

Committee: Resource

Date: 8/29/2018 Committee Date: 9/10/2018

Author: Ginger Reeves

Sponsor: E. O. Smith

RESOLUTION NO. 45-18

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT OF WAY -
USA IN TRUST FOR CHEROKEE NATION TO SEQUOYAH COUNTY FOR A ROAD
IMPROVEMENT PROJECT ON DWIGHT MISSION ROAD (I-40 TRACT)**

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, Sequoyah County, 117 South Oak Suite 112, Sallisaw, OK 74955, requests a Grant of Easement for Right of Way for a road improvement project on Dwight Mission Road located on United States of America in Trust for Cherokee Nation property known as the I-40 tract, described as Parcel 1.0 of Section 5, Township 11 North, Range 23 East, Sequoyah County, containing 0.05 acres more or less. The complete legal description can be found on the survey which is attached;

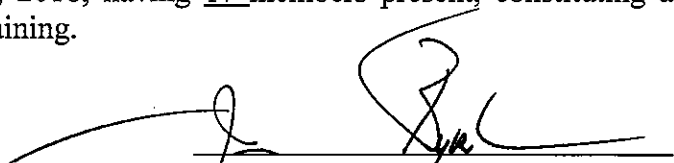
WHEREAS, Cherokee Nation will be compensated fair market / appraised value for the grant of easement for right-of-way pursuant to *Title 25 CFR §169.114*;

WHEREAS, 25 CFR § 169 states 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 construction of a Right of Way Easement across tribal land.

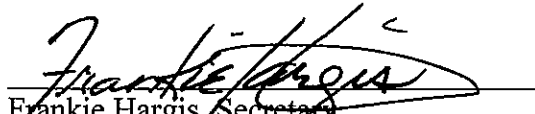
BE IT RESOLVED BY THE CHEROKEE NATION, that the Principal Chief of Cherokee Nation, Bill John Baker, and/or his authorized designee(s) be authorized to enter into the above described grant of easement for right-of-way, in accordance with *25 CFR § 169* and the *Bureau of Indian Affairs Policy and Procedure* for the grant of easement for right-of-way of land owned by United States of America in Trust for Cherokee Nation.

CERTIFICATION

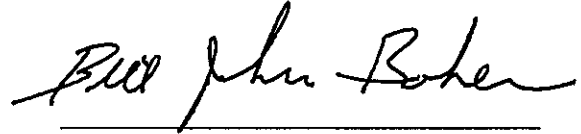
The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 15th day of October, 2018, having 17 members present, constituting a quorum, by the vote of 17 yea; 0 nay; 0 abstaining.



ATTEST:



Frankie Hargis, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18 day of October, 2018.

