

WAGANAKISING ODAWA



TRIBAL CODE of LAW

TITLE XVIII. POST CONSTITUTION RESOLUTIONS, Chapter 3. LAND MATTERS

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WAGANAKISING ODAWA TRIBAL CODE of LAW

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Chapter Three. Land Matters

18.301 APPROVAL OF LEASE WITH BERG PROPERTY FOR NATURAL RESOURCES HUNTING AND GATHER AND APPROPRIATE \$8,000 FROM PRIOR PERIOD FUNDS

A. THEREFORE, BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians approves the leases between Daniel S. Berg as lessor, Little Traverse Bay Bands of Odawa Indians as lessee, and authorizes the Tribal Chairman Frank Ettawageshik to sign the leases by and on behalf of the Tribe.

B. FURTHER, BE IT RESOLVED that the Tribal Council appropriate \$8,000.00 from prior period funds to be placed within the Executive Budget to fund the lease.

(Source: TRIBAL RESOLUTION # 051709-01)

18.302 REQUEST FOR TRUST ACQUISITION OF PARCEL IN HARBOR SPRINGS, EMMET COUNTY, MI

A. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians requests that the Secretary of the Interior accept the above described parcel in trust for the Little Traverse Bay Bands of Odawa Indians.

(Source: TRIBAL RESOLUTION # 061409-06)

18.303 AUTHORIZATION TO GRANT EASEMENT TO EMMET COUNTY FOR NON-MOTORIZED TRAIL ALONG ANDERSON ROAD

A. THEREFORE BE IT RESOLVED that Little Traverse Bay Bands of Odawa Indians authorizes the Grant of Easement for Non-Motorized Trail to Emmet County, and authorizes the Tribal Chairman to execute the Easement by and on behalf of the Tribe.

(Source: TRIBAL RESOLUTION # 080909-02)

18.304 STRATEGIC PLAN FOR TRIBAL LAND ACQUISITION

A. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council approves the Strategic Plan for Land Acquisition dated August 9, 2009 as submitted by the Land and Reservation Committee and requests and authorizes the Tribal Chairman through his administrative oversight authority to implement the plan in conjunction with Tribal Council.

(Source: TRIBAL RESOLUTION # 080909-08)

18.305 BUREAU OF INDIAN AFFAIRS CONSTRUCTION EASEMENT AT NINAATIG DRIVE

A. THEREFORE, BE IT RESOLVED that the Tribal Council hereby approves and grants a construction easement for BIA road improvements within the right-of-way on the above parcel of land. A more clearly defined description of said right-of-way has been provided on LTBB Plat No. 07272-1; (Exhibit A)

B. BE IT FURTHER RESOLVED that the Tribal Council approves and grants a construction easement for the purpose of constructing parking lots and a well house access road. A more clearly defined description has been provided on attached easement map and construction easement description; (Exhibit B)

C. FINALLY BE IT RESOLVED that due to the overall benefits to the Tribe and its members derived from the road improvements, compensation for granting of the construction easement is hereby waived.

(Source: TRIBAL RESOLUTION # 102509-03)

18.306 EXECUTION OF TRUST DEED FOR “MILL STREET” PARCEL

A. THEREFORE BE IT RESOLVED that the Tribal Chairperson and Tribal Treasurer are

authorized, by and on behalf of the Little Traverse Bay Bands of Odawa Indians, to execute a warranty deed for the parcel described above transferring title from the Tribe to the United States of America in trust for the Little Traverse Bay Bands of Odawa Indians, and to execute any other documents that may be necessary to complete the trust acquisition, including, but not limited to, the granting of an easement to allow the owner of adjoining lot 12 to occupy a 2 x 20 foot rectangle in the northeast corner of lot 11.

(Source: TRIBAL RESOLUTION # 112209-01)

18.307 APPROVAL OF LEASE WITH BERG PROPERTY FOR NATURAL RESOURCES HUNTING AND GATHERING AND APPROPRIATE \$8,000 FROM PRIOR YEAR FUNDS

A. THEREFORE, BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians approves the leases between Daniel S. Berg as lessor, Little Traverse Bay Bands of Odawa Indians as lessee, and authorizes the Tribal Chairman or Vice Chair to sign the lease by and on behalf of the Tribe.

B. FURTHER, BE IT RESOLVED that the Tribal Council appropriate \$8,000.00 from prior year funds to be placed within the Executive Budget to fund the lease.

(Source: TRIBAL RESOLUTION # 060610-04)

18.308 REQUEST FOR TRUST ACQUISITION OF PARCELS IN BEAR CREEK TOWNSHIP, EMMET COUNTY, MI

A. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians requests that the Secretary of the Interior accept the above described parcels in trust for the Little Traverse Bay Bands of Odawa Indians.

