

Committee: Resource
Date: 03-01-11 Committee Date: 03-14-11

Author: Linda Donelson
Sponsor: Chuck Hoskin, Jr.

RESOLUTION NO. 24-11

COUNCIL OF THE CHEROKEE NATION

A RESOLUTION AUTHORIZING DISCLAIMER OF INTEREST OR QUITCLAIM DEED RELATED TO SETTLEMENT OF QUIET TITLE ACTION

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

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; and

WHEREAS, the Cherokee Nation is a defendant in Stalcup v. United States, et al., U.S. District Court Case No. 10-CV-272 TCK PJC, an action brought by two individuals who seek to quiet title in a tract within the Vinita city limits that is approximately two/tenths of an acre in size, and that is more particularly described as:

A tract of land situated in the North Half of Section Twenty-two (22), Township Twenty-five (25) North, Range Twenty (20) East of Indian Meridian, in the City of Vinita, Oklahoma, Craig County, Oklahoma, more particularly described as follows:

Commencing at the Northwest Corner of Block 113, according to the Recorded Plat of the City of Vinita; thence along the South right of way line of Illinois Avenue, if extended, Northwesterly having an assigned bearing of North 64° 25' West a distance of 20.00 feet to the Point of Beginning; thence South 25° 37' West 145.00 feet; thence North 64° 25' West 60.00 feet; thence North 25° 37' East 145.00 feet; thence South 64° 25' East 60.00 feet to the Point of Beginning; LESS AND EXCEPT that part deeded to the Department of Transportation of the State of Oklahoma in Warranty Deed recorded in Book 572 at Page 679 of the Craig County, Oklahoma records.

(hereinafter referred to as "Subject Property"); and

WHEREAS, the Subject Property is located within the boundaries of the Cherokee Nation domain acquired by the Cherokee Nation by patent dated December 31, 1838 and was never allotted to an individual Cherokee citizen; and

WHEREAS, the Subject Property is a small portion of a larger 200' x 2000' area that was set aside for purposes of railroad station grounds prior to statehood; said station grounds area is adjacent to a railroad line easement that is 200 feet wide and that run through the City of Vinita; and

WHEREAS, the Subject Tract is not used for railroad purposes, and the Union Pacific Railroad Co. has filed a disclaimer of interest in the Subject Tract; and

WHEREAS, the Cherokee Nation has filed counterclaims and crossclaims in Stalcup v. United States based on valid legal arguments that the railroads and its successors in interest, including the individual plaintiffs in the suit, never acquired title to the Subject Property; however, regardless of the ownership status of the Subject Property, it is possible that the Cherokee Nation received some compensation from the United States for the surface of the Subject Property in the 1980s as part of a settlement of a claim against the United States for tribal lands reserved for railroad station grounds, and it would be costly to the Nation to continue to assert ownership of the Subject Property; and

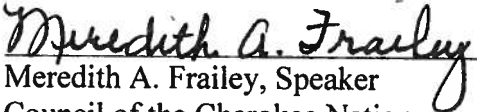
WHEREAS, it is in the interests of the Cherokee Nation to seek settlement of Stalcup v. United States in a manner that will enable the plaintiffs Stalcup to acquire title to the surface of the Subject Property and enable the Cherokee Nation to secure recognition of its ownership of the mineral interest in the Subject Property; and

WHEREAS, a settlement to achieve this objective may require the filing of a disclaimer of interest or a quitclaim deed to the surface of the Subject Property.


BE IT RESOLVED BY THE CHEROKEE NATION, that the Council of the Cherokee Nation hereby authorizes the Principal Chief to execute a disclaimer of interest or a quitclaim deed to the surface of the Subject Property as more specifically described herein for purposes of settlement of Stalcup v. United States, et al., in the event that the Principal Chief, in consultation with the Attorney General, determines that execution of such instrument is necessary and appropriate to achieve settlement of said action in a manner that will protect any potential legal position of the Cherokee Nation with respect to tribal property set aside for railroad station grounds and that will preserve the Cherokee Nation's ownership of minerals in said Subject Property.

CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 14th day of March, 2011, having 17 members present, constituting a quorum, by the vote of 17 yea; 0 nay; 0 abstaining.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation

ATTEST:




Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 21st day of March, 2011.

A handwritten signature in black ink, consisting of several overlapping, horizontal, scribbled lines, positioned above a horizontal line.

Chadwick Smith, Principal Chief
Cherokee Nation



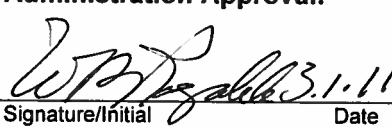
ATTEST:

A handwritten signature in black ink, written in a cursive style, positioned above a horizontal line.

Melanie Knight, Secretary of State
Cherokee Nation

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

<u>ADMINISTRATIVE CLEARANCE</u>	
Dept/Program:	
	2/25/11
Signature/Initial	Date
Group Leader:	
Signature/Initial	Date
Finance (if needed):	
Signature/Initial	Date
Government Resources:	
	3/1/11
Signature/Initial	Date
Administration Approval:	
	3.1.11
Signature/Initial	Date

TITLE: Disclaim or Quit Claim Interest in Quiet Title Settlement (Craig County property)

DEPARTMENT CONTACT: Linda Donelson

RESOLUTION PRESENTER: Linda Donelson

COUNCIL SPONSOR: Chuck Hoskins, Jr.

NARRATIVE:

The purpose of this resolution is authorization of disclaimer of interest or quitclaim deed related to settlement of a quiet title action where Cherokee Nation is a defendant in Stalcup v. United States, et al., US. District Court Case No. 10-CV-272 TKC PJC, wherein plaintiffs seek to quiet title to a certain tract of land in the City of Vinita. The tract is two-tenths of an acre, was a part of property set aside for purposes of railroad station grounds, could be costly to continue to pursue ownership of the property, and settlement would mean retaining ownership of the mineral interest and disclaiming or quit claiming interest in the surface of the tract.

<u>LEGISLATIVE CLEARANCE:</u>	
Legal & Legislative Coordinator:	
	3/1/11
Signature/Initial	Date
Standing Committee & Date:	
	3/14/11
Chairperson:	
	
Signature/Initial	Date
Returned to Presenter:	
	Date