



Council of the Cherokee Nation

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

Legislation Details (With Text)

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Enactment date:	4/15/2024	Enactment #:	R-013-24		
Title:	A RESOLUTION AUTHORIZING CHEROKEE NATION TO GRANT EASEMENTS FOR RIGHTS OF WAY FOR THE FOLLOWING ROAD IMPROVEMENT PROJECTS MUD VALLEY, KANSAS DRY CREEK, MALLOY HOLLOW AND SALLY BULL HOLLOW ROADS LOCATED ON TRIBAL TRUST LAND IN ADAIR, CHEROKEE AND DELAWARE COUNTIES				
Sponsors:	Mike Shambaugh, Dora Patzkowski, Victoria Vazquez, Joshua Sam, Codey Poindexter, Sasha Blackfox-Qualls				
Indexes:	Easement, Right of Way				
Code sections:	N/A - Not Applicable				
Attachments:	1. R-13-24				

Date	Ver.	Action By	Action	Result
4/19/2024	1	OFFICE OF THE CHIEF	Signed	
4/15/2024	1	TRIBAL COUNCIL	Approved	Pass
3/11/2024	1	RESOURCE COMMITTEE	Approved and Forwarded to Council	Pass

A RESOLUTION AUTHORIZING CHEROKEE NATION TO GRANT EASEMENTS FOR RIGHTS OF WAY FOR THE FOLLOWING ROAD IMPROVEMENT PROJECTS MUD VALLEY, KANSAS DRY CREEK, MALLOY HOLLOW AND SALLY BULL HOLLOW ROADS LOCATED ON TRIBAL TRUST LAND IN ADAIR, CHEROKEE AND DELAWARE COUNTIES

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 Adair County, Cherokee County and Delaware County Commissioners, Cherry Tree Rural Water District, AT&T, Ozarks Electric / OzarksGo, Windstream Communications, Lake Region Electric Cooperative / Lake Region Telecommunications and Northeast Oklahoma Public Facilities Authority wish to obtain easements for road improvements in, upon and across lands held in Trust for Cherokee Nation, on Kansas Dry Creek, Mud Valley, Malloy Hollow and Sally Bull Hollow Road projects, these easements will be perpetual unless otherwise stated in said Grant of Easement and is 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.

WHEREAS, Cherokee Nation Real Estate Services requests the Tribal Council to issue a waiver of said regulation requiring bonds for Grants of Easements for Rights of Way pursuant to regulations contained in **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 §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 .

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.