

114TH CONGRESS
2D SESSION

H. R. 5486

To reaffirm that certain land has been taken into trust for the benefit of the Poarch Band of Creek Indians, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2016

Mr. BYRNE (for himself, Mr. MILLER of Florida, Ms. SEWELL of Alabama, Mr. BROOKS of Alabama, and Mr. SESSIONS) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To reaffirm that certain land has been taken into trust for the benefit of the Poarch Band of Creek Indians, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Poarch Band of Creek
5 Indians Land Reaffirmation Act”.

6 **SEC. 2. REAFFIRMATION OF INDIAN TRUST LAND.**

7 (a) IN GENERAL.—All lands taken into trust by the
8 United States for the benefit of the Poarch Band of Creek
9 Indians prior to the date of enactment of this Act are re-

1 affirmed as trust land and shall remain as Indian country
2 under section 1151 of title 18, United States Code.

3 (b) DESCRIPTION OF LAND.—The land referred to in
4 subsection (a) is comprised of the following:

5 (1) The approximately 229½ acres described in
6 the final Notice of the Department of Interior’s
7 Poarch Band of Creeks Establishment of Reserva-
8 tion (50 Fed. Reg. 15502 (April 18, 1985)), and
9 Poarch Band of Creeks; Establishment of Reserva-
10 tion: Correction (50 Fed. Reg. 19813 (May 10,
11 1985)), and shown on Poarch Band of Creek Indi-
12 ans Trust Lands Maps 1, 2, and 5 as “Reserva-
13 tion”.

14 (2) The approximately 1 acre named as Parcel
15 5 located within the exterior geographic boundaries
16 of Escambia County, Florida, which was taken into
17 trust by the Department of Interior via Statutory
18 Warranty Deed on November 21, 1984, shown on
19 Poarch Band of Creek Indians Trust Lands Map 7,
20 and further described as:

21 Commence at the Southeast corner of the
22 Northwest Quarter of Section 5, Township 5
23 North, Range 33 West, Escambia County, Flor-
24 ida; thence go West along the South line of the
25 Northwest Quarter of said Section 5 for a dis-

1 tance of 420 feet; thence run North for a dis-
2 tance of 40 feet to the point of beginning;
3 thence continue North along said line for a dis-
4 tance of 210 feet; thence run West for a dis-
5 tance of 210 feet; thence run South for a dis-
6 tance of 210 feet; thence run East 210 feet to
7 the point of beginning, containing one acre,
8 more or less.

9 (3) The approximately 1 acre named as Parcel
10 6 located within the exterior geographic boundaries
11 of Monroe County, Alabama, which was taken into
12 trust by the Department of Interior via Statutory
13 Warranty Deed on November 21, 1984, shown on
14 Poarch Band of Creek Indians Trust Lands Map 3,
15 and further described as:

16 One acre in a square in Southeast corner
17 of the ten-acre strip on the North side of South
18 Half of Southeast Quarter lying West of the
19 highway in Section 26, Township 5 North,
20 Range 6 East, being the same property con-
21 veyed to the Grantor by deed dated July 23,
22 1984 and filed for record in the office of the
23 Judge of Probate of Monroe County, Alabama
24 on July 23, 1984, and by correction deed dated
25 November 21, 1984.

1 (4) The approximately 10 acres named as Par-
2 cel 12 located within the exterior geographic bound-
3 aries of Escambia County, Alabama, which were
4 taken into trust by the Department of Interior via
5 Correction Deed on November 21, 1988, shown on
6 Poarch Band of Creek Indians Trust Lands Map 4,
7 and further described as:

8 Begin at a 2'' iron pipe at the intersection
9 of the South line of Section 5, Township 1
10 North, Range 6 East, and the East right of
11 way line of Alabama State Highway No. 21;
12 thence run S 89° 03' 00'' E along said South
13 line of Section 5 a distance of 860.93 feet;
14 thence run N 00° 04' 57'' W a distance of
15 608.47 feet; thence run N 89° 56' 20'' W a dis-
16 tance of 575.73 feet to the aforementioned East
17 right of way line of Alabama State Highway
18 No. 21; thence run S 25° 32' 21'' W along said
19 East right of way line a distance of 659.22 feet
20 to the point of beginning, said property lying
21 and being all in Section 5, Township 1 North,
22 Range 6 East, and containing 10.09 acres,
23 more or less.

