

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

TRIBAL RESOLUTION # 040608-04

Authorization to Accept Easements for Hagar Drive Replacement and
Dissolve Reciprocal Easement Agreement

- WHEREAS** the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;
- WHEREAS** the Little Traverse Bay Bands of Odawa Indians 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** LTBB's parcel commonly referred to as the "Health Park" described in the Warranty Deed recorded at Liber 1051 Page 837, Emmet County Register of Deeds, includes the private road known as Hagar Drive;
- WHEREAS** LTBB has secured funding to replace Hagar Drive with a federal public road, and the new road will require routing storm water run-off across property owned by the City of Petoskey;
- WHEREAS** the Health Park parcel is subject to a lengthy reciprocal easement agreement (REA) creating a number of easements, restrictions, costs and obligations between adjacent land owners, initially Healthshare Real Estate, Inc and Independence Village, with the parcels now owned by LTBB, Independence Village and DARE Development. The REA is set out in Declaration of Reciprocal Easements and Covenants, Conditions and Restrictions between Healthshare Real Estate, Inc., and Independence Village of Bear River, LP dated November 4, 1996 Liber 588 Page 310, as amended by First Amendment to Declaration of Reciprocal Easements and Covenants, Conditions and Restrictions filed on Feb. 19, 1997 Liber 595 Page 379, and the First Supplemental Agreement to Declaration of Reciprocal Easements and Covenants, Conditions and Restrictions filed on January 16, 2004 Liber 1038 Page 431;
- WHEREAS** the REA must be dissolved to proceed with the replacement of Hagar Drive and to place the parcel in trust with the United States;

THEREFORE BE IT RESOLVED:

1. the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes the Tribal Chairman, by and on behalf of the Tribe, to execute acceptance of any easements as grantee necessary to proceed with the Hagar Drive replacement project;
2. the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes the Tribal Chairman, by and on behalf of the Tribe, to execute a dissolution of the REA;

3. the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes a waiver of sovereign immunity to the specific and limited extent as expressly set out in the storm water easement;

4. the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes the Tribal Chairman, by and on behalf of the Tribe, to execute an easement granting a public right-of-way to the Bureau of Indian Affairs for the road that will replace Hagar Drive.

CERTIFICATION

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this 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 April 6, 2008 at which a quorum was present, by a vote of 9 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.	X			
Melvin L. Kiogima	X			
Dexter McNamara	X			
Marvin Mulholland	X			
Shirley Oldman	X			
Alice Yellowbank	X			
Gerald V. Chingwa	X			
Regina Gasco Bentley	X			
Beatrice A. Law	X			

Date: _____

Beatrice A. Law, Legislative Leader

Date: _____

Regina Gasco Bentley, Secretary

Received by the Executive Office on _____ 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: _____

Frank Ettawageshik, Tribal Chairperson