Formatted 1 WAGANAKISING ODAWAK STATUTE 2015-011 2 DONATED LAND ACCEPTANCE 3 4 5 SECTION I. SHORT TITLE. 6 8 This Statute shall be cited as the 'Land Acceptance Statute' and shall repeal WOS 9 2015-011. 10 11 12 SECTION II. **PURPOSE** 13 14 The purpose of this Statute is to solicit and receive land or other interest in land as 15 gifts that are beneficial to the Tribe and its Tribal Citizens. 16 17 18 SECTION III. **DEFINITIONS** 19 20 "Enginaaknegeng Enjinaaknegeng" means the LTBB Legal Department. Formatted: English (United States) 21 Formatted: No bullets or numbering 22 **A.B.** "Interest in Land" means any and all, partial or total right to property or for the 23 use of property. 24 25 "Tribal Lands" means property either owned or leased by the Tribe or property 26 that is held in trust for the benefit of the Tribe. 27 28 C. The "Tribe or LTBB" shall mean the Little Traverse Bay Bands of Odawa

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Indians.

SECTION IV.

Donated Land Acceptance Statute <u>— Sponsored by the Land and Reservation Committee posted 11/30/21</u>

Secretary Shananaquet Reyes

CONSTITUTIONAL AUTHORITY

1	A. In accordance with the Constitution, Tribal Council has the power to receive by		
2	gift both land and interests in land, in which the Tribal Council may deem beneficial to		
3	the Tribe.		
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6	SECTION V. LAND		
	SECTION V. LAND		
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8	A. All gifts of land or other interest in property shall be approved by Tribal Council		
9	by majority vote, upon receipt of a recommendation from the Land and Reservation		
10	Committee.		
11		/⊱	ormatted: Font: Italic
12	B. Prior to acceptance of any gift of land or other interest in property, Tribal	//⊱	ormatted: Font: Not Bold, Italic
13	Council the Land and Reservation Committee shall require an initial environmental Staff	′ / ⊱	ormatted: Font: Italic
14	Reviews and Analysis review, known as a Phase I assessment and a Llegal Aassessment	//	ormatted: Font: Italic
15	and shall submit the required information along with its recommendation to Tribal		ormatted: List Paragraph, Line spacing: single, No bullets r numbering
		/ F	ormatted: Font: Bold, Not Italic
16 17	Council.	// c	ormatted: Numbered + Level: 1 + Numbering Style: A, B, , + Start at: 1 + Alignment: Left + Aligned at: 0.25" + ndent at: 0.5"
18	B. C. The Staff Review and Analysis shall contain a review by the following:	\succ	ormatted: Font: Italic
19	(Is this Procedural?)	F	ormatted: Font: Italic, Highlight
20	Planning Department, Natural Resources and Environmental Services, Geographic	F	ormatted: Indent: Left: 0", Line spacing: At least 18 pt
21	Information Systems (GIS), Tribal Historic Preservation Officer, (THPO) and Senior	F	ormatted: Font: Italic
22	Financial Analyst and others as may be identified by the Committee.	\\\ E	ormatted: Font: Not Bold
23		\\\ _ F	ormatted: Font: Not Bold
24	1. The Staff Review and Analysis Report shall include, but not limited to the	\\\ <u>[</u> F	ormatted: Font: Not Bold
25	following:	\\\ <u>F</u>	ormatted: Font: Not Bold
		>	ormatted: Font: Not Bold
26	a. The location's suitability for the intended use;		ormatted: Font: Not Bold
27	b. Zoning requirements impact the location;	\ \\ -	ormatted: Font: Not Bold
28	c. Identified land features such as topography, wetlands; endangered	\ \ <u></u>	ormatted: No bullets or numbering
29	species habitat, natural features, aquifers, and potential for contamination;	\>	ormatted: Font: Italic
30	d. Location of the parcel in relation to the exterior boundary of the	le	ormatted: Indent: Left: 1", First line: 0", Line spacing: At east 18 pt, Numbered + Level: 1 + Numbering Style: a, b, c,
31	LTBB Reservation;		. + Start at: 1 + Alignment: Left + Aligned at: 0.25" + ndent at: 0.5"
32	e. History of the property, burial sites, sacred sites, traditional	F	ormatted: Indent: Left: 1", First line: 0", Line spacing: At
33	cultural attributes;	\	east 18 pt, Numbered + Level: 1 + Numbering Style: a, b, c, . + Start at: 1 + Alignment: Left + Aligned at: 0.25" + ndent at: 0.5"

