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# AMENDED PASSED

Cherokee Council House  
Cherokee, North Carolina

JUN 05 2025

Date

## RESOLUTION NO. 491 (2025)

*A resolution authorizing the Tribe to purchase Painttown Community Parcel No. 603-A and Painttown Community Parcel No. 603-B from Flint Daniel Griffin.*

WHEREAS, Flint Daniel Griffin is the owner of Painttown Community Parcel No. 603-A, containing 1.00 acre, more or less, and Parcel No. 603-B, containing 8.410 acres, more or less, for a total of 9.410 acres; and

WHEREAS, the properties are unimproved lots of wooded land and would be purchased for the purpose of constructing a meat processing facility; and

WHEREAS, the owner has offered to sell the above described to the Tribe and the purchase price for the 9.410 acres is Two-Hundred and Ten Thousand Dollars and 00/100 cents (\$210,000.00), the appraised value of the property; and

WHEREAS, the title search report, environmental review, a statement from THPO that the purchase will not cause an adverse impact to any unidentified resources, and a GIS aerial are attached to this resolution; and

WHEREAS, the Lands Acquisition Committee approved the purchase at its regularly scheduled meeting on May 12, 2025.

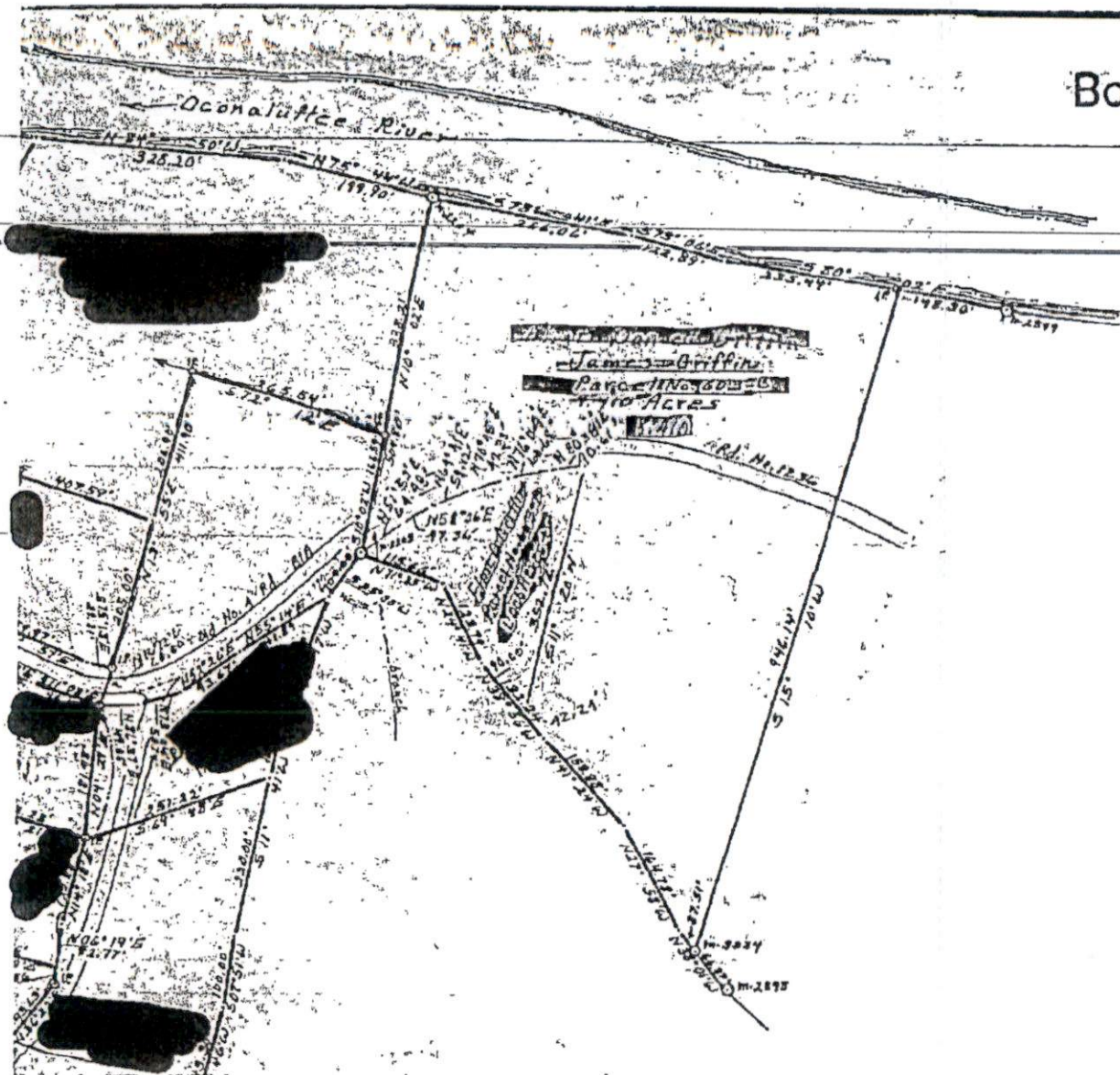
NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians, in Council assembled at which a quorum is present, that the Tribal Council hereby authorizes the Principal Chief, on behalf of the Tribe, to enter into an Agreement For Purchase and Sale of Land with Flint Daniel Griff, the owner of Painttown Community Parcel No. 603-A, containing 1.00 acre, more or less, and Parcel No. 603-B, containing 8.410 acres, more or less, for a total of 9.410 acres, for the purchase price of Two-Hundred and Ten Thousand Dollars and 00/100 cents (\$210,000.00).

