

## **Chapter 9. Donated Land Acceptance**

### **8.901 SHORT TITLE**

This Statute shall be cited as the ‘Land Acceptance Statute’ and shall repeal WOS 2015-011.

(Source: WOS 2022-002, March 21, 2022, Section I)

### **8.902 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.

(Source: WOS 2022-002, March 21, 2022, Section II)

### **8.903 DEFINITIONS**

- A.** “Enjinaaknegeng” means the LTBB Legal Department.
- B.** “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.

(Source: WOS 2022-002, March 21, 2022, Section III)

### **8.904 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.

(Source: WOS 2022-002, March 21, 2022, Section IV)

## **8.905 LAND**

**A.** All gifts of land or other interest in property shall be approved by Tribal Council by majority vote, upon receipt of a recommendation from the Land and Reservation Committee.

**B.** Prior to acceptance of any gift of land or other interest in property, the Land and Reservation Committee shall require a *Staff Reviews and Analysis* and a *Legal Assessment* and shall submit the required information along with its recommendation to Tribal Council.

**C.** *The Staff Review and Analysis* shall contain a review by the following: Planning Department, Natural Resources and Environmental Services, Geographic Information Systems (GIS), Tribal Historic Preservation Officer, (THPO) and Senior Financial Analyst and others as may be identified by the Committee.

**1.** The *Staff Review and Analysis Report* shall include, but not limited to the following:

- a.** The location's suitability for the intended use;
- b.** Zoning requirements impact the location;
- c.** Identified land features such as topography, wetlands; endangered species habitat, natural features, aquifers, and potential for contamination;
- d.** Location of the parcel in relation to the exterior boundary of the LTBB Reservation;
- e.** History of the property, burial sites, sacred sites, traditional cultural attributes;
- f.** A review of records related to the parcel past purchases, and State Equalized Value (SEV).

**D. Legal Assessment.** Enjinaaknegeng will provide a *Legal Assessment* that shall include but not limited to: the presents of land covenants, conditions, restrictions, reservations, easements, encumbrances or other limitations associated with the property.

(Source: WOS 2022-002, March 21, 2022, Section V)

## **8.906 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.

(Source: WOS 2022-002, March 21, 2022, Section VI)

## **8.907 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.

(Source: WOS 2022-002, March 21, 2022, Section VII)

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

(Source: WOS 2022-002, March 21, 2022, Section VIII)

#### **8.909 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.

(Source: WOS 2022-002, March 21, 2022, Section IX)

#### **8.910 OTHER RELATED STATUTES**

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

(Source: WOS 2022-002, March 21, 2022, Section X)