(Source: TRIBAL RESOLUTION # 091910-01)

18.309 APPROPRIATIONS TO ODAWA ECONOMIC DEVELOPMENT

MANAGEMENT, INC. (OEDMI) IN THE AMOUNT OF \$50,000 TO COME FROM PRIOR PERIOD FUNDS

A. THEREFORE BE IT RESOLVED that Tribal Council through its Constitutional duty “authorizes the appropriation” of funding to the Odawa Economic Development Management, Inc. (OEDMI) in the amount of \$50,000.00, to come from prior period funds and the Tribal Chairman shall administer his oversight authority to the extent necessary to ensure the administration of such funds.

(Source: TRIBAL RESOLUTION # 030313-01)

18.310 AUTHORIZATION FOR LAND PURCHASE AND APPROPRIATION

A. THEREFORE BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes the Tribal Treasurer or Tribal Chairman to execute any documents necessary to close on the purchase of land parcel #59 [tax ID# 51-15-14-200-095 on Second Street in Harbor Springs, MI for \$10,000.00, and appropriates \$11,500.00 to cover the purchase price, survey, and closing costs to come from prior period funds.

(Source: TRIBAL RESOLUTION # 012013-01)

18.311 GROUND LEASE TERMINATION

A. WHEREAS by Resolution 102206-01 the Tribal Council approved “Residential Lease of Tribally Owned Land” 2006-02 for Lot 25 of the Village of Wah-Wahs-Noo-Na-Ke;

B. WHEREAS the express purpose of that lease as set out in paragraph 3 was for use as lessee’s primary residence;

C. WHEREAS lessee has ceased using the leased premises as a residence;

D. THEREFORE BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians terminates lease 2006-02, and authorizes the Executive Branch to take any action and execute any documents needed to effectuate this termination.

(Source: TRIBAL RESOLUTION # 070713-02)

18.312 LEASE AND REVENUE ASSIGNMENT FOR 915 EMMET STREET

A. NOW THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council approves the Lease of tribally owned land at 915 Emmet Street, Petoskey Michigan, in the amount of 600.00 per month; and

B. FURTHER RESOLVED the Tribal Treasurer is authorized to sign the above - referenced lease and any and all revenues from this Lease shall be utilized for Maintenance and upkeep of the 915 Emmet Street property.

(Source: TRIBAL RESOLUTION #082114-02)

18.313(2.17)(a) RESCISSION AND REPEAL OF RESOLUTION # 041804-03 REQUEST FOR TRUST ACQUISITION

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians possesses clear title in fee by virtue of the warranty deed recorded at Liber 938 Page 466, Cheboygan County Register of Deeds to the parcel described in that deed. The parcel is situated in the Village of Mackinaw City, Cheboygan County, Michigan.

B. WHEREAS the Tribe requested the Secretary of the Interior accept the above described parcel in trust for the Little Traverse Bay Bands of Odawa Indians, but has since decided to withdrawal this request.

C. THEREFORE BE IT RESOLVED that Resolution #041804-03, Request for Trust Acquisition, is rescinded and repealed in its entirety and is void and of no effect.

(Source: TRIBAL RESOLUTION #020217-02)

18.314(7.15)(a) GRANT OF PERPETUAL RIGHT-OF-WAY TO THE BIA FOR ROAD IMPROVEMENTS ON SHOPS AT VICTORIES TRUST PARCEL

A. WHEREAS the Tribe, through its Tribal Corporation, Odawa Economic Development Management, Inc., is in the process of pursuing non-gaming economic development on Parcel A in the Survey prepared by Benchmark Engineering dated July 7, 2011, Job Number 11-098, which is on land held in trust for the Tribe by the United States in T34N, R5W, Bear Creek Township, Emmet County, Michigan per the trust deeds recorded at Liber 717 Page 157, and Liber 1111 Page 227, Emmet County Records (“Shops at Victories Parcel”);

B. WHEREAS per the attached engineer’s affidavit signed on June 18, 2015, David Boyle of Northwest Design Group was contracted by the BIA, Great Lakes Agency to prepare the attached survey and legal descriptions of the road, parking lots and utility right-of-ways necessary to develop the Shops at Victories Parcel;

C. WHEREAS the Bureau of Indian Affairs requires the granting of a right-of-way to the BIA in order to authorize road improvements on the Shops at Victories Parcel;

D. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians’ Tribal Council grants a perpetual right-of-way to the BIA for road improvements on the Shops at Victories Parcel as depicted and described in the Northwest Design Group survey. Due to the overall benefits to the Tribe and its members derived from the road improvements, compensation for any damages the granting the right-of-way is hereby waived. The Superintendent of the Great Lakes Agency is requested to prepare and recommend approval of the right-of-way documents.

E. FURTHER RESOLVED THAT that the Chairperson or Tribal Administrator, or their 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.

