



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 A GRANT OF EASEMENT FOR RIGHT-OF-WAY ACROSS CHEROKEE NATION TRIBAL TRUST LAND (CMS-39) TO CLARENCE AND DAISY DUNCAN ROW TAH-281 ADAIR COUNTY

Sponsors: Jodie Fishinghawk, Frankie Hargis, Curtis Snell

Indexes: Easement, Right of Way, Trust Land

Code sections: N/A - Not Applicable

Attachments: 1. R-40-12

Date	Ver.	Action By	Action	Result
3/14/2012	1	OFFICE OF THE CHIEF	Signed	
3/12/2012	1	TRIBAL COUNCIL	Approved	Pass
2/23/2012	1	RESOURCE COMMITTEE	Approved and Forwarded to Council	Pass

A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT-OF-WAY ACROSS CHEROKEE NATION TRIBAL TRUST LAND (CMS-39) TO CLARENCE AND DAISY DUNCAN ROW TAH-281 ADAIR COUNTY

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, Clarence and Daisy Duncan, Rt. 5 Box 4510, Stilwell OK 74960, desire a 20 foot access easement across and existing driveway located on Cherokee Nation Tribal Trust land (CMS-39), the access easement is more particularly described as follows:

A strip of land situated in the NE/4 of Section 5, T14N, R26E, Adair County, Oklahoma, described as follows: BEGINNING at the NE corner of the W/2 SW/4 NE/4 of said section; thence S00°15'07"E along the East line of said the W/2 SW/4 NE/4 a distance of 23.23 feet; thence N59°39'21"W a distance of 45.74 feet to a point on the North line of said W/2 SW/4 NE/4; thence N89°49'34"E along the North line a distance of 39.37 feet to the POINT OF BEGINNING, Containing 0.01 acres, more or less

WHEREAS, Cherokee Nation waives compensation, as the driveway leads to Clarence and Daisy Duncan's residence, the road already exists so no construction will be necessary and the applicants are both Cherokee Tribal Members.

WHEREAS, 25 CFR 169 states an 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 Right-of-Way easement

across Tribal land.

BE IT RESOLVED BY THE CHEROKEE NATION, that that the person(s) authorized to sign required documents necessary to execute said Right of Way easement is Bill John Baker, Principal Chief of the Cherokee Nation, and/or his authorized designee(s).