



# Council of the Cherokee Nation

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

## Legislation Details (With Text)

**File #:** 20-097      **Version:** 1      **Name:** N/A  
**Type:** Resolution      **Status:** Passed  
**File created:** 12/28/2020      **In control:** TRIBAL COUNCIL  
**On agenda:** 1/11/2021      **Final action:** 1/19/2021  
**Enactment date:** 1/11/2021      **Enactment #:** R-005-21

**Title:** A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT OF WAY ON DAHLONEGAH SOUTH ROAD ON USA IN TRUST LAND FOR CHEROKEE NATION TO THE BOARD OF ADAIR COUNTY COMMISSIONERS AND SAID UTILITY COMPANIES

**Sponsors:** Mike Shambaugh

**Indexes:** Easement, Right of Way, Trust Land

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

**Attachments:** 1. R-05-21.PDF

Date	Ver.	Action By	Action	Result
1/19/2021	1	OFFICE OF THE CHIEF	Signed	
1/11/2021	1	TRIBAL COUNCIL	Approved	
1/11/2021	1	COMMUNITY SERVICES COMMITTEE	Approved and Forwarded to Council	Pass

### **A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT OF WAY ON DAHLONEGAH SOUTH ROAD ON USA IN TRUST LAND FOR CHEROKEE NATION TO THE BOARD OF ADAIR COUNTY COMMISSIONERS AND SAID UTILITY COMPANIES**

**WHEREAS**, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government on 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 Board of Adair County Commissioners, Ozarks Electric Coop. Corp. and OzarksGo, LLC, Oklahoma Windstream, LLC, and Cherry Tree RWD requests a Grant of Easement for Right-of-Way for a road improvement project 3.8 miles in length on the Dahlenegah South Road located across United States of America in Trust for Cherokee Nation property described as: Parcels 8,8.1,8U,8A,8A.1,8U.1, 9,9U,9U.1, 10,10U, 12, 12.1, 12.2, 12U, 13, 13.1, 13.2, 13U, 13U.1, 13U.2, 13U.3, 14, 14C, 14U, 14U.1, 15, 15C, 15U, 16, 16.1, 16U, 16U.1, 18, 18C, 18U, 18U.1, 18U.2, 20, 20U, in Sections 5, 6, 7 & 8 of Township 14 North, Range 25 East, Adair County and Sections 29, 32, Township 15 North, Range 25 East.

**WHEREAS**, just compensation for said right-of-way has been negotiated and agreed upon with Adair County. Cherokee Nation hereby agrees that said compensation is satisfactory to the tribe, waives valuation and has determined that it is in the best interest of the Cherokee Nation pursuant to ***Title 25 CFR §169.110***;

**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 Principal Chief of Cherokee Nation, Chuck Hoskin, Jr., and/or his authorized designee(s) be authorized to enter into the above described grant of easement for right-of-way, in accordance with **25 CFR § 169** and the ***Bureau of Indian Affairs Policy and Procedure*** for the grant of easement for right-of-way of land owned by United States of America in Trust for Cherokee Nation.