(Source: TRIBAL RESOLUTION #070915-01)

18.315(7.15)(b) GRANT OF PERPETUAL UTILITY RIGHT-OF-WAY TO TRIBE FOR PARKING LOTS ON SHOPS AT VICTORIES TRUST PARCEL

A. WHEREAS the Tribe, through its Tribal Corporation, Odawa Economic Development Management, Inc. (OEDMI), is in the process of pursuing non-gaming economic development on Parcel A in the Survey prepared by Benchmark Engineering dated July 7, 2011, Job Number 11-098, which is on land held in trust for the Tribe by the United States in T34N, R5W, Bear Creek Township, Emmet County, Michigan per the trust deeds recorded at Liber 717 Page 157, and Liber 1111 Page 227, Emmet County Records (“Shops at Victories Parcel”);

B. WHEREAS per the attached engineer’s affidavit signed on June 18, 2015, David Boyle of Northwest Design Group was contracted by the BIA, Great Lakes Agency to prepare the attached survey and legal descriptions of the road, parking lots and utility right-of-ways necessary to develop the Shops at Victories Parcel;

C. WHEREAS the Bureau of Indian Affairs requires the granting of a right-of-way to the Tribe for the parking lots in order to authorize construction on the Shops at Victories Parcel;

D. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians’ Tribal Council grants a perpetual right-of-way to the Little Traverse Bay Bands of Odawa Indians for use of the parking lots on the Shops at Victories Parcel as depicted and described in the Northwest Design Group survey. Due to the overall benefits to the Tribe and its members derived from the parking lots, compensation for any damages resulting from the granting the right-of-way is waived, and the Tribe assumes all responsibilities for any damages that may be caused by the development and maintenance of the parking lots. The Superintendent of the Great Lakes Agency is requested to prepare and recommend approval of the right-of-way documents.

E. FURTHER RESOLVED THAT that the Chairperson or Tribal Administrator, or their 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.

(Source: TRIBAL RESOLUTION #070915-02)

18.316(7.15)(c) GRANT OF PERPETUAL UTILITY RIGHT-OF-WAY TO TRIBE FOR IMPROVEMENTS ON SHOPS AT VICTORIES TRUST PARCEL

A. WHEREAS the Tribe, through its Tribal Corporation, Odawa Economic Development Management, Inc. (OEDMI), is in the process of pursuing non-gaming economic development on Parcel A in the Survey prepared by Benchmark Engineering dated July 7, 2011, Job Number 11-098, which is on land held in trust for the Tribe by the United States in T34N, R5W, Bear Creek Township, Emmet County, Michigan per the trust deeds recorded at Liber 717 Page 157, and Liber 1111 Page 227, Emmet County Records (“Shops at Victories Parcel”);

B. WHEREAS per the attached engineer’s affidavit signed on June 18, 2015, David Boyle of Northwest Design Group was contracted by the BIA, Great Lakes Agency to prepare the attached survey and legal descriptions of the road, parking lots and utility right-of-ways necessary to develop the Shops at Victories Parcel;

C. WHEREAS the Bureau of Indian Affairs requires the granting of a utility right-of-way to the Tribe in order to authorize construction on the Shops at Victories Parcel;

D. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians’ Tribal Council accepts the grant of a perpetual right-of-way from the BIA for a multiple use utility easement on the Shops at Victories Parcel as depicted and described in the Northwest Design Group survey. Due to the overall benefits to the Tribe and its members derived from the utilities, compensation for any damages resulting from the granting the right-of-way is waived, and the Tribe assumes all responsibilities for any damages that may be caused by the development and maintenance of the utilities. The Superintendent of the Great Lakes Agency is requested to prepare and recommend approval of the right-of-way documents.

E. FURTHER RESOLVED THAT that the Chairperson or Tribal Administrator, or their 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.

(Source: TRIBAL RESOLUTION #070915-03)

18.317(4.15)(a) SUPPLEMENTAL FUNDING IN THE AMOUNT OF \$120,000 FOR THE LEGISLATIVE BRANCH FY15 BUDGET FOR PURCHASE OF PARCEL 84; “608 SECOND STREET” PROPERTY

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians approved the pursuit of parcel 84, 608 Second Street, Harbor Springs, Michigan;

B. WHEREAS the total to cover paying off the mortgage, equity line, closing fees and title insurance is approximately \$120,000.00;

C. WHEREAS the Tribal Council budget for FY15 was approved without funding for land purchases.

D. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and supplements funding to the Legislative Branch in the amount of \$120,000 for the purchasing of land parcel 84, 608 Second Street, Harbor Springs, Michigan, with funding to come from prior period funds.

E. FURTHER BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #040915-03)

18.318(12.13)(a) SUPPLEMENTAL FUNDING IN THE AMOUNT OF \$70,220.00 FOR THE LEGISLATIVE BRANCH FY14 BUDGET FOR PURCHASE OF PARCEL 54, 312.5 ACRES OF LAND KNOW AS “TUTHILL FARM” PROPERTY

A. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and supplements funding to the Legislative Branch in the amount of \$70,220 for the annual payment for the financing of parcel 54, consisting of 312.5 acres of land known as "Tuthill Farm" property, with funding to come from prior period funds.