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least 18 pt, Numbered + Level: 1 + Numbering Style: a, b, c, 2 Equalized Value (SEV). . + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5" 3 Phase I assessment typically includes an preliminary environmental 4 impact statement, analysis of land use and cover of land that identifies such items 5 as plant life, buildings, utility easements, etc., the current zoning of the property, recommendations for potential use, and other additional information specific to 6 7 the land. In the event that the initial review reveals a potential problem, the Tribe 8 may require an environmental audit. 9 10 2. D. Legal Assessment. A legal assessment Enginaaknegeng Enjinaaknegeng Formatted: Font: Bold Formatted: Numbered + Level: 1 + Numbering Style: A, B, 11 will provide a Legal Assessment that shall include but not limited to: the presents C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + 12 of determine if there are any land covenants, conditions, restrictions, reservations, Indent at: 0.5", Tab stops: Not at 0.5" Formatted: Font: Italic 13 easements, encumbrances or other limitations associated with the property_-14 15 SECTION VI. CRITERIA FOR ACCEPTANCE OF GIFTS OF LAND OR 16 17 INTERESTS IN LAND 18 19 Through the approval of a land acquisition plan or as amended, Tribal Council A. 20 shall prioritize and rank various land acquisition goals to determine the benefits of the 21 land or interest in land to the Tribe and its Tribal Citizens. 22 23 В. Such items shall be considered in determining the benefit to the Tribe and its 24 Tribal Citizens: 25 26 1. Cost, including insurance, property taxes, mortgages, notes, and 27 maintenance expenses associated with the property 28 29 2. Land within the Reservation or proximity to the Reservation 30 Formatted: Line spacing: At least 18 pt 31 3. Location suitable for intended use 32 Formatted: Line spacing: At least 18 pt

A review of records related to the parcel past purchases, and State

Cultural importance

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2	5.	Tribal image with consideration toward culture, political, historical			
3	considerations				
4					
5	6.	Housing			
6					
7	7.	Jobs			
8					
9	8.	Schools/Education			
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11	9.	Health Care			
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13	10.	Treaty Rights			
14					
15	11.	Community inclusion			
16					
17	12.	Natural Resources.			
18					
19					
20	SECTION V	VII. ACCEPTANCE of LAND			
21					
22					
23	statement sha	all be developed and funds shall be allocated if necessary.			
24					
25	GT GT 631				
26	SECTION V	/III. SEVERABILITY			
27	**				
28	-	v section, subsection, paragraph, sentence, phrase or portion of this Statute is			
29	for any reason, held invalid or unconstitutional by any court of competent jurisdiction,				
30	such portion shall be deemed a separate, distinct and independent provision and such				
31	holding shall not affect the validity of the remaining portions thereof.				
32					
33					
	Donated Land Ad	cceptance Statute – Sponsored by the Land and Reservation Committee posted 11/30/21			

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** Donated Land Acceptance Statute <u>— Sponsored by the Land and Reservation Committee posted 11/30/21</u> Secretary Shananaquet Reyes

EFFECTIVE DATE

SECTION IX.

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3	Odawa indians at a regular meeting of the 1110al Council held on Julie 18, 2015 at						Formatted
4	which a quorum was present, by a vote of 6 in favor, 0 opposed, 0 abstentions, and 2						Formatted
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12	Pursuant	to Article VII. S	ection D, Subs	ection 1 of the L	ittle Traverse Bay	Bands of	Formatted
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Secretary <u>Shananaquet Reyes</u>