

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

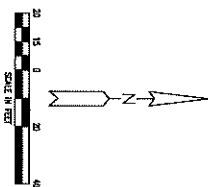
TRIBAL RESOLUTION # 091423- 01

DTE Natural Gas Services to Second Street Indian Town Development

- WHEREAS** the Little Traverse Bay Bands of Odawa Indians (LTBB or Tribe) 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 being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);
- WHEREAS** the Tribe is the beneficial owner of a number of contiguous parcels held in trust by the United States on Second Street in Harbor Springs in the area commonly referred to as Indian Town as shown in the survey map prepared by Wade Trim, Job ODW2022-01G, attached as Exhibit A ("Property");
- WHEREAS** the Tribe has developed a site plan for the Property to initially construct elders housing. The full build out is shown in the Seven Generations Architecture and Engineering Site Layout, August 29, 2022, attached as Exhibit B;
- WHEREAS** DTE is the utility provider for natural gas within the City of Harbor Springs, including the Property;
- WHEREAS** the Tribe desires that DTE provide natural gas service, including the placement of gas lines and related infrastructure to enable DTE to supply natural gas to the structures as shown in Exhibit B.

THEREFORE BE IT RESOLVED:

1. The Tribe grants, warrants and conveys to DTE the right and authority to construct, maintain, alter, replace, extend, repair, or remove gas lines and related equipment, including existing gas lines and extensions thereof on the Property.
3. The gas lines shall be run underground and located by agreement between the Tribe's licensed contractor and DTE.
4. DTE shall be responsible for maintenance and repair of the gas lines in the same manner and extent as DTE services off of trust lands.
5. DTE shall possess such rights of ingress and egress over the Property as are necessary or reasonable for all purpose's incident to its provision of gas services. Such rights include, by way of illustration and not limitation, the following:

