

TABLED

Cherokee Council House
Cherokee, North Carolina
Date: APR 03 2025

Resolution No. 445 (2025)

A resolution stating that sales of Tribal land to enrolled members shall be at fair market value as determined by Tribal Council.

WHEREAS, Section 23 of the Charter and Governing Document gives Tribal Council authority to govern the management of real and personal property held by the Tribe, and direct and assign among its members thereof, homes in the Qualla Boundary and other land held by them as a Tribe"; and

WHEREAS, in 1989, Tribal Council enacted Resolution No. 467 (1989), authorizing the sale of one-acre parcels of Tribal trust land to enrolled members for \$500.00 per acre, to provide house sites to enrolled members; and

WHEREAS, the Tribe has followed Resolution No. 467 (1989), without amendment, since it was enacted; and

WHEREAS, many Tribal leaders have expressed concern that the \$500 per acre rule presented in Resolution No. 467 (1989) is outdated that continuing to apply it is contrary to Tribal Council's responsibility to be good stewards of Tribal resources, including the Tribe's land and money; and

WHEREAS, Tribal Council should adopt an approach for setting land value for sales to enrolled members, for housing purposes, that considers the totality of the circumstances for each parcel, including what the Tribe paid for the parcel and a determination of fair market value by Tribal Council, and should not be tied to an arbitrary value set in 1989; and

WHEREAS, to ensure that Tribal land is used for housing purposes in a timely manner, and to address the housing needs of the wider Tribal community, a condition should also be imposed on the sale of Tribal land to enrolled members that the property be developed for housing purposes within three years of the sale.

NOW THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians, in Tribal Council assembled, at which a quorum is present, that Resolution No. 467 (1989) is hereby rescinded.

BE IT FURTHER RESOLVED the following requirements apply when Tribal land, without improvements thereon, is sold to enrolled members of the Tribe:

1. Tribal Council will determine the value of each parcel by considering the totality of the circumstances for the parcel, including but not limited to, its history, what

1 the Tribe paid for the parcel, potential alternative uses, and the fair market value
2 (as determined by Tribal Council).

3 2. The sale and purchase must be for housing purposes.

4 3. If a certificate of occupancy ("CO") is not issued for the parcel within three (3)
5 years of the Tribal Business Committee approval date of the parcel being sold to
6 the enrolled member(s), the Tribal Business Committee may, upon notice to the
7 Tribal member at issue, cancel the sale and transfer and thereby cause the
8 property to revert to the Tribe.

9 4. If the parcel is not used for housing purposes within three (3) years of the sale
10 and reverts to the Tribe, the enrolled member who purchased the property shall
11 be entitled to reimbursement of the purchase price.
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13 BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are
14 rescinded, and that this resolution shall become effective when ratified by the
15 Principal Chief.
16

17 *Submitted by the Adam Wachacha, Snowbird / Cherokee County Tribal Council Representative,*
18 *Dike Sneed, Painttown Tribal Council Representative*