24 (5) The approximately 10 acres named as Par-
25 cel 10 located within the exterior geographic bound-

1 aries of Escambia County, Alabama, which were
2 taken into trust by the Department of Interior via
3 Warranty Deed on August 17, 1992, shown on
4 Poarch Band of Creek Indians Trust Lands Map 2,
5 and further described as:

6 Commencing at the Southeast corner of
7 the Northeast 1/4 of Southwest 1/4 - Section
8 28 Township 2 North Range 6 East; thence
9 North 577.5 feet; thence North 89 degrees
10 West 2726 feet to the point of beginning;
11 thence North 89 degrees West 100 feet; thence
12 South 210 feet; thence North 89 degrees West
13 855 feet; thence South 0 degrees 21 minutes
14 West 378.37 feet; thence South 84 degrees 40
15 minutes East 966 feet; thence North 28 degrees
16 32 minutes East 300 feet; thence North 89 de-
17 grees West 148 feet; thence North 395.34 feet
18 to point of beginning. Containing 10.08 acres.

19 (6) The approximately 52 acres named as Par-
20 cel 14 located within the exterior geographic bound-
21 aries of Escambia County, Alabama, which was
22 taken into trust by the Department of Interior via
23 Warranty Deed on August 17, 1992, shown on
24 Poarch Band of Creek Indians Trust Lands Map 1,
25 and further described as:

1 All of the North half of Northwest Quarter
2 of Section 34, Township 2 North, Range 5 East
3 lying East of the Poarch-Perdido Road.

4 (7) The approximately 31 acres named as Par-
5 cel 15 located within the exterior geographic bound-
6 aries of Escambia County, Alabama, which were
7 taken into trust by Warranty Deed on August 17,
8 1992, shown on Poarch Band of Creek Indians
9 Trust Lands Map 1, and further described as:

10 All of the West Half of Northwest Quarter
11 of Section 34, Township 2 North, Range 5 East
12 lying North of Dees Road and West of the
13 Poarch-Perdido Road.

14 (8) The approximately 8 acres named as Parcel
15 16 located within the exterior geographic boundaries
16 of Escambia County, Alabama, which were taken
17 into trust by the Department of Interior via War-
18 ranty Deed on August 17, 1992, shown on Poarch
19 Band of Creek Indians Trust Lands Map 1, and fur-
20 ther described as:

21 Beginning at the Southwest corner of
22 Northwest Quarter of Southwest Quarter of
23 Section 27, Township 2 North, Range 5 East,
24 thence run East 1145 feet to the public road;
25 thence North 3 degrees 15 minutes East 380

1 feet along said road; thence run West 1167
2 feet; thence run South 380 feet to point of be-
3 ginning containing ten acres, except two acres
4 described as follows:

5 Beginning at the aforesaid point of begin-
6 ning thence run East 848 feet to the starting
7 point; thence run North 297 feet, thence run
8 East 298 feet, more or less, to the West right
9 of way of Old Sullivan Mill Road; thence run
10 Southwesterly along said right of way to the
11 South line of Northwest Quarter of Southwest
12 Quarter of said Section 27; thence run West
13 297 feet to the starting point, containing eight
14 acres, more or less.