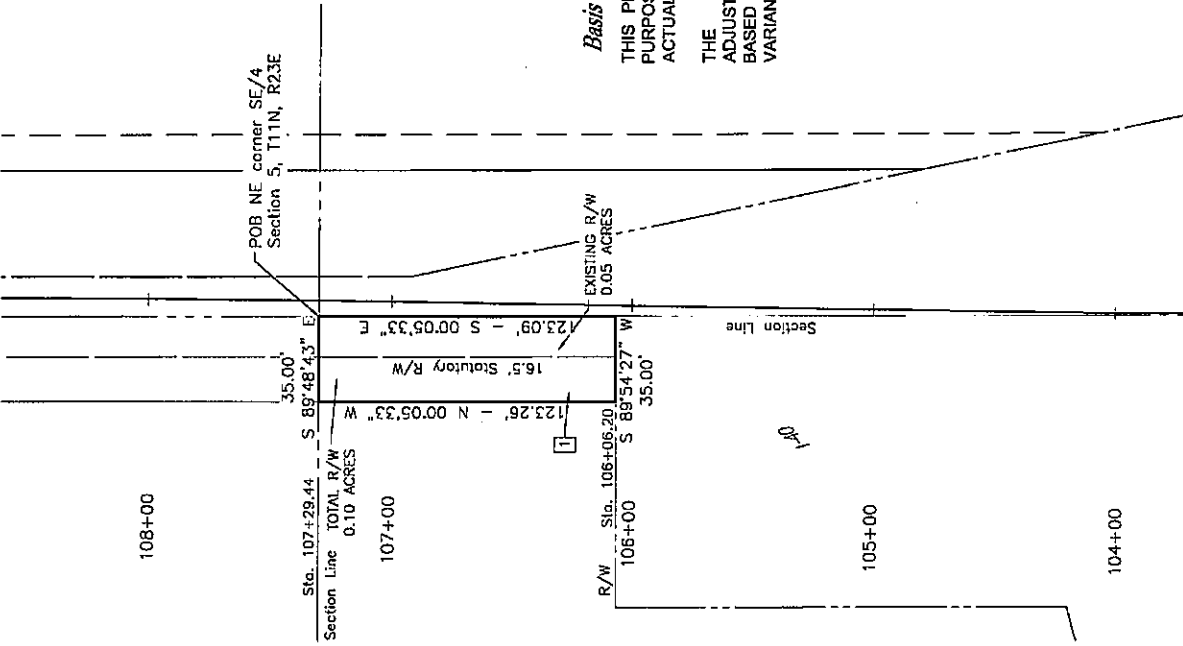


Bill John Baker, Principal Chief
Cherokee Nation

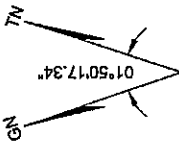
ATTEST:


Chuck Hoskin, Jr., Secretary of State
Cherokee Nation

**RIGHT-OF-WAY FOR
DWIGHT MISSION ROAD
SEQUOYAH COUNTY, OK
PROJECT NO. JP 32396
CHEROKEE NATION**



ANGLE OF VARIANCE



**PARCEL 1.0 (PERMANENT)
LEGAL DESCRIPTION**

A tract of land that is a part of the SE/4 of Section 5, Township 11 North, Range 23 East of the Indian Base and Meridian, Sequoyah County, State of Oklahoma, being more particularly described as follows:

Beginning at the NE corner of said SE/4; thence S 00°05'33" E along the East line of said SE/4 a distance of 123.09 feet to a point on the North right of way line of I-40; thence S 89°54'27" W along said right of way line a distance of 35.00 feet; thence N 00°05'33" W and parallel to said East line a distance of 123.26 feet to a point on the North line of said SE/4; thence S 89°48'43" E along said North line a distance of 35.00 feet to the Point of Beginning.

Said tract of land contains 2,279 square feet or 0.05 acres more or less of new right of way, the remaining area being existing statutory right of way.

1"=50'

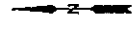
Basis of Bearings = True North

THIS PLAT IS FOR CLARIFICATION PURPOSES ONLY AND IS NOT AN ACTUAL BOUNDARY SURVEY.

THE BEARINGS HAVE BEEN ADJUSTED FROM GRID TO TRUE, BASED ON THE ANGLE OF VARIANCE DEPICTED HEREON



Dustin M. McNally
Dustin McNally, RLS 1636
CA 1427, Expires 06/2018



Administrative Clearance

Program/Project Manager

Signature/Initial _____ Date _____

Department Director:

[Signature] *8/24/2018*

Signature/Initial _____ Date _____

Executive Director:

Signature/Initial _____ Date _____

Controller: (If Needed)

Signature/Initial _____ Date _____

Government Resources Dept:

Signature/Initial _____ Date _____

Administration Approval:

Bel John Baker 8-28-18

Signature/Initial _____ Date _____

**Cherokee Nation
Act /Resolution Proposal Form**

Act Resolution

TITLE: A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT OF WAY - USA IN TRUST FOR CHEROKEE NATION TO SEQUOYAH COUNTY FOR A ROAD IMPROVEMENT PROJECT ON DWIGHT MISSION ROAD (I-40 TRACT)

DEPARTMENT CONTACT: GINGER REEVES

RESOLUTION PRESENTER: GINGER REEVES

SPONSOR: EO Smith

NARRATIVE:

The request set forth in the attached Resolution is for a grant of easement for Right-of-Way from land held in Trust for Cherokee Nation to Sequoyah County, for a road improvement project on Dwight Mission Road located on United States of America in Trust for Cherokee Nation property known as the I-40 tract, described as Parcel 1.0 of Section 5, Township 11 North, Range 23 East, Sequoyah County, containing 0.05 acres more or less. Cherokee Nation will be compensated fair market value for the easement.

Legislative Clearance

Legislative Aide:

[Signature] *8/29/18*

Signature/Initial _____ Date _____

Standing Committee:

Resource

9/10/18

Next Meeting Date

Chairperson:

[Signature]

Signature/Initial _____ Date _____

IF FURTHER INFORMATION IS NEEDED, PLEASE CONTACT GINGER REEVES, REAL ESTATE SERVICES DIRECTOR, EXT. 5675 OR JOEL BEAN, REALTY SPECIALIST III, EXT. 3697