Regina Gasco Bentley, Tribal Chairperson

Donated Land Acceptance Statute

Secretary Shananaquet JS