



## Legislation Text

File #: 17-027, Version: 1

### AN ACT RELATING TO INGRESS AND EGRESS AND ENCROACHMENT BE IT ENACTED BY THE CHEROKEE NATION:

#### Section 1. Title and Codification

This act shall be known as the Act of Ingress, Egress and Encroachment of Tribal Lands and Property and codified as \_\_\_\_\_ (Title) \_\_\_\_\_ (Section) \_\_\_\_\_ of the Cherokee Nation Code Annotated.

#### Section 2. Purpose

This legislation is to have rules and procedures to address Ingress, Egress and Encroachment of lands and property of the Cherokee Nation.

#### Section 3. Legislative History

There is no legislation history

#### Section 4. Definitions

**Properties and Assets of the Cherokee Nation:** Any and all lands owned or leased by Cherokee Nation or any of its business entities, trust, restricted, or fee simple.

**Ingress** is the right to enter property

**Egress** is the right to exit property

**Encroachment:** entry to another's property without right or permission-breach, entrance by stealth, entrance upon the domain of another, illegal intrusion, imposition, intrusion, infiltration, infraction, inroad, interference, interloping, invasion, irruption, obtrusion, overlap, overstepping, penetration, prying, raid, real estate trespass, transgression, trespass, unlawful invasion, violation, wrongful entry, wrongdoing, wrongful conduct, wrongful ingress

#### Section 5.

A. This Act provides the Principal Chief will direct appropriate offices and staff within the executive branch to not allow any individual, company, or any other entity to restrict ingress/egress access to any Cherokee Nation property, to not allow any encroachment on any Cherokee properties whatsoever, and if any entity has restricted ingress/egress or encroached on Cherokee Nation property to begin negotiations or legal proceedings to resolve ingress/egress problems, or remove encroachments on Cherokee Nation property.

B. Any requests for Easements and Rights of Way/Ingress and/or Egress must be submitted to the

Cherokee Nation' Real Estate Services and then that request is to be submitted as a resolution for the Tribal Council to review and approve. A document/agreement for the applicant for the approved resolution shall be created by the Cherokee Nation Attorney General and signed by the Cherokee Nation Principal Chief, Deputy Principal Chief, or the Cherokee Nation Secretary of State pursuant to Legislative Act 15-01.

C. Any specific policies and procedures for this activity shall be created by the Tribal Council of the Cherokee Nation.

#### **Section 6. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law.

#### **Section 7. Severability**

The provisions of this act are severable and if any part of provision hereof shall be held void, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

#### **Section 8. Effective Date**

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

#### **Section 9. Self-Help Contributions**

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.