



# Council of the Cherokee Nation

Cherokee Nation Tribal Council  
17763 S. Muskogee Ave.  
Tahlequah, OK 74464

## Legislation Details (With Text)

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**Title:** A RESOLUTION AUTHORIZING CHEROKEE NATION TO LEASE TRIBAL TRUST LAND FOR A WATER PUMP STATION AND GRANT EASEMENTS FOR RIGHTS OF WAY FOR A WATERLINE PROJECT LOCATED ON TRIBAL TRUST LANDS TO THE TENKILLER UTILTITES AUTHORITY (TUA)

**Sponsors:** Mike Shambaugh, E. O. "JR." Smith, Candessa Tehee, Victoria Vazquez, Rex Jordan, Joe Deere

**Indexes:** Easement, Water & Sanitation

**Code sections:** N/A - Not Applicable

**Attachments:** 1. R-42-22.PDF

| Date      | Ver. | Action By           | Action                            | Result |
|-----------|------|---------------------|-----------------------------------|--------|
| 9/19/2022 | 1    | OFFICE OF THE CHIEF | Signed                            |        |
| 9/12/2022 | 1    | TRIBAL COUNCIL      | Approved                          | Pass   |
| 9/12/2022 | 1    | RESOURCE COMMITTEE  | Approved and Forwarded to Council | Pass   |

### **A RESOLUTION AUTHORIZING CHEROKEE NATION TO LEASE TRIBAL TRUST LAND FOR A WATER PUMP STATION AND GRANT EASEMENTS FOR RIGHTS OF WAY FOR A WATERLINE PROJECT LOCATED ON TRIBAL TRUST LANDS TO THE TENKILLER UTILTITES AUTHORITY (TUA)**

**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**, the Tenkiller Utilities Authority wishes to lease a portion of Cherokee Nation Trust land located off of Murrel Road for a the purpose of a water pump station for a term of forty (40) years beginning upon approval, subject to conditions set in the lease. The Trust tract will be 100' X 100' and is located on 0.23 acres being part of the NW NE of Section 23, Township 16 North, Range 22, Cherokee County, Oklahoma.

**WHEREAS**, The Tenkiller Utilities Authority wishes to obtain easements for a waterline in, upon and across land held in Trust for Cherokee Nation for a term of twenty (20) years with an option to renew for an additional twenty (20) set to begin on the date of approval by the Bureau of Indian Affairs, subject to

conditions set in the Grant of Easement for Right of Way. The waterline easements will be located in Cherokee County, Oklahoma.

**WHEREAS**, Cherokee Nation Real Estate Services requests the Tribal Council to issue a waiver of said regulation requiring bonds on Cherokee Tribal Land Leases and Grants of Easements for Rights of Way pursuant to regulations contained in **25 CFR §162.434(f)(g) and 25 CFR §169.103(f)(2)**. Cherokee Nation has determined that a waiver of performance bond or alternative form of security is in the best interest of the tribe, and;

**WHEREAS**, The Cherokee Nation requests a Waiver of Valuation and that the Negotiated Value be used pursuant to **25 CFR §162.420(a) and 25 CFR §169.110(a)**.

1. Cherokee Nation has negotiated compensation satisfactory to the tribe.
2. Cherokee Nation waives valuation; and
3. Cherokee Nation has determined that accepting such negotiated compensation and waiving valuation is in the best interest of the Cherokee Nation .

**WHEREAS**, Cherokee Nation requests that not having a Compensation Review or adjustment is in the best interest of the tribe pursuant to **Title 25 CFR §162.428(a)**.

**BE IT RESOLVED BY THE CHEROKEE NATION**, that the Principal Chief of Cherokee Nation, Chuck Hoskin Jr., and/or his authorized designee(s) be authorized to enter into the above described leasing, with the negotiated compensation with the appraisal and bond waived, in accordance with 25 CFR § 162 and the Bureau of Indian Affairs policy and procedure for leasing of land owned by United States of America in Trust for Cherokee Nation.