

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS**

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

**RESOLUTION # 052304-08**

**Limited Waiver of Sovereign Immunity for Land Purchases**

**WHEREAS** in the Treaty of Washington of 1836 (7 Stat. 491) the Little Traverse Bay Bands of Odawa Indians (“LTBB” or “Tribe”) along with the other signatory tribes ceded approximately 13,921,762 acres of land to the United States in what is now a large portion of the State of Michigan;

**WHEREAS** in the 1836 Treaty and Treaty of Detroit of 1855 (11 Stat. 621) LTBB reserved a reservation of approximately 216,764 acres in what is now Emmet and Charlevoix Counties, Michigan;

**WHEREAS** at the time of passage of the Little Traverse Bay Bands of Odawa Indians and Little River Band of Ottawa Indians Act, Public Law 103-324 of September 21, 1994, which reaffirmed LTBB’s federally recognized status, the United States held no land in trust for the Tribe and the Tribe held no fee lands. Its sole land ownership interest consisted of one 40 parcel that it was purchasing on land contract;

**WHEREAS** the restoration of a Tribal land base for housing, governmental administration and services, hunting, fishing and gathering, economic development, etc. is absolutely essential for the continued growth, health and vitality of the next seven generations of the Tribe;

**WHEREAS** there exists a possibility that Tribal members who are descended from members who lost their allotments in the years following the 1855 Treaty may have a legal claim to such lands;

**WHEREAS** in all Indian land claims cases litigated to date in the United States, a court has never ordered ejectment of the current title holder. Therefore, any parcels not purchased by LTBB may be permanently lost;

**WHEREAS** LTBB desires to pursue restoration of its land base without compromising the rights of its members;

**THEREFORE BE IT RESOLVED** that LTBB waives its sovereign immunity only in LTBB Tribal Court for actions brought by LTBB Tribal members claiming an interest in property owned by LTBB in fee or by the United States in trust for LTBB to the extent of the fair market value of the property in question in an unimproved condition. LTBB does not through

this Resolution submit to the jurisdiction of any tribal, state or federal Court other than the LTBB Tribal Court.

**FURTHER RESOLVED** that this Resolution does not waive the immunity of elected and appointed officials, agents and employees of LTBB.

**Certification**

As Tribal Chairman and Tribal 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 on May 23, 2004 at which a quorum was present, by a vote of 7 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
Regina Gasco Bentley	<u>  x  </u>	_____	_____	_____
Frank Ettawageshik	<u>  x  </u>	_____	_____	_____
Fred Harrington, Jr.	<u>  x  </u>	_____	_____	_____
Beatrice Law	<u>  x  </u>	_____	_____	_____
Dexter McNamara	<u>  x  </u>	_____	_____	_____
Rita Shananaquet	<u>  x  </u>	_____	_____	_____
Alice Yellowbank	<u>  x  </u>	_____	_____	_____

Date: \_\_\_\_\_

\_\_\_\_\_  
Frank Ettawageshik, Tribal Chairman

\_\_\_\_\_  
Dexter McNamara, Tribal Secretary