BE IT FURTHER RESOLVED that the Eastern Band of Cherokee Indians approves the cost for associated due diligence and closing costs.

BE IT FURTHER RESOLVED that the Two-Hundred and Ten Thousand Dollars and 00/100 cents (\$210,000.00) purchase price, due diligence, and closing costs shall come from the fund balance of the \_\_\_\_\_.

BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

*Submitted by the Lands Acquisition Committee*



U. S. DEPARTMENT OF THE INTERIOR	
CHEROKEE INDIAN RESERVATION	
CHEROKEE, N. C.	
POSSESSORY HOLDING	
Painttown COMMUNITY.	
PARCEL NO. As shown	
SURVEYED BY: Sheridan Smith	
Scale 1" = 200'	Date 4-23-82
<p>NOTE: BEARINGS GRID NORTH          DISTANCES MEASURED HORIZONTAL WITH STEEL TAPE.          NORTH CAROLINA COORDINATES ESTABLISHED FROM          U. S. C. &amp; G. S., U. S. G. S. &amp; T. V. A. CONTROL POINTS.          ORIGINAL TRACINGS, FIELD NOTES AND COMPUTATION          WORK SHEETS, ARE ON FILE BY COMMUNITY, AND PARCEL          NUMBER AT THE CHEROKEE INDIAN AGENCY OFFICE.</p>	

118

Recorded for recording in the Cherokee Agency Realty Office on the  
 \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at \_\_\_\_\_ O'clock  
 A.M. and duly recorded in said office this \_\_\_\_\_ day of  
 19\_\_\_\_ in Book 7 of surveys  
 page 118

Agency Recording Officer

# EBCI Employee



1/29/2025, 10:50:46 AM

- |                    |          |                 |         |        |
|--------------------|----------|-----------------|---------|--------|
| EBCI Parcels       | SR       | PVT             | Parcel  | Towns  |
| Possessory Holding | BIA      | Driveways       | Current | County |
| Streets            | TBL      | Trails          | Placed  | NC     |
| US                 | Driveway | EBCI Zoomed Out |         |        |

CHEROKEE INDIAN RESERVATION  
TRANSFER OF POSSESSORY INTEREST AND OF USE RIGHTS TO CHEROKEE TRIBAL LANDS

THIS TRANSFER OF POSSESSORY HOLDING AS DESCRIBED HEREIN WAS MADE THIS 6TH DAY OF MARCH 1991, BY AND BETWEEN JAMES D. GRIFFIN 32 & MARY C. GRIFFIN PARTIES OF THE FIRST PART, AND FLINT DANIEL GRIFFIN PARTY OF THE SECOND PART, BOTH BEING RECOGNIZED MEMBERS OF THE EASTERN BAND OF CHEROKEE INDIANS AND ACCORDINGLY ENTITLED TO USE OF TRIBAL LANDS IN ACCORD WITH APPLICABLE BUREAU AND TRIBAL REGULATIONS.