B. FURTHER BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

C. FINALLY BE IT RESOLVED that any future budgets shall include the annual payment for the "Tuthill Farm" property, for the term of the loan, unless other means are utilized to adequately cover the annual payment of the debt.

(Source: TRIBAL RESOLUTION #121813-01)

18.319(9.16)(a) TO AUTHORIZE FUNDING IN THE AMOUNT OF \$35,000 FOR PURCHASE OF PARCEL # 97 TO COME FROM RESERVED GENERAL FUND BALANCE-SUPPLEMENTAL FUNDING

A. WHEREAS Article VII (B)(9) of the LTBB Constitution delegates to the Tribal Council the authority to "Purchase, receive by gift, or otherwise acquire land, interests in land, personal property or other intangible assets which the Tribal Council may deem beneficial to the Little Traverse Bay Bands of Odawa Indians;"

B. WHEREAS by motion of February 18, 2016 Tribal Council authorized making an offer to purchase the parcel designated as #97 located at 4982 Chippewa Drive, Harbor Springs, MI 49740 (Tax ID 05-04-35-101-003);

C. WHEREAS the Tribe and seller have executed a purchase agreement for \$69,500.00, the Tribe has paid a deposit of \$5,000.00, and the Natural Resources Department has \$35,000.00 in authorized carry over funds available to go toward the purchase;

D. THEREFORE BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes the Tribal Treasurer or Tribal Chairman to execute any documents necessary to close on the purchase of land parcel #97 (tax ID 05-04-35-101-003) and appropriates \$35,000.00 to cover the remaining portion of the purchase price, survey, and closing costs to come from the reserved general fund balance-supplemental funding.

(Source: TRIBAL RESOLUTION #091516-01)

18.320(4.06)(a)REQUEST FOR TRUST ACQUISITION OF PARCEL IN EMMET COUNTY CROSS VILLAGE, MI

A. WHEREAS the Secretary of the Interior is generally authorized to accept land into trust for the Little Traverse Bay Bands of Odawa Indians (“LTBB” or “Tribe”) under the Indian Reorganization Act, 25 U.S.C. § 465, and specifically mandated to accept transfer of lands in trust for LTBB within Emmet and Charlevoix Counties, Michigan under 25 U.S.C. § 1300k-4(a);

B. WHEREAS the Little Traverse Bay Bands of Odawa Indians possesses clear title in fee by virtue of the warranty deed recorded at Liber 1067 Page 867, Emmet County Register of Deeds to the parcel located in Cross Village Township, Emmet County, Michigan described in that deed which it intends to transfer to the United States in trust for the Tribe. The parcel is legally described as;

[Legal Description contained in deed recorded at Liber 1067 Page 867 attached to this Resolution as Exhibit 1]

C. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians requests that the Secretary of the Interior accept the above described parcel in trust for the Little Traverse Bay Bands of Odawa Indians.

(Source: TRIBAL RESOLUTION #040906-01)

18.321(6.06)(a) EXECUTION OF TRUST DEED FOR “DRIER ROAD” PARCEL

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians holds title, by virtue of the warranty deed recorded at Liber 1067 Page 862, Emmet County Register of Deeds to the parcel described in that deed as:

Situated in the Township of McKinley, County of

Emmet, State of Michigan, Michigan Meridian,
containing approximately 80 acres:

The West ½ of the Southeast of ¼ of Section 9,
Township 37 North, Range 4 West

Which the Tribe requested to be accepted into trust by the Secretary of the Interior for the
Tribe;

B. WHEREAS the Department of the Interior is mandated to accept this parcel into trust
under 25 U.S.C. § 1300k-4(a);

C. THEREFORE BE IT RESOLVED that Tribal Chairperson Frank Ettawageshik is
authorized, by and on behalf of the Little Traverse Bay Bands of Odawa Indians, to execute a
warranty deed for the parcel described above transferring title from the Tribe to the United States
of America in trust for the Little Traverse Bay Bands of Odawa Indians, and to execute any other
documents that may be necessary to complete the trust acquisition.

(Source: TRIBAL RESOLUTION #061106-12)

**18.322(6.06)(b) AUTHORIZATION FOR UTILITY EASEMENT ON “DRIER
ROAD” PARCEL**

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians holds title, by virtue of the
warranty deed recorded at Liber 1067 Page 862, Emmet County Register of Deeds to the parcel
described in that deed as:

Situated in the Township of McKinley, County of
Emmet, State of Michigan, Michigan Meridian,
containing approximately 80 acres:

The West ½ of the Southeast of ¼ of Section 9,
Township 37 North, Range 4 West

B. WHEREAS the Tribe intends to develop a fish hatchery on this property which will require electricity to accomplish and operate;

C. THEREFORE BE IT RESOLVED that Tribal Chairperson Frank Ettawageshik is authorized, by and on behalf of the Little Traverse Bay Bands of Odawa Indians, to execute an easement to Great Lakes Energy for the purpose of providing electric and/or communication service to the property.

