

1 WAGANAKISING ODAWAK STATUTE ~~2015-011~~  
2 #  
3 DONATED LAND ACCEPTANCE  
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6 SECTION I. SHORT TITLE.

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8 This Statute shall be cited as the 'Land Acceptance Statute' and shall repeal WOS  
9 2015-011.

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12 SECTION II. PURPOSE

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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.

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18 SECTION III. DEFINITIONS

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20 A. "EnginaaknegengEnjinaaknegeng" means the LTBB Legal Department.

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22 A.B. "Interest in Land" means any and all, partial or total right to property or for the  
23 use of property.

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25 B. "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.

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28 C. The "Tribe or LTBB" shall mean the Little Traverse Bay Bands of Odawa  
29 Indians.

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32 SECTION IV. 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

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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.

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12 ~~B.~~ Prior to acceptance of any gift of land or other interest in property, ~~Tribal~~  
13 ~~Council~~ the Land and Reservation Committee shall require ~~an initial~~ an environmental Staff  
14 Reviews and Analysis ~~review, known as a Phase I assessment~~ and a Legal Assessment  
15 and shall submit the required information along with its recommendation to Tribal  
16 Council.

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18 ~~B.-C.~~ The Staff Review and Analysis shall contain a review by the following:  
19 Is this Procedural?  
20 Planning Department, Natural Resources and Environmental Services, Geographic  
21 Information Systems (GIS), Tribal Historic Preservation Officer, (THPO) and Senior  
22 Financial Analyst and others as may be identified by the Committee.

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

- 26 a. The location's suitability for the intended use;
- 27 b. Zoning requirements impact the location;
- 28 c. Identified land features such as topography, wetlands; endangered  
29 species habitat, natural features, aquifers, and potential for contamination;
- 30 d. Location of the parcel in relation to the exterior boundary of the  
31 LTBB Reservation;
- 32 e. History of the property, burial sites, sacred sites, traditional  
33 cultural attributes;

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f. A review of records related to the parcel past purchases, and State Equalized Value (SEV).

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~~Phase I assessment typically includes an preliminary environmental impact statement, analysis of land use and cover of land that identifies such items as plant life, buildings, utility easements, etc., the current zoning of the property, recommendations for potential use, and other additional information specific to the land. In the event that the initial review reveals a potential problem, the Tribe may require an environmental audit.~~

~~2-D. Legal Assessment. A legal assessment Enginaaknegeng Enjinaaknegeng will provide a Legal Assessment that shall include but not limited to: the presents of determine if there are any land covenants, conditions, restrictions, reservations, easements, encumbrances or other limitations associated with the property.~~

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**SECTION VI. 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

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- 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.

**SECTION VII. 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.

**SECTION VIII. 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.

1 **SECTION IX. EFFECTIVE DATE**

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3 Effective upon signature of the Executive or thirty (30) days from Tribal Council  
4 approval which ever comes first or if the Executive vetoes the legislation, then upon  
5 Tribal Council override of the veto.

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8 **SECTION X. OTHER RELATED STATUTES**

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

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32 **CERTIFICATION**



Date: 06/26/15

Regina Gasco Bentley, Tribal Chairperson

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