WITNESSETH, THAT THE SAID PARTY OF THE FIRST PART HEREBY COVENANTS AND AGREES THAT, IF THE PARTY OF THE SECOND PART SHALL FIRST PERFORM THE COVENANTS HEREINAFTER MENTIONED ON HIS PART TO BE MADE AND PERFORMED, THE PARTY OF THE FIRST PART WILL

Transfer to the Party of the Second Part all his interest in and possessory rights to a certain parcel of land located in Painttown Community, Jackson County, North Carolina and being fully described as follows:

PAINTTOWN COMMUNITY - PARCEL NO. 603: - BEGINNING on Marker No. 2204 set in Painttown Community on the South side of the Oconaluftee River, 4' from the water, and on the property line between Parcel No. 603 and 670, S 78° E 5' from a 6" Iron Wood Tree, and N 26° E 10.9' from a 10" Oak Tree. Thence leaving Parcel No. 670, and running along the edge of the river, S 78° 41' E 266.06' to a point. Thence running S 23° 06' E 122.89' to a point. Thence running S 80° 02' E 235.44' to an Iron Pipe. Thence leaving the river and running S 15° 10' W 946.14' to Marker No. 3334 set on a low ridge. Thence running down the ridge the following courses and distances:  
N 38° 01' W 37.51' to a point;  
N 27° 58' W 164.78' to a point;  
N 41° 24' W 158.88' to a point;  
N 38° 56' W 132.24' to a point;  
N 24° 41' W 123.79' to a point;  
N 71° 25' W 115.66' to Marker No. 2205 set on the SE R/W of Old No. 4 Road. Thence crossing the road and running N 10° 02' E 504.80' to Marker No. 2204 The Point of BEGINNING.

Containing 9.410 Acres, more or less.

AND THE SAID PARTY OF THE SECOND PART HEREBY COVENANTS AND AGREES IN CONSIDERATION OF THE ABOVE LISTED COVENANTS OF THE PARTY OF THE FIRST PART TO Pay to the Party of the First Part the sum of \$1.00 for the above described parcel of land.

IT IS UNDERSTOOD AND AGREED BY BOTH PARTIES HERETO THAT ONLY THE IMPROVEMENTS AND POSSESSORY INTEREST IN THE LAND IS CONVEYED BY THIS AGREEMENT AND THAT THE TITLE TO SAID LAND REMAINS IN A TRUST STATUS IN THE NAME OF THE EASTERN BAND OF CHEROKEE INDIANS. THE PARTY OF THE SECOND PART HEREBY COVENANTS AND AGREES TO ACCEPT ALL BOUNDARIES OF THE SUBJECT POSSESSORY HOLDING AS SURVEYED AND DESCRIBED ABOVE.

IT IS FURTHER UNDERSTOOD AND AGREED THAT THIS AGREEMENT SHALL NOT BECOME BINDING AND EFFECTIVE UNLESS AND UNTIL APPROVED BY THE BUSINESS COMMITTEE OF THE EASTERN BAND OF CHEROKEE INDIANS AND FULL COMPLIANCE OF APPLICABLE TRIBAL REGULATIONS HAS BEEN MET.

IT IS MUTUALLY AGREED THAT ALL COVENANTS AND AGREEMENTS HEREIN CONTAINED SHALL EXTEND TO AND BE OBLIGATORY UPON THE SUCCESSORS IN INTEREST OF THE RESPECTIVE PARTIES.

THE PARTY OF THE SECOND PART COVENANTS AND AGREES THAT THE ABOVE-DESCRIBED PARCEL IS TRANSFERRED SUBJECT TO ALL EXISTING ROADS, RIGHTS-OF-WAYS AND EASEMENTS THROUGH AND ACROSS SAID PROPERTY.

IN WITNESS WHEREOF THE PARTIES TO THESE PRESENT HAVE HEREUNTO SET THEIR HANDS AND SEALS, THE DAY AND YEAR FIRST ABOVE WRITTEN.

James D. Griffin  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 1/29/94

3-7-91  
DATE

James D. Griffin  
JAMES D. GRIFFIN #170-3  
Mary C. Griffin  
MARY C. GRIFFIN

3/7/91  
DATE

James D. Griffin  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 1/29/94

3-7-91  
DATE

Flint Daniel Griffin  
FLINT DANIEL GRIFFIN

TRIBAL BUSINESS COMMITTEE APPROVAL:

MAR 26 1991  
DATE

Jonathan L. Taylor  
PRINCIPAL CHIEF

Brian Lloyd  
VICE CHIEF

James D. Griffin  
VICE EASTERN TRIBAL COUNCIL

James D. Griffin  
CHAIRMAN TRIBAL COUNCIL

James D. Griffin  
EXECUTIVE SECRETARY

James D. Griffin  
EXECUTIVE SECRETARY

Note: There is an Access Road Right-of-Way crossing this parcel to  
Nessler Lambert.





