

**CHEROKEE NATION
GRANT OF EASEMENT FOR RIGHT-OF-WAY APPLICATION**

APPLICANT INFORMATION:

DATE: _____

(Applicant Name)

(Address)

(City, State & Zip)

(Phone)

(Email)

On this ____ day of _____, 20____, _____
(Applicant)

hereby petition(s) the **Cherokee Nation and the Bureau of Indian Affairs** and respectfully files under the terms and provisions of the Act of February 5, 1948 ch. 45, §1, 62 17-25 U.S.C. 323) and Departmental Regulations 25 §CFR 169, and application for right of way.

PROVISIONS WHAT THE APPLICATION MUST INCLUDE 25 CFR §169.102(a):

OWNERS(S): USA in Trust for Cherokee Nation

PARCEL(S) OR TRACT(S) AFFECTED BY RIGHT-OF-WAY: _____

GENERAL LOCATION (LEGAL DESCRIPTION OR MAP OF DEFINITE LOCATION): _____

PURPOSE: _____ **TERM:** _____
(TYPE OF EASEMENT) (DURATION)

IS THIS A RENEWAL? **YES** / **NO**

If so, list the previous right-of-way number or any pertinent information: _____

Permanent Improvements: _____

Identify ownership of permanent improvements associated with the right-of-way and the responsibility for constructing, operating, maintaining and managing or removal of permanent improvements under §169.105

Will the right-of-way affect the overall use of the land? **YES** / **NO**

On receipt of the application and supporting documentation, an inspection should promptly be made by Cherokee Nation Real Estate Services to determine the adequacy of the maps, review the offer of payment and consideration given to final approval.

REQUIRED SUPPORTING DOCUMENTS §169.102(b)

1. Accurate **legal description** of the right-of-way, its boundaries and parcels associated with the right-of-way.
2. A **map of definite location** of the right-of-way (25 CFR 169.102(b)(2); survey plat signed by a professional surveyor or engineer showing the location, size and extent of the ROW and other related parcels, with respect to each affected parcel of individually owned land, Tribal land, or BIA land and reference to the public surveys under 25 U.S.C. §176, 43 U.S.C. §2 and §1764, showing existing facilities adjacent to the proposed project.) ***The Eastern Oklahoma Regional Office suggest that the basis for bearings be in True North for the survey and be an original.***
3. **Bond(s), Insurance** and/or other security meeting the requirements of § 169.103; (the bond may be waived under the provisions set forth in §169.103(f) – ***when applicable***)
4. Record of **Notice** that the right-of-way was provided to all Indian landowners.
5. Record of **Consent** that the right-of-way meets the requirements of §169.107, or a statement documenting a request for right-of-way without consent under §169.107(b);
6. If applicable, a valuation meeting the requirements of §169.110, 112 & 114; **Payment(s) - §169.115** *Compensation for a right-of-way may be a one-time, lump sum payment, or may be paid in increments. Payments must be made in full unless otherwise expressed in said application. Payment for said right-of-way grant shall be paid within 60 days upon approval by the Regional Director.*
7. With each application, if the applicant is a corporation, limited liability company, partnership, joint venture, or other legal entity, except a tribal entity, information such as organizational documents, certificates, filing records, and resolutions demonstrating that;
 - a. The representative has the authority to execute the application
 - b. The right-of-way will be enforceable against the applicant; and
 - c. The legal entity is in good standing and authorized to conduct business in the jurisdiction where the land is located.
8. Current **environmental** and archaeological reports, surveys, and site assessments as needed to facilitate compliance with applicable Federal and Tribal environmental and land use requirements;
9. If required a statement from the appropriate tribal authority that the proposed right-of-way is in the conformance with applicable tribal law.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

To conform and to abide by all applicable requirements with respect to the right-of-way herein applied for. The applicant agrees to conform and to abide by the rules, regulations and requirements contained in the **Code of Federal Regulations, Title 25 Indians, Part 169**, as amended and by reference includes such rules, regulations and requirements as part of this application to the same effect as if the same were herein set out in full.

Applicant Signature: _____
(Signature Authority for the Applicant)

Witness: _____

Date: _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs

EVIDENCE OF AUTHORITY OF OFFICERS TO EXECUTE PAPERS

(To be sworn to by secretary or president of a corporation and sealed with its seal).

I solemnly swear that _____ and _____
were on the ____ day of _____, 20____, the duly elected, qualified, and acting president and
secretary, respectively, of _____ a
corporation organized under the laws of _____, on which day they
executed _____ for and in behalf of said corporation,
covering certain Trust or Restricted Indian lands in the State of Oklahoma; that they were fully
empowered to execute said instrument, and all papers in connection therewith, and that their action in
executing the same binds the said corporation to full performance of all obligations thereunder.

President

[CORPORATE SEAL]

This ____ day of _____ 20____

Subscribed and sworn to before me this ____ day of _____, 20____.

Secretary

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
CHEROKEE NATION
NOTICE LETTER OF INTENT**

APPLICANT INFORMATION:

(Applicant Name) DATE: _____

(Address)

(City, State & Zip)

(Phone – Email)

OWNER: USA In Trust for Cherokee Nation **UNIT NAME / NUMBER:** _____

EASEMENT PURPOSE: _____ is proposing to submit
(Applicant Name)
an application for right-of-way for a(n): _____ in, over, under
or across USA in Trust land(s), located (right-of-way purpose)
in _____, _____, for proposed _____ years.
(County of) (State of)

Point of Contact: _____
(Applicant Point of Contact Name, Address, Phone No., Email)

As part of the right-of-way process, pursuant to **25 CFR § 169.101**, _____ must:
(Applicant Name)

- Notify the Tribe of any and all parcels / tracts of land to be affected by the easement(s) and obtain consent to access lands for the purposes (not limited to) listed below in accordance with 25 CFR §169.101(b). Notify the Tribe of its intent to submit a right-of-way application.

Cherokee Nation does hereby give permission to _____ enter upon Trust Land
(Applicant Name)
to conduct NEPA / Environmental, Appraisal, Surveys, etc... for the proposed easement(s).

Cherokee Nation Consent: _____ **Date:** _____

Bureau of Indian Affairