

Committee: Resources  
Date: 02-29-08 Committee Date: 03-10-08

Author: Linda Donelson  
Sponsor: Curtis Snell

**RESOLUTION NO. 23-08**

**COUNCIL OF THE CHEROKEE NATION**

**A RESOLUTION AUTHORIZING APPROVAL OF LAND ASSIGNMENT TO TIBBS FAMILY TRUST FOR ONE ACRE, KNOWN AS SUNSET GARDENS (TIBBS) CEMETERY, AND QUIT CLAIM DEED TO RECORD OWNERS OF PROPERTY NOT CONTAINING THE CEMETERY**

**WHEREAS**, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government on 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**, the Real Estate Services has received a request for a quit claim deed to record owners of certain property that was originally allotted to Effie A. Tibbs, Roll No. 3369, on August 14, 1912, wherein one acre of land was reserved for cemetery, known as Sunset Gardens (Tibbs) Cemetery, within a 20-acre tract in Section 33, Township 21 North, Range 24 East, in Delaware County, Oklahoma, and said cemetery was not specifically described in the allotment deed;

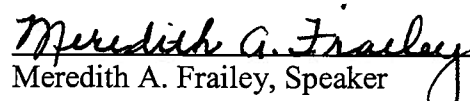
**WHEREAS**, a quit claim deed of 18 acres, which does not contain the cemetery reserved by the Cherokee Nation, would clear the title to the current landowners, (one of whom, Marvin Arnold, is a tribal citizen);

**WHEREAS**, Judy Gamble, a tribal citizen and Trustee of the Tibbs Family Trust, had the property surveyed and the Tibbs Family Trust holds ownership of the 1.4 acres adjoining the acre reserved by the Cherokee Nation for cemetery purposes. This 2.4 acre area has been determined to contain the cemetery, and Ms. Gamble, as Trustee of the Tibbs Family Trust, desires a land assignment on the one acre cemetery tract for 99 years, in exchange for the Trust caring for and maintaining the cemetery; said property having been examined by Cherokee Nation personnel through ground penetrating radar equipment to establish that the cemetery is indeed within the boundaries of this 2.4 acre tract.


**BE IT RESOLVED BY THE CHEROKEE NATION**, that approval be granted for the conveyance of a quit claim deed be given on the property to record owners, which property does not contain the cemetery, that Tibbs Family Trust be granted a land assignment for the cemetery known as Sunset Gardens (Tibbs) Cemetery and authorizing the Trust to have the use of the land for cemetery purposes and to care for and maintain the property, that the person(s) authorized to sign required documents necessary to execute said quit claim deed and land assignment be Chadwick Smith, 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 10th day of March, 2008, 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 12th day of March, 2008.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Melanie Knight, Secretary of State  
Cherokee Nation

# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

**ADMINISTRATIVE  
CLEARANCE**

**Program/Project Manager:**

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Department Director:**

*Linda Donelson* 2/27/08  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Executive Director:**

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Controller: (if needed)**

Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Government Resources:**

*Yita Maysie* 2/29/08  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Administration Approval:**

*Melanie King*  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**TITLE:**

**A RESOLUTION AUTHORIZING APPROVAL OF LAND ASSIGNMENT TO TIBBS FAMILY TRUST FOR ONE ACRE, KNOWN AS SUNSET GARDENS (TIBBS) CEMETERY, AND QUIT CLAIM DEED TO RECORD OWNERS OF PROPERTY NOT CONTAINING THE CEMETERY**

**DEPARTMENT CONTACT:** LINDA DONELSON

**RESOLUTION PRESENTER:** LINDA DONELSON

**SPONSOR:** CURTIS SNELL

**NARRATIVE:** (See Attached Outline for Information If Outline is Required)

The attached Resolution authorizes a land assignment be granted to Tibbs Family Trust for one acre, known as Sunset Gardens (Tibbs) Cemetery, for the purpose of the Tibbs Family Trust caring for and maintaining the cemetery for the next 99 years. The Resolution is also to authorize a quit claim deed be conveyed to record owners of 18 acres not containing the cemetery, due to the fact that the original allotment deed conveyed 20 acres to original allottee, Effie A. Tibbs, Roll No. 3369, less one acre reserved for a cemetery without specifying where in the 20 acres the cemetery was located. The property is located in Delaware County, Oklahoma.

**LEGISLATIVE CLEARANCE:**

**Legislative Aide:**

*St. Butler* 2/29/08  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Standing Committee & Date:**

*Resource* 3/10/08

**Chairperson:**

*Snell*  
Signature/Initial \_\_\_\_\_ Date \_\_\_\_\_

**Returned to Presenter:** \_\_\_\_\_

Date \_\_\_\_\_

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G.R.  
RCVD  
*lm*

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