# Griffin Site

May 19, 2025



NC CGIA, Maxar, Microsoft, Esri, Community Maps Contributors, Great Smoky Mountains Nat Park, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

## Legend

	Panels		Flood Hazard Areas
	Political Areas		AE
	Stream Centerline		Floodway (AE)
	Cross Sections		0.2 % Chance Annual Flood Hazard
	Levee		Future Conditions 1% Annual Chance Flood Hazard

North Carolina Floodplain Mapping Program





**Eastern Band of Cherokee Indians**  
**Natural Resources**  
**P.O. Box 455**  
**Cherokee, NC 28719**  
**Ph. (828) 359-6141**  
**Site Review 5/19/25**

## **Environmental Review – Parcels # 603-A & 603-B**

**Site:** Parcel 603-A contains 1.0 acres more or less, 603-B contains 8.410 acres more or less, totaling 9.410 acres more or less

This site currently is occupied by a Structure. There is a paved driveway leading to the structure. There is also a barn located at this site. The northern portion of the site is used for grazing and livestock.

### **Terrain:**

This site is a graded house site and a small, forested area behind the structure. The forested section is mountainous slope and terrain. The remainder of the site is relatively flat.

### **Floodplain Regulation:**

After reviewing the FEMA floodplain map panel 7615 it has been determined by the floodplain administrator that the flat portion of the site is located within the regulated floodplain (map attached). There is also a regulated floodway along the northernmost edge of the property. Development within the floodplain will require a floodplain development permit as well as an elevation certificate. Any development within the regulated floodway will require a no-rise concurrence before development can begin.

### **Land Usage:**

There is a building on-site and a barn. Part of the site on the northern side of Old #4 road is used for livestock. No other uses are known at this time.

#### Utilities:

There are public utilities on property. Duke Energy power is available. Tribal water & sewer are available to this site.

#### Plants and Animals:

This tract of land is partially a mixed hardwood forest. The surrounding area is consistent with endangered bat and endangered flying squirrel habitat and a further survey for species of concern may need to be conducted. A BIA clearing permit is required to clear trees and the bat moratorium runs from April 15<sup>th</sup> – October 15<sup>th</sup>. During this time period any clearing may require a more in-depth bat survey.

#### Hazardous Materials:

Depending on the manufacture date of the structure there is a possibility that it could contain asbestos. If it was manufactured on or before 1985 it will require a hazardous materials assessment and if asbestos is found it will require an abatement. There is low probability of hazardous materials anywhere else on the property.

#### Opinion:

The Natural Resources Program feels that commercial development is possible with proper planning and permitting. Stormwater and pollutants will drain from this site to Oconaluftee River. It is of utmost importance that it is protected from erosion, runoff, and any form of contamination from development of this property.

*This Review is an informal review of the above-mentioned parcels. Prior to development Formal consultations with all Federal Agencies and Tribal Departments will need to be conducted.*

#### References:

Eastern Band of Cherokee, GIS Natural Resources Database Map,  
Copyright 2004  
FEMA Flood Insurance Rate Maps (Jackson County)– Panel Number 7615  
Google Maps





Tribal Historic Preservation Office, Eastern Band of Cherokee Indians

Post Office Box 455, Cherokee, North Carolina 28719

---

Ryan Clayton  
Associate Attorney  
Office of the Attorney General  
Eastern Band of Cherokee Indians  
Cherokee, NC 28719

RE: LANDS ACQUISITION – FLINT GRIFFIN – Parcel No. 603-A and Parcel No. 603-B

Mr. Clayton

Thank you for the opportunity to review this project pursuant to Section 106 of the National Historic Preservation Act, and Cherokee Code Chapter 70. Any project that involves ground disturbance on federal trust lands, or involves federal funding or permitting, is subject to review by the EBCI Tribal Historic Preservation Office.

I have reviewed the lands acquisition request of the two parcels referenced above, located in YELLOWHILL COMMUNITY, Qualla Boundary, Jackson County, NC. A site assessment shows previous land disturbance and significant wet soils on much of the property. Shovel tests were excavated on the South side of Old No. 4 Rd., no prehistoric artifacts were recovered. Based on topography, flood water scouring, and previous disturbance, there is a low probability of significant intact archaeological resources on the parcels. The purchase of Mr. Griffin's property is not considered to have a negative impact. The THPO requests to monitor initial ground disturbance during any proposed construction on the South side of Old No. 4 Rd.

