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**CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA**

Date: _____

RESOLUTION NO. _____ (2026)

A resolution exercising the Tribe's right-of-way rights under a lease agreement.

WHEREAS, the Tribe, as Lessor, entered into Lease No. T-S52-2451-19/44 with Collette Coggins, Barry Coggins, and Corey Coggins, as Lessees, as amended and approved by the Tribal Business Committee and Bureau of Indian Affairs, for Upper Cherokee Community Parcel No. 348 and approximately 20 acres of the Boundary Tree Tract; and

WHEREAS, the Lease agreement states that the Lessor and the Lessees each have the right to establish right-of-way to and on the Boundary Tree Tract (as defined in the lease) for reasonable and common ingress, egress, and utilities; and

WHEREAS, the Boundary Tree Tract currently has power lines and poles that are placed, owned, and maintained by the power company currently known as Duke Energy Carolinas; and

WHEREAS, these power lines and some poles need to be upgraded and re-located to provide more reliable electrical service to the Big Cove Community, the Cherokee Central Schools campus, and the soon-to-be built bingo facility to be located on parcels adjacent to the leased parcels; and

WHEREAS, in order to provide these necessary improvements and to allow for effective and timely maintenance in the future, the Tribe is exercising its right as enumerated under the Lease agreement to establish a right-of-way for ingress, egress, and utilities as approximately shown on the attached map.

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 Tribe shall have an easement and right of way on and over the Boundary Tree Tract and neighboring parcels as may be necessary, as referenced in the above described lease agreement and as approximately depicted on the attached map. The easement and right of way shall be for ingress, egress, and utilities, including but not limited to installation, improvement, and/or relocation of power lines and poles and shall be 30 feet on each side of the power line as it may run now and in the future, and shall allow for other utility enhancements, which may include installation of drainage, water management, and erosion control measures and access to the site for those purposes and maintenance thereafter. This easement and right of way shall be perpetual in nature.

BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are rescinded, and that this resolution shall become effective when it is enacted into law.

Submitted by the Tribal Council of the Eastern Band of Cherokee Indians.