15 (9) The approximately 34 acres named as Par-
16 cel 22 located within the exterior geographic bound-
17 aries of Escambia County, Alabama, which was
18 taken into trust by the Department of Interior via
19 Warranty Deed on August 17, 1992, shown on
20 Poarch Band of Creek Indians Trust Lands Map 1,
21 and further described as:

22 Commence at a one-inch metal pipe being
23 the Southwest corner of Section 27, Township
24 2 North, Range 5 East Escambia County, Ala-
25 bama; thence go N 00° 38' 26'' W along the

1 West line of said Section 27 for a distance of
2 8.0 feet to a point on the Northerly right of
3 way line of Jackson Road (40 foot right of
4 way), said point also being the point of begin-
5 ning; thence continue N 00° 38' 26'' W along
6 said West section line for a distance of 1321.23
7 feet to the Northwest corner of the Southwest
8 Quarter of Southwest Quarter at said Section
9 27; thence go N 89° 30' 13'' E along the North
10 line of said Southwest Quarter of Southwest
11 Quarter for a distance of 1146.48 feet to the
12 Westerly right of way line of Poarch-Perdido
13 Road (40 foot right of way); thence go S 00°
14 34' 55'' W along said Westerly right of way line
15 for a distance of 287.65 feet: thence go S 01°
16 30' 05'' W for a distance of 40.0 feet; thence
17 go S 00° 00' 31'' W along aforesaid Westerly
18 right of way line for a distance of 195.59 feet;
19 thence go S 02° 34' 30'' W along aforesaid
20 right of way line for a distance of 172.73 feet;
21 thence go S 04° 24' 35'' W along aforesaid
22 right of way for a distance of 630.72 feet to the
23 intersection with the Northerly right of way of
24 said Jackson Road; thence go S 89 39' 16'' W
25 along said Northerly right of way line for a dis-

1 tance of 1071.43 feet to the point of beginning,
2 it being the intention to describe herein and
3 convey hereby all of the Southwest Quarter of
4 Southwest Quarter of Section 27, Township 2
5 North, Range 5 East, lying West of the public
6 road.

7 (10) The approximately 13 acres named as Par-
8 cel 17 located within the exterior geographic bound-
9 aries of Montgomery County, Alabama, which were
10 taken into trust by the Department of Interior via
11 Warranty Deed on March 23, 1995, shown on
12 Poarch Band of Creek Indians Trust Lands Map 6,
13 and further described as:

14 Commence at the SW corner of Section 27,
15 T-17-N, R-19-E, Montgomery County, Alabama
16 and run EAST, 4340.49 feet; thence NORTH,
17 1806.29 feet to a point on existing fence line
18 and being the Point of Beginning; Thence con-
19 tinue along said fence line $S89^{\circ}13'03''E$,
20 136.34 feet; Thence continue along said fence
21 line $S23^{\circ}49'20''E$, 62.92 feet; Thence continue
22 along said fence line $N69^{\circ}23'34''E$, 219.92 feet
23 to an existing iron pin; Thence continue along
24 said fence line $N17^{\circ}23'26''W$, 968.84 feet to an
25 existing iron pin; Thence leaving said fence line

1 N18°23'28"W, 503.62 feet to a point on the
2 southeast edge of the Tallapoosa River; Thence
3 along said edge S43°24'16"W, 618.01 feet;
4 Thence leaving said edge S39°49'22"E, 150.00
5 feet to a point on an existing fence line; Thence
6 along said fence line S26°17'56"E, 374.05 feet;
7 Thence continue along said fence line
8 S39°39'24"E, 198.60 feet; Thence continue
9 along said fence line S17°38'01"E, 386.15 feet
10 to the Point of Beginning. All lying in the E 1/
11 2 Section 27, T-17-N, R 19 E, Montgomery
12 County, Alabama, and containing 12.86 acres
13 more or less.

14 (c) APPLICATION.—This Act shall apply to all claims,
15 including claims challenging the validity of title or the ef-
16 fectiveness of any action of the Secretary acquiring and
17 taking land described in subsection (b) into trust, that are
18 pending on the date of enactment of this Act, or that are
19 filed on or after that date.

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