(Source: TRIBAL RESOLUTION #061106-03)

18.323(8.06)(a) EXECUTION OF TRUST DEED FOR “HEALTH PARK” PARCEL

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians holds title, by virtue of the warranty deed recorded at liber 1051 page 837, Emmet County Register of Deeds to the parcel described in that deed which is attached to this resolution as exhibit a;

B. WHEREAS the Tribe requested by Resolution 041705-02 that the Secretary of the Interior accept the parcel into trust for the Tribe;

C. WHEREAS the Department of the Interior is mandated to accept this parcel into trust under 25 U.S.C. § 1300k-4(a);

D. THEREFORE BE IT RESOLVED that Tribal Chairperson Frank Ettawageshik is authorized, by and on behalf of the Little Traverse Bay Bands of Odawa Indians, to execute a warranty deed for the parcel described above transferring title from the Tribe to the United States of America in trust for the Little Traverse Bay Bands of Odawa Indians, and to execute any other documents that may be necessary to complete the trust acquisition.

(Source: TRIBAL RESOLUTION #082006-01)

18.324(10.06)(a) APPROVAL FOR LEASES OF TRIBALLY OWNED LAND

- A. WHEREAS** the Housing Department is an Executive department and is charged with the task of providing housing to tribal citizens and to assist tribal citizens in their efforts to obtain housing;
- B. WHEREAS** the leasing of tribally owned land to tribal citizens for the construction or establishment of homes furthers the objective of assisting tribal citizens in obtaining housing;
- C. WHEREAS** the Housing Department has drafted Residential Leases of Tribally Owned Land for Patrick Wemigwase, 2006-01 and Margaret Gasco, 2006-02; and
- D. WHEREAS** article VII, § D(12) of the Constitution requires that the Tribal Council approve leases of Tribally owned land.
- E. THEREFORE, BE IT RESOLVED** Tribal Council hereby approves Residential Lease of Tribal Owned Land 2006-01 and Residential Lease of Tribal Owned Land 2006-02.
- F. FURTHER RESOLVED**, the Executive is authorized to sign the above referenced leases and submit them to the Secretary of Interior for approval and carry out any and all necessary steps to implement the above referenced leases.

(Source: TRIBAL RESOLUTION #102206-01)

18.325(9.17)(a) AD-HOC LAND MANAGEMENT OFFICE COMMITTEE

- A. WHEREAS** the committee would discuss the creation of a Land Management Office, the duties, responsibilities and authority of the Office and make recommendations to Tribal Council and Tribal Chair;
- B. WHEREAS** the Committee will involve individuals from the Legislative, and Executive Branches of Tribal government in order to fully develop the criteria for the Office and has identified the following Committee members: Tribal Chair/Vice Chair or designee, Direct Services Administrator, GIS Director, Planning Director, Facilities Director, two Tribal

Councilors and Legislative Services Attorney.

C. THEREFORE, BE IT RESOLVED that the Tribal Council approves the Ad-hoc Land Management Office Committee that is comprised of Tribal Chair/Vice Chair or designee, Direct Services Administrator, GIS Director, Planning Director, Facilities Director, two Tribal Councilors and Legislative Services Attorney.

D. THEREFORE, FURTHER BE IT RESOLVED that the Committee will make recommendations to Tribal Council and Tribal Chair based on their findings.

E. FINALLY, BE IT RESOLVED that the Committee shall serve until the completion of the recommendations or for one year from the date of enactment, whichever is sooner.

(Source: TRIBAL RESOLUTION #092817-06 by Veto Override)

18.326(9.18)(a) APPROVAL OF CONSENT AND AGREEMENT WITH CHEMICAL BANK AND APPROVAL OR AFFIRMATION OF PRIOR APPROVAL OF LEASE, SUBLEASES AND SUB-LEASEHOLD MORTGAGES

A. WHEREAS by Waganakising Odawak Statute 2009-24 the LTBB authorized charter of Tribal corporation, the Odawa Economic Development, Inc. (OEDMI) to pursue non-gaming economic development activities;

B. WHEREAS the Tribal Council has previously approved the following documents relating to economic development of Tribal trust land by the corner of U.S 131 and Lears Rd as more particularly described in the lease and subleases:

The Ground Lease dated July 25, 2012, approved by the Bureau of Indian Affairs on September 25, 2013, between the Tribe as lessor and OEDMI as lessee (“Ground Lease”),

The Ground Sublease dated March 21, 2017 between OEDMI as sublessor and The Shops at Victories Center (TS@VC) as sublessee ("TS@VC Ground Sublease"),

The Phase I Ground Sublease dated March 27, 2018 between TS@VC as sublessor and GNI Phase I, L.L.C. sublessee ("Ground Sublease (Project Land)") pursuant to which GNI is subleasing a portion of Parcel A ("Project Land") from TS@VC to be used for construction and development of a Courtyard by Marriott Hotel, a Boston's Restaurant, and a related retail building to be leased to various tenants, including Starbucks Corporation (the "Project"),

The Phase II and III Ground Sublease dated August 30, 2018 between TS@VC as sublessor and Geodetic North Investors, L.L.C., as sublessee ("Ground Sublease (Adjacent Land)"), pursuant to which GEO is subleasing from TS@VC a portion of Parcel A that is adjacent to the Project Land ("Adjacent Land").