Please let me know if you have any questions.

Thank you,

 5/30/25

Eastern Band of Cherokee Indians  
Tribal Historic Preservation Office  
Senior Archaeologist  
Brian Burgess



OWNERSHIP STATEMENT  
PAINTTOWN COMMUNITY PARCEL NO. 603-A & 604-B

History:

- May 28, 1974, Tribal Business Committee approved a Transfer of Possessory Interest for Painttown Community Parcel No. 603, containing 8.0 Acres, more or less, from Nessler Lambert to James Griffin.
- March 26, 1991, Tribal Business Committee approved a Transfer of Possessory Interest for Painttown Community Parcel No. 603, containing 9.410 Acres, more or less, from James D. Griffin and Mary C. Griffin to Flint Daniel Griffin.  
NOTE: Painttown Community Parcel No. 603-A (Part of Parcel No. 603), containing 8.410 Acres, more or less. Book 7 of Surveys, Page 188. Dated April 23, 1982.  
NOTE: Painttown Community Parcel No. 603-B (Remainder of Parcel No. 603), containing 1.00 Acre, more or less. Book 7 of Surveys, Page 118. Dated April 23, 1982.
- May 23, 2006, Tribal Business Committee approved the "Consent of Owners to Grant Right-of-Way". The document containing a 15' wide Access Road Right-of-Way, crossing Painttown Community Parcel No. 603-A and 837-B, containing 0.310 Acres, more or less, signed by Eric Thomas Lambert, James Dwayne Lambert, Flint Griffin and Virgil Russell Lambert.
- July 8, 2008, Tribal Business Committee approved a Power Right-of-Way Service to James Miller of the Painttown Community, Parcel No. 603-A and 603-B, signed by Flint Griffin, Paxton Myers for the Eastern Band of Cherokee Indians, Barak Myers for EBCI-DOT and James T. Miller.
- May 22, 2025, There is a map located in Book 7 of Surveys, on Page 118, dated April 23, 1982. Have not found the Legal Description for Painttown Community Parcel No. 603-A & 603-B.

Right-of-Way:

- Painttown Community Parcel No. 603-A (Part of Parcel No. 603), containing 8.410 Acres, more or less, is adjacent to Old No. 4 Road, BIA Rd. No. 1236.
- Painttown Community Parcel No. 603-B (Remainder of Parcel No. 603), containing 1.00 Acre more or less is adjacent to Old No. 4 Road, BIA Rd. No. 1236.

- May 23, 2006, a 15' wide Access Road Right-of-Way, crossing Painttown Community Parcel No. 603-A and 837-B, containing 0.310 Acres, more or less.
- July 8, 2008, a Power Right-of-Way Service to James Miller of the Painttown Community, Parcel No. 603-A and 603-B.

**Liens:**

- There are no liens on Painttown Community Parcel No. 603-A (Part of Parcel No. 603), containing 8.410 Acres, more or less.
- There are no liens on Painttown Community Parcel No. 603-B (Reminder of Parcel No. 603), containing 1.00 Acre, more or less.

**PAINTTOWN COMMUNITY PARCEL NO. 603** - BEGINNING on Marker No. 22040 set in Painttown Community on the South side of the Oconaluftee River, 4' from the water, and on the property line between Parcel No. 603 and 670, S 78° E 5' from a 6" Iron Wood tree, and N 26° E 10.9' from a 10" Oak Tree. Thence leaving Parcel No. 670, and running along the edge of the river, S 78° 41' E 266.06' to a point. Thence running S 23° 06' E 122.89' to a point. Thence running S. S 80° 02' E 235.44' 235.44' to an Iron Pipe. Thence leaving the river and running S 15 10' W 946.14' to Marker No. 3334 set on a low ridge. Thence running down the ridge the following courses and distances: N 38° 01' W 37.51' to a point; N 27° 58' W 164.78' to a point; N 41° 24' W 158.88' to a point; N 38° 56' W 132.24' to a point; N 24° 41' W 123.79' to a point; N 71° 25' W 115.66' to Marker NO. 2205 set on the SE R/W of Old No. 4 Road. Thence crossing the road and running N 10° 02' E 504.80' to Marker No. 2204 The Point of BEGINNING.