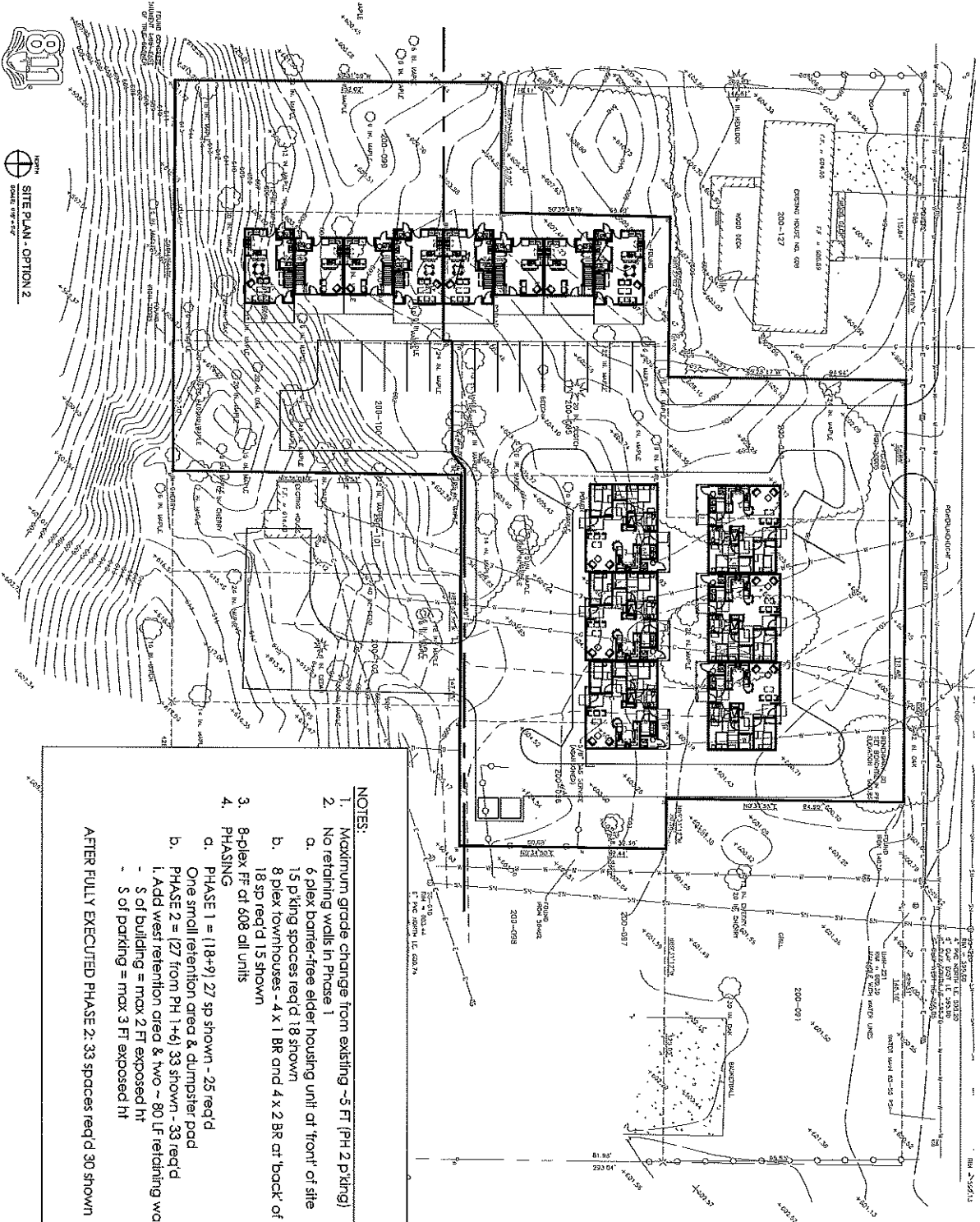


ITEM NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	CONCRETE	1.00	CU YD	1.00	1.00
2	REINFORCING BARS (AS SUPPLY)	1.00	LB	1.00	1.00
3	FORMWORK (1/2" MIN (45 METR))	1.00	SQ YD	1.00	1.00
4	CONCRETE PUMP	1.00	HR	1.00	1.00
5	CONCRETE PUMP	1.00	HR	1.00	1.00
6	CONCRETE PUMP	1.00	HR	1.00	1.00
7	CONCRETE PUMP	1.00	HR	1.00	1.00
8	CONCRETE PUMP	1.00	HR	1.00	1.00
9	CONCRETE PUMP	1.00	HR	1.00	1.00
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63	CONCRETE PUMP	1.00	HR	1.00	1.00
64	CONCRETE PUMP	1.00	HR	1.00	1

Vertical Datum is based on NAVD83 obtained from GPS observation.



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SITE PLAN - OPTION 2



- NOTES:**
- Maximum grade change from existing -5 FT (PH 2 P King)
 - No retaining walls in Phase 1
 - 6 plex barrier-free elder housing unit at front of site
 - 15 p king spaces req'd 18 shown
 - 8 plex townhouses - 4 x 1 BR and 4 x 2 BR at back of site
 - 18 sp req'd 15 shown
 - 8-plex FF at 608 all units
 - PHASING
 - PHASE 1 = (18-9) 27 sp shown - 25 req'd
One small retention area & dumpster pad
 - PHASE 2 = (27 from PH 1 + 6) 33 shown - 33 req'd
1. Add west retention area & two ~ 80 LF retaining walls
- S of building = max 2 FT exposed ht
- S of parking = max 3 FT exposed ht
- AFTER FULLY EXECUTED PHASE 2: 33 spaces req'd 30 shown**

- A. The right to install gas meters for each user located on the Property including the right to access all meters for reading, repairs, replacement and the right to calculate gas consumption;
- B. The right to separately bill all users of gas on the Property;
- C. The right to shut off gas services for non-payment or other violations of usage agreements or applicable law.
6. No structure or other barrier shall be constructed or maintained anywhere on the Property that would interfere with DTE's ability to maintain its gas lines.
7. The Tribe, its sub-entities, employees, officials, guests, lessees, sub-lessees and invitees will not engage in any activity that would damage or hinder the maintenance of DTE's gas lines and equipment.
8. This Resolution shall be binding on the Tribe's tenants, successors and assigns as to the Property with the same force and effect as a utility easement that runs with the land. The Tribe shall reference this Resolution in all leases and agreements that relate to the Property.
9. The surrounding parcels currently or historically served by DTE lines that have run through the Property, including Tax ID#s 51-15-14-200-101, 51-15-14-200-102 and 51-15-14-200-105 may continue to receive DTE service by lines running through the Property to be located by mutual agreement of the Tribe's licensed contractor and DTE.
10. This Resolution may be recorded with the Emmet County Register of Deeds in order to place the terms and conditions of this Resolution as part of the public record.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal 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 September 14, 2023 at which a quorum was present, by a vote of 7 in favor, 0 opposed, 0 abstentions, and 2 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Kiogima	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Tamara Munson	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
William Ortiz	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
Aaron Otto	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Melissa Pamp	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Jordan Shananaquet	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Leroy Shomin	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Emily Proctor	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Marcella Reyes	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Date: 09/18/2023

Marcella R. Reyes
Marcella Reyes, Legislative Leader

Date: 09/18/2023

Emily Proctor
Emily Proctor, Tribal Council Secretary

Received by the Executive Office on 9-18-2023 by Lakota Worthington

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: 09-26-2023

Regina Gasco Bentley
Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 9.26.23 by [Signature]