C. WHEREAS Chemical Bank is loaning GNI Phase I, L.L.C. up to \$21,000,000 to finance construction and development of the Project (the "Loan"). In connection with the Loan, Bank and GNI have executed a Loan Agreement, along with a Promissory Note and Leasehold Mortgages (aka subleasehold mortgages), a Security Agreement, and various Collateral Assignments, Guarantees and other "Loan Documents" as defined in the Loan Agreement.

D. WHEREAS Tribal Council has been presented with a Consent and Agreement between Chemical Bank, LTBB, OEDMI, TS@VC, GNI Phase I, L.L.C., and Geodetic North Investors, L.L.C., with regard to the Loan.

E. THEREFORE, BE IT RESOLVED THAT:

1. The Little Traverse Bay Bands of Odawa Indians approves or affirms prior approvals of the Ground Lease, the TS@VC Ground Sublease, the Ground Sublease (Project Land), the Ground Sublease (Adjacent Land) and all Loan documents requiring its approval including the Leasehold Mortgages (aka subleasehold mortgages); and

2. The Little Traverse Bay Bands of Odawa Indians approves the Consent and Agreement, including the limited waiver of sovereign immunity as stated therein, and authorizes the Tribal Chairperson to sign it on behalf of the Tribe.

(Source: TRIBAL RESOLUTION #092718-01)

18.327(10.18)(a) SUPPLEMENTAL FUNDING IN THE AMOUNT OF \$180,000 FOR THE LEGISLATIVE BRANCH FY18 BUDGET FOR PURCHASE OF “STONE CIRCLE” PROPERTY ON BEAVER ISLAND, MICHIGAN TO COME FROM GENERAL FUND-FUND BALANCE

- A. WHEREAS** the Little Traverse Bay Bands of Odawa Indians approved the pursuit of purchase of “Stone Circle” property on Beaver Island, Michigan;
- B. WHEREAS** the property contains a large portion of the sacred Beaver Island Stone Circle that is patterned after a Native American medicine wheel;
- C. WHEREAS** the property historically and currently is used for Tribal ceremonies, it is the intent of Tribal Council to continue to have the property utilized for ceremonies;
- D. WHEREAS** the Tribal Council budget for FY18 was approved without funding for land purchases.
- E. THEREFORE, BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and supplements funding to the Legislative Branch in the amount of \$180,000 for the purchasing of “Stone Circle” on Beaver Island, Michigan, from General Fund, Fund Balance-Supplemental.
- F. FURTHER BE IT RESOLVED** that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #102718-02)

18.328(2.19)(a) GRANT OF RIGHT-OF-WAY TO PETOSKEY SNOWMOBILE CLUB

- A. WHEREAS** the Tribal Council is empowered to transact business and otherwise act on behalf of the Tribe including in matters involving land use and encumbrances;
- B. 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;
- C. 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;
- D. 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;
- E. 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.
- F. 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 taken over by the Tribe at the option of the Tribe.

- G. FURTHER RESOLVED** this Grant may only be amended through written agreement between the Tribe, Petoskey Snowmobile Club and Bureau of Indian Affairs.
- H. 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.
- I. FURTHER RESOLVED** this easement cannot be mortgaged.
- J. FURTHER RESOLVED** this Grant will be effective on the date it is approved by the BIA.
- K. 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.
- L. FURTHER RESOLVED** the condition for this Grant shall extend to and be binding upon and shall inure to the benefit of the successors of the GRANTEE.
- M. FURTHER RESOLVED** that Grantee Petoskey Snowmobile Club is required to complete construction of the permanent improvements within 24 months of BIA approval of this Grant.
- N. FURTHER RESOLVED** the proposed use is in conformance with applicable LTBB law.
- O. FURTHER 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 Great Lakes Agency to prepare and recommend approval of the right-of-way documents.

