
Date

RESOLUTION NO. _____ (2023)

A resolution to grant an access road right-of-way across the possessory holding of Wilma Givens and Jeanette Birchfield to deeded land owned by the Cody family.

WHEREAS Aaron Dirk Cody, Donna Cody, Tony David Cody, and Dana Cody Adams, non-members of the Eastern Band of Cherokee Indians, own deeded land ("the Cody Property") adjoining the possessory holding of Jeanette Birchfield and her sister Wilma Givens in Graham County, North Carolina, said Cody Property being that 50.00 acres+/- parcel described in a deed recorded at Deed Book 184, Page 116, Graham County Registry, said description therein being incorporated by reference; and

WHEREAS Aaron Dirk Cody, Donna Cody, Tony David Cody, and Dana Cody Adams desire an easement for an access road right-of-way over an existing road on the possessory holding of Tribal members, Jeanette Birchfield, and Wilma Givens, across Snowbird Community Parcel No. 407, also known as Tract No. 103, to the Cody Property, the location of said road being depicted on the attached Exhibit A; and

WHEREAS, for consideration in the amount of Fifty Thousand Dollars (\$50,000.00), Jeanette Birchfield and Wilma Givens have consented to granting a perpetual and appurtenant 30-foot road right-of-way easement to Aaron Dirk Cody, Donna Cody, Tony David Cody, and Dana Cody Adams, their heirs, successors and assigns, to the Cody Property, said easement being subject to the conditions set forth in Exhibit B, and will be subject to joint use by Jeanette Birchfield and Wilma Givens, their heirs, successors and assigns, and the Eastern Band of Cherokee Indians for road and access purposes; and

WHEREAS Jeanette Birchfield and Wilma Givens request that that the Eastern Band of Cherokee Indians, through Tribal Council, give consent for the right-of-way.

NOW THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians in Council Assembled, at which a quorum is present, that the Eastern Band of Cherokee Indians upon proof of receipt that the above described consideration has been given and is acceptable by the Tribe shall and does hereby consent to the granting of an easement and right-of-way across the possessory holding of tribal members, Jeanette Birchfield and Wilma Givens, in Graham County across Snowbird Community Parcel No. 407, also known as Tract No. 103, to Aaron Dirk Cody, Donna Cody, Tony David Cody, and Dana Cody Adams, their heirs, successors, and assigns, and the Eastern Band of Cherokee Indians shall have joint use of this right- of-way.

BE IT FURTHER RESOLVED that this access road right-of-way easement shall solely be across the possessory holding of Wilma Givens and Jeanette Birchfield, as granted and

1 recognized under Tribal law, and as described in this resolution, and shall not
2 encumber the Tribal trust land in fee.

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4 BE IT FURTHER RESOLVED that once executed this access road right-of-way easement shall be
5 recorded with the Tribal Realty Services Office.

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7 BE IT FINALLY RESOLVED that the Tribal Business Committee and Tribal Realty Services are
8 hereby authorized to carry out the intent of this Resolution, including the
9 execution on behalf of the Eastern Band of Cherokee Indians of any documents
10 necessary for this purpose.

11
12 *Submitted by: Jeanette Birchfield and Wilma Givens, enrolled members of the Eastern Band of*
13 *Cherokee Indians, and the Cody family.*