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**CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA**

\_\_\_\_\_  
**DATE**

**RESOLUTION NO. \_\_\_\_\_ (2023)**

**WHEREAS,** Gary French is the possessory holder of BigCove Community Parcel No. 89 and has been the possessory holder of record since 1970, and

**WHEREAS,** Parcel No. 89 is located adjacent to Cherokee Fishpond #2, and,

**WHEREAS,** In the late 1960's the Tribe approved development of island property, which is now KOA Campground. Prior to development access to the property stopped, and an operating rock crusher and gravel storage area were relocated off the island property, the island area was also parking for fish pond permit paying customers, because there was no more available parking the current parking lot was built for fisherman use and,

**WHEREAS,** the Tribal Realty Department sent surveyors to Parcel No. 89 and determined that the parking lot encroaches on Parcel No. 89 by 41.54 square feet, and,

**WHEREAS,** Mr. French appeared before the Tribal Lands Committee requesting that they resolve the encroachment or recommend to the Tribal Council to approve a payment to Mr. French for the encroachment, and,

**WHEREAS,** Section 24 of the Charter and Governing Document states the Tribe may condemn land only by paying to the occupant the value of the improvements made on the land and that the occupant shall receive proper compensation for the improvements, and,

**WHEREAS,** Mr. John Bull Standingdeer owned the possessory holding adjacent to Parcel No. 89 and when the parking lot was constructed, Mr. Standingdeer was compensated for his property, and,

**WHEREAS,** the Tribe has benefited from the use of the parking lot for almost 50 years and Mr. French has never been compensated and is now asking for \$\_\_\_\_\_ in compensation for the taking of his possessory holding

**NOW THEREFORE BE IT RESOLVED** by the Tribal Council of the Eastern Band of Cherokee Indians in Council assembled at which a quorum is present that Gary French be compensated in the amount of \$\_\_\_\_\_ for the parking lot that is encroaching on BigCove Community Parcel No. 89

1 **BE IT FINALLY RESOLVED** that the Tribal Finance Office is authorized to carry out the  
2 intent of this resolution and that this resolution shall become effective upon  
3 ratification of the Principal Chief  
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8 *Submitted by: Gary French, enrolled member from the BigCove Community*  
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