P. 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.

(Source: TRIBAL RESOLUTION: #020719-01)

18.329(6.19)(a) GRANT OF RIGHT-OF-WAY TO PETOSKEY SNOWMOBILE CLUB

A. WHEREAS the Tribal Council is empowered to transact business and otherwise act on behalf of the Tribe including in matters involving land use and encumbrances;

B. 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;

C. 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;

D. 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;

E. 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.

F. 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;

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

H. 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.

I. FURTHER RESOLVED this easement cannot be mortgaged.

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

K. 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.

L. 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.

M. 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.

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

O. FURTHER 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.

P. 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.

(Source: TRIBAL RESOLUTION #062719-03)

18.330(10.19)(a) ACCEPTANCE OF A CHARITABLE CONTRIBUTION OF A HOUSE AND APPROPRIATION OF FUNDS IN THE AMOUNT OF \$50,000 TO COVER THE COST OF TRANSPORTING AND PLACEMENT EXPENDITURES TO COME FROM THE GENERAL FUND-FUND BALANCE

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians (LTBB) Tribal Council is the elected legislative body of the Tribe;

B. WHEREAS LTBB recognizes the importance of providing housing for Tribal Citizens;

C. WHEREAS the LTBB Housing Department makes plans and maintains affordable housing for Tribal Citizens;

D. WHEREAS the LTBB community faces a housing shortage, including the number of units available for low-income Tribal families;

E. WHEREAS LTBB has received a charitable contribution of a house from CAK Properties, LLC;

F. WHEREAS the cost of transporting and placement of the house will be approximately \$50,000.00;

G. THEREFORE, BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians accepts this charitable contribution of a house from CAK Properties, LLC for the purpose of providing affordable housing, and appropriates \$50,000.00 to cover costs the transportation and placement expenditures to come from the General Fund-Fund Balance.

H. FURTHER BE IT RESOLVED, that if the \$50,000.00 appropriation is not used in full, the unused portion of the funds will go back to the General Fund.

I. BE IT FURTHER RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Chair is authorized to execute any documents and spend appropriated funds necessary for the procurement of the house, and that the Tribal Chair and Legislative Leader are both authorized to sign the charitable contribution letter to CAK Properties, LLC.

(Source: TRIBAL RESOLUTION #100119-01)

18.331(5.20)(a) SUPPORTING THE SUBMISSION OF A LOW-INCOME HOUSING TAX CREDIT (LIHTC) APPLICATION TO THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY; CONFIRMING THE TAX ABATEMENT/EXEMPTION TO BE PROVIDED TO THE PROJECT; CONFIRMING SITE PLAN APPROVAL FOR THE PROJECT; CONFIRMING THE PROJECT SITE IS PROPERLY ZONED; CONFIRMING THE PROJECT-BASED TENANT SUBSIDIES TO THE PROJECT; AND CONFIRMING THE RECENT SIGNIFICANT PUBLIC AND PRIVATE INVESTMENTS IN THE PROJECT AREA

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians is governed by a Tribal Constitution adopted by the citizens of the Tribe on February 1, 2005;

B. WHEREAS Odawa Economic Development Management, Inc. (“OEDMI”) was created as a Tribally Charter Corporation through WOS 2009-24 for non-gaming economic

development;

C. WHEREAS OEDMI has been working with Geodetic North Investors, LLC (“GNI”) in various capacities to redevelop the Tribe’s former casino site, now known as “Victories Square”;

D. WHEREAS on December 3, 2015, OEDMI and GNI formed The Shops at Victories Center, LLC (“TS@VC LLC”), under the Tribe’s Limited Liability Code for the purpose of acquiring, developing, and holding property located in Petoskey, Michigan, including the Project property;

E. WHEREAS in pursuit of those purposes, TS@VC LLC, or an entity of which it is a part, intends to submit a Low-Income Housing Tax Credit (“LIHTC”) application to the Michigan State Housing Development Authority (“MSHDA”) to construct 50 new housing units on the Tribe’s trust land in Petoskey, MI in a project known as Victories Square LIHTC Building 4 or similar name (“Project”);

F. WHEREAS TS@VC LLC, or an entity of which it is a part, will be forming a limited liability company, known as the Victories Square LIHTC Building 4 LLC or similar name (“Company”), to own and operate the Project;

G. WHEREAS, because the Project land is tribal land held in Trust by the United States for the benefit of the Tribe, a federally recognized Indian Tribe, the Project land is exempt from real estate taxes and the Tribe agrees to provide this tax abatement/exemption to the Project for at least the 15-year LIHTC compliance period;

H. WHEREAS the Project land is within the Tribe’s jurisdiction and the Tribe confirms its approval of the Victories Square site plan, of which the Project land (Lot 4) is a part;

I. WHEREAS the Project land is within the Tribe’s jurisdiction and subject to the Tribe’s zoning regulations and Land Use Statute WOS 2009-007; the Project land is zoned Mixed Use PUD - a designation in which construction of the Project is permitted;

J. WHEREAS the Tribe will also be providing Project-Based Tenant Subsidies to eight (8) project units for the 15-year LIHTC compliance period in that the charged rents for those eight (8) units will be no more than 30% of the household's income;