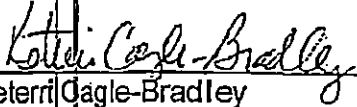
Containing 9.410 Acres, more or less.

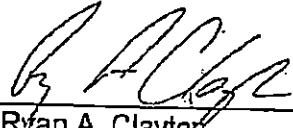
**15' Access Road Right-of-Way -**

BEGINNING at a point on the centerline of this 15' Access Road Right-of-Way, in Painttown Community, that lies N 71° 52' 30" W 155.07' from a VA Iron Rod marking the Northeast corner of Parcel No. 837-A. Thence, with said centerline, the following courses and distances: N 18° 07' 30" E 132.06' to a point; N 09° 25' 24" E 54.89' to a point; N 01° 00' 19" W 122.58' to a point; N 03° 20' 38" W 114.21' to a point; N 04° 42' 52" E 52.27' to a point; N 17° 37' 53" E 63.04' to a point; N 02° 09' 31" E 46.05' to a point; N 09° 58' 53" W 107.90' to a point; N 12° 14' 59" E 74.94' to a point; N 04° 41' 56" E 56.10' to a point; N 04° 41' 56" E 76.10' to a point on the centerline of the 60' Right-of-Way for Old No. 4 Road (BIA Road No. 1236) and End of Right-of-Way.

Containing 0.310 Acre, more or less.

The foregoing instrument was prepared and reviewed by Keterri Cagle-Bradley, EBCI Land Records Specialist, and reviewed as to form by Ryan A. Clayton, EBCI Associate Attorney. The information in this instrument reflects the records found in a search of the real property records on file in Cherokee, North Carolina at the EBCI Tribal Realty Services.

  
Katerri Cagle-Bradley  
EBCI Land Records Specialist

  
Ryan A. Clayton  
EBCI Associate Attorney



## **Eastern Band of Cherokee Indians**

**Natural Resources**

**P.O. Box 455**

**Cherokee, NC 28719**

**Ph. (828) 359-6141**

**Site Review 5/19/25**

### **Environmental Review – Parcels # 603-A & 603-B**

**Site:** Parcel 603-A contains 1.0 acres more or less, 603-B contains 8.410 acres more or less, totaling 9.410 acres more or less

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#### **Terrain:**

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#### **Floodplain Regulation:**

After reviewing the FEMA floodplain map panel 7615 it has been determined by the floodplain administrator that the flat portion of the site is located within the regulated floodplain (map attached). There is also a regulated floodway along the northernmost edge of the property. Development within the floodplain will require a floodplain development permit as well as an elevation certificate. Any development within the regulated floodway will require a no-rise concurrence before development can begin.

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#### Plants and Animals:

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#### Opinion:

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*This Review is an informal review of the above-mentioned parcels. Prior to development Formal consultations with all Federal Agencies and Tribal Departments will need to be conducted.*

#### References:

Eastern Band of Cherokee, GIS Natural Resources Database Map,  
Copyright 2004  
FEMA Flood Insurance Rate Maps (Jackson County)– Panel Number 7615  
Google Maps



CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA  
JUNE 5, 2025

AMENDMENT to RESOLUTION No. 491 (2025) :

In line 43, insert, "General Fund"

The attached Resolution/Ordinance 491 dated JUNE 5, 2025 was:

PASSED ( ☒ )

KILLED ( )

and ratified in open Council on JUNE 5, 2025 by 100 voting for the act  
and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French	X			
Perry Shell	X			
Boyd Owle	X			
Bucky Brown	X			
Tom Wahnetah	X			
David Wolfe	X			
Adam Wachacha	X			
Mike Parker	X			
Bo Crowe	X			
Jim Owle	X			
Dike Sneed	X			
Michael Stamper	X			
	100	0	0	0

Mike Parker

TRIBAL COUNCIL CHAIRMAN

Yvonne Thompson

ENGLISH CLERK

Michael Hill

PRINCIPAL CHIEF

APPROVED ( ☒ ) VETOED ( )

VETO UPHOLD ( ) VETO DENIED ( )

DATE: 6-16-25

I hereby certify that the foregoing act of the Council was duly:

PASSED ( )

KILLED ( )

and ratified in open Council after the same has been interpreted by the Official Interpreter and  
has been fully and freely discussed.

INTERPRETED ( )

OMITTED ( )