

Committee: Resource
Date: 03-29-10 Committee Date: 04-12-10

Author: Linda Donelson
Sponsor: Harley Buzzard

RESOLUTION NO. 45-10

COUNCIL OF THE CHEROKEE NATION

A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT OF WAY OVER, IN, UPON & ACROSS USA IN TRUST LAND IN DELAWARE COUNTY BETWEEN CHEROKEE NATION AND RONNY & CLAUDIA SWEGER FOR AN ACCESS (INGRESS & EGRESS) EASEMENT

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, Ronny & Claudia Sweger, 47558 S 500 Road, Salina, Oklahoma 74365 desires permission for an easement for ingress & egress over, in, upon and across Cherokee Nation Tribal Trust land, the access easement is more particularly described as:

A strip of land for the purpose of ingress and egress, across over and through the N/2 NW/4 NW/4 SW/4 of Section 5, T21N, R22E, Indian Base and Meridian, Delaware County, Oklahoma, said strip of land being 15 feet each side of the centerline being more particularly described as follows:

Commencing at the Northwest corner of the SW/4 of Section 5, T21N, R22E, thence S89°47'14"E, a distance of 535.28 feet to the centerline of the 30.00 foot wide road easement, said point being the True Point of Beginning; thence S45°13'28"W, a distance of 11.93 feet; thence N89°27'52"W, a distance of 229.26 feet; thence S48°32'58"W, a distance of 396.68 feet to the Point of Termination on the West line of Section 5, T21N, R22E, said point S00°03'0"E a distance of 270.84 feet from the Northwest corner of the SW/4 of Section 5, T21N, R22E.

Containing 19,136 square feet or 0.44 acres more or less;

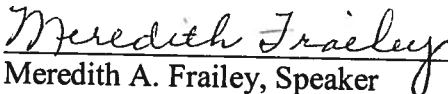
WHEREAS, Cherokee Nation waives compensation the road and fence were constructed/built and paid for by the Sweger's. This ingress and egress will service Ronny and Claudia Sweger;

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 person(s) authorized to sign required documents necessary to execute said Right of Way Easement be Chad Smith, Principal Chief of the Cherokee Nation, and/or his authorized designee(s).

CERTIFICATION

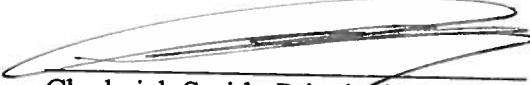
The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 10th day of May, 2010, having 16 members present, constituting a quorum, by the vote of 16 yea; 0 nay; 0 abstaining.


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 10th day of May, 2010.


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:

Signature/Initial

Date

Executive Director:

Signature/Initial

Date

Controller: (If Needed)

Signature/Initial

Date

Government Resources Dept:

Signature/Initial

Date

Administration Approval:

Signature/Initial

Date

Legislative Clearance

Legislative Aide:

Signature/Initial

Date

Standing Committee:

4-12-2010

Next Meeting Date

Chairperson:

Signature/Initial

Date

Returned to Presenter:

Date

TITLE: AUTHORIZING A GRANT OF EASEMENT FOR RIGHT OF WAY OVER, IN, UPON & ACROSS USA IN TRUST LAND IN DELAWARE COUNTY BETWEEN CHEROKEE NATION AND RONNY & CLAUDIA SWEGER FOR AN ACCESS (INGRESS & EGRESS) EASEMENT

DEPARTMENT CONTACT: LINDA DONELSON

RESOLUTION PRESENTER: LINDA DONELSON

SPONSOR: HARLEY BUZZARD

NARRATIVE:

The request set forth in the attached resolution is a Grant of Easement for Right of Way across Cherokee Nation Tribal Trust land for authorization of an access (ingress & egress) easement. The access will be for the benefit of Ronny & Claudia Sweger located on part of Kenwood Tribal unit 5. The easement being located in Section 5, T12N, R22E, Delaware County.

IF FURTHER INFORMATION IS NEEDED, PLEASE CONTACT LINDA DONELSON, REAL ESTATE SERVICES DIRECTOR, AT 453-5236 OR JOEL BEAN AT 207-3967.