K. WHEREAS the Project land is located in an area with recent significant public and private investment. First, the Victories Square Phase I project involved a \$27M investment that constructed a 139-room Courtyard Marriott and more than 15,000 square feet of commercial space that includes high profile tenants like Starbucks, T-Mobile, Great Clips and Boston's Restaurant; Phase I was complete in 2019. More than \$2M in additional funding was invested in the infrastructure supporting the entire 20-acre Victories Square development. Second, the Victories Square LIHTC Building 4 project is expected to involve an additional \$12+M investment. Third, more than \$44M of additional investment is planned for the Victories Square development over the next 1-5 years (Phase II), including a second hotel, additional retail space, a live/work building for budding enterprises, and additional residential buildings that could be possible future LIHTC projects; at least \$1M of this \$44M in Phase II will be spent within the next year. Victories Square Phase II was declared a high priority in OEDMI's Master Plan. In total, more than \$85M will be invested in the Victories Square development, right where the proposed LIHTC Project would be located;

L. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council supports the submission of the LIHTC application to MSHDA to build 50 new units on Tribal trust land in Petoskey, MI in the Victories Square LIHTC Building 4 Project; and

M. FURTHER, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council confirms that the Project land is on tribal trust land exempt from real estate taxes and confirms its intent to provide this tax abatement/exemption to the Project for at least the 15-year LIHTC compliance period; and

N. FURTHER, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council confirms that it has approved the Project's site plan; and

O. FURTHER, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council confirms that the Project site is properly zoned for the Project; and

P. FURTHER, BE IT RESOLVED that the Tribe confirms it will provide Project-Based Tenant Subsidies to eight (8) Project units for the 15-year LIHTC compliance period in that the residents of those eight (8) units will pay no more than 30% of their household income in rent; and

Q. FURTHER, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council approves and authorizes communication with MSHDA to confirm its support for the Project; and

R. FINALLY, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council confirms that there have been recent significant public and private investments in the Project area, including \$29M already invested in the infrastructure, hotel and two commercial buildings in Victories Square Phase I, \$12+M planned with the Victories Square LIHTC Building 4 Project; and an additional \$44M planned in the next 1-5 years (at least \$1M of which will be in the next year) to build additional hotel, retail and residential buildings, all in the Victories Square development of which the LIHTC Project will be a part.

(Source: TRIBAL RESOLUTION #052120-01)

18.332(10.20)(a) CANCELLATION OF LEASE BETWEEN THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIAN AND ODAWA ECONOMIC DEVELOPMENT MANAGEMENT, INC.

A. WHEREAS on July 25, 2012 LTBB as Lessor and Odawa Economic Development Management, Inc. (OEDMI) as Lessee entered into a Lease for the parcel described therein which took effect upon approval of the United States Secretary of the Interior on September 25, 2013 (Tract Nos. 483T21, 483T29, Victories; Contract No. 483 5000071262; Transaction No. 483-23-00048-13);

B. WHEREAS LTBB and OEDMI have agreed that it is in their mutual interest to cancel the Lease;

C. THEREFORE, BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians approves the cancellation of the Lease with OEDMI that was approved by the Secretary of the Interior on September 25, 2013, and authorizes the Tribal Council Treasurer to sign the Department of the Interior’s cancellation form on behalf of the Tribe.

(Source: TRIBAL RESOLUTION #102220-03)

18.333(8.21)(a) TO AUTHORIZE FUNDING IN THE AMOUNT UP TO \$45,000 FOR PURCHASE OF PARCEL #139 TO COME FROM THE GENERAL FUND-FUND BALANCE

A. WHEREAS Article VII (B)(9) of the LTBB Constitution delegates to the Tribal Council the authority to “Purchase, receive by gift, or otherwise acquire land, interests in land, personal property or other intangible assets which the Tribal Council may deem beneficial to the Little Traverse Bay Bands of Odawa Indians;”

B. WHEREAS Tribal Council passed a motion on July 8, 2021 to pursue Land parcel #139;

C. THEREFORE BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes the Tribal Treasurer or Tribal Chairperson to execute any documents needed to close on the purchase of land parcel #139 and appropriates up to \$45,000.00 to cover the purchase price, survey, and closing costs to come from the General Fund-Fund Balance.

(Source: TRIBAL RESOLUTION #080521-01)

18.334(10.21)(a) TO APPROVE THE NEGOTIATION OF AN IHS SECTION 105 LEASE(S) FOR THE HEALTH PARK FACILITY BUILDING(S)

A. WHEREAS in accordance ISDEAA- PL 93-638 Section 105 (1) Lease proposals, the Little Traverse Bay Bands of Odawa Indians wishes to enter into a negotiation for a lease for agreement FY 2022 through the 2023 FY 2022 Annual Funding Agreement 239-20-001;

B. WHEREAS the Little Traverse Bay Bands of Odawa Indians is opting for the Fair Market Rental Option;

C. WHEREAS the funding will be added to our existing IHS contract for purposes of increasing quality health-care services.

D. THEREFORE, BE IT RESOLVED, the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes the negotiation for a proposed rental agreement for each Health Park facility building, with the final lease(s) to be approved by Tribal Council in accordance with the Constitution.

(Source: TRIBAL RESOLUTION #100721-01)