

Committee: Resource

Date: 1-10-12

Committee Date: 2-13-12

Author: L. Donelson

Sponsor: J. Fishinghawk, F. Hargis, C. Snell

RESOLUTION NO. 40-12

COUNCIL OF THE CHEROKEE NATION

A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT-OF-WAY ACROSS CHEROKEE NATION TRIBAL TRUST LAND (CMS-39) TO CLARENCE AND DAISY DUNCAN ROW TAH-281 ADAIR COUNTY

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people;

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

WHEREAS, Clarence and Daisy Duncan, Rt. 5 Box 4510, Stilwell OK 74960, desire a 20 foot access easement across and existing driveway located on Cherokee Nation Tribal Trust land (CMS-39), the access easement is more particularly described as follows:

A strip of land situated in the NE/4 of Section 5, T14N, R26E, Adair County, Oklahoma, described as follows: BEGINNING at the NE corner of the W/2 SW/4 NE/4 of said section; thence S00°15'07"E along the East line of said the W/2 SW/4 NE/4 a distance of 23.23 feet; thence N59°39'21"W a distance of 45.74 feet to a point on the North line of said W/2 SW/4 NE/4; thence N89°49'34"E along the North line a distance of 39.37 feet to the POINT OF BEGINNING, Containing 0.01 acres, more or less

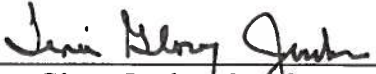
WHEREAS, Cherokee Nation waives compensation, as the driveway leads to Clarence and Daisy Duncan's residence, the road already exists so no construction will be necessary and the applicants are both Cherokee Tribal Members.

WHEREAS, 25 CFR 169 states an agreement shall be executed by and between the tribe or legally authorized occupant and the applicant before any work by the applicant may be undertaken for the Right-of-Way easement across Tribal land.

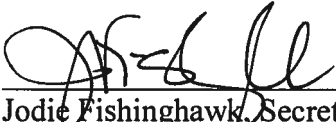
BE IT RESOLVED BY THE CHEROKEE NATION, that that the person(s) authorized to sign required documents necessary to execute said Right of Way easement is Bill John Baker, Principal Chief of the Cherokee Nation, and/or his authorized designee(s).

CERTIFICATION

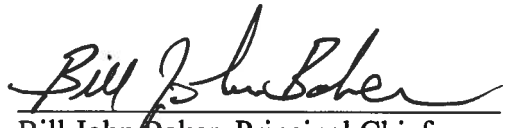
The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 12th day of March, 2012, having 17 members present, constituting a quorum, by the vote of 17 yea; 0 nay; 0 abstaining.


Tina Glory-Jordan, Speaker
Council of the Cherokee Nation


ATTEST:


Jodie Fishinhawk, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 13th day of March, 2012.


Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:


Charles Head, Secretary of State
Cherokee Nation

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

<u>ADMINISTRATIVE CLEARANCE</u>	
Program/Project Manager:	
Signature/Initial	Date
Department Director:	
<i>Linda Donelson</i> <i>1/10/2012</i>	
Signature/Initial	Date
Group Leader:	
Signature/Initial	Date
Government Resources:	
Signature/Initial	Date
Administration Approval:	
<i>ab</i> <i>1/10/2012</i>	
Signature/Initial	Date
<u>LEGISLATIVE CLEARANCE:</u>	
Legal & Legislative Coordinator:	
<i>S. Bittan</i> <i>1/10/12</i>	
Signature/Initial	Date
Standing Committee & Date:	
<i>Resource</i> <i>2/13/12</i>	
Chairperson:	
Signature/Initial	Date
Returned to Presenter:	
	Date

TITLE:

DEPARTMENT CONTACT: Joel Bean

RESOLUTION PRESENTER: Linda Donelson

COUNCIL SPONSOR: Jodie Fishinghawk

NARRATIVE:

The purpose of this resolution is for a Grant of Easement for Right-of-Way across Cherokee Nation Tribal Trust land (CMS-39) for a 20 foot access easement ROW TAH-281. The access easement will be for the benefit of Clarence and Daisy Duncan. The easement will be located in part of the NE ¼ of Section 5, Township 14 North, Range 26 East, Adair County Oklahoma. The roadway already exists and is the driveway to the Duncan's residence, no construction will be necessary.

Cherokee Nation waives compensation, the easement will be for the sole use and benefit of Clarence and Daisy Duncan both of whom are Cherokee Tribal members.

If further information is needed, please contact Linda Donelson, Director Cherokee Nation Real Estate Services at extension 5236 or Joel Bean, realty Specialist III, at extension 3967.

01-10-12P03:58 RCVD