

Cherokee Council House
Cherokee, North Carolina

APR 07 2016

Date

RESOLUTION NO. 193 (2016)

WHEREAS, Flora Parker Ferguson's will was recognized by Council in Resolution number 588 (1985); and

WHEREAS, said will and resolution contain language stating "road Rights-of-way will be given to each possessory holder in the Becks Branch Area."; and

WHEREAS, said will and resolution did not clarify whether the right-of-way was approved for the Becks Branch Community at large or limited to those receiving property from Flora Parker Ferguson via the will; and

WHEREAS, it has been the accepted interpretation that this language was intended to create an access road right-of-way over the subject property for the use of the Becks Branch Community at large; and

WHEREAS, Brad Teague Parker is an enrolled member of the Eastern Band of Cherokee Indians who owns property in the Becks Branch area which was not part of the Flora Parker Ferguson division but is accessed by crossing the division property via Becks Branch Road; and

WHEREAS, Mr. Parker is in the process of applying for a HIP home and in order to obtain assistance from the Tribe in building his home needs clarification of the recognized right-of-way language in the Flora Parker Ferguson's will to guarantee his right to cross the property that was part of her division.

NOW, THEREFORE, BE IT RESOLVED by the Eastern Band of Cherokee Indians in Tribal Council Assembled, at which a quorum is present that the Tribal Council of the Eastern Band of Cherokee Indians hereby recognizes that the will of Flora Parker Ferguson gave an access road right-of-way over Big Cove Parcels 349, 350, 351, 352, 353, 354, 355, 357 and 358 to all of the parcels in the Becks Branch area (part of the Towstring Community) requiring access over said identified parcels, or any subdivisions or remainders of such parcels, in order to obtain ingress and egress.

BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

Submitted by: Brad Teague Parker