



Council of the Cherokee Nation

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

Legislation Text

File #: 11-115, **Version:** 1

A RESOLUTION AUTHORIZING THE SALE OF FCC CONSTRUCTION PERMITS

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 Cherokee Nation is the holder of a Federal Communications Commission (“FCC”) construction permit for a new FM radio station to serve the community of Tahlequah, Oklahoma (Facility ID No. 174140, File No. BNPED-20071018ASS) (the “Tahlequah Permit”) and an FCC construction permit for a new FM radio station to serve the community of Murphy, Oklahoma (Facility ID No. 174565, File No. BNPED-20071018ASR) (the “Murphy Permit”) (the Tahlequah Permit and Murphy Permit being collectively referred to as the “Permits”).

WHEREAS, the Cherokee Nation has determined that it is appropriate to sell to John Brown University, or its designee, the Tahlequah Permit and any intangible property or property rights of the Cherokee Nation related to the Tahlequah Permit;

WHEREAS, the Cherokee Nation has determined that it is appropriate to sell the Murphy Permit and any intangible property or property rights of the Cherokee Nation related to the Murphy Permit to a buyer that has yet to be identified;

WHEREAS, Cherokee Nation Businesses, LLC (“CNB”), is a for-profit limited liability company organized under the laws of the Cherokee Nation and is wholly owned by the Cherokee Nation;

WHEREAS, the legal fees and all other expenses incurred in connection with obtaining the Permits have been borne by CNB, and the Cherokee Nation has determined that it is appropriate for any proceeds from the sale of the Permits to be transferred to, or be provided directly to, CNB and/or its designated subsidiary; and

WHEREAS, the Cherokee Nation has determined that it is appropriate to authorize the Principal Chief to negotiate and execute agreements on behalf of the Cherokee Nation for the sale of the Permits.

BE IT RESOLVED BY THE CHEROKEE NATION, that the Council hereby authorizes the Principal Chief to sell, assign, transfer, convey and deliver on behalf of the Cherokee Nation the Tahlequah Permit, and any intangible property or property rights of the Cherokee Nation related to the Tahlequah Permit, to John Brown University, or its designee, on such terms as the Principal Chief considers to be commercially reasonable; and

BE IT FURTHER RESOLVED BY THE CHEROKEE NATION, that the Council hereby authorizes the Principal Chief to sell, assign, transfer, convey and deliver on behalf of the Cherokee Nation the Murphy Permit, and any intangible property or property rights of the Cherokee Nation related to the Murphy

Permit, to such buyer as the Principal Chief reasonably deems appropriate on such terms as the Principal Chief considers to be commercially reasonable; and

BE IT FINALLY RESOLVED BY THE CHEROKEE NATION, that the Council hereby authorizes the Principal Chief to provide for the direct or indirect transfer of any proceeds from the sale of the Permits, up to CNB's incurred costs, to CNB and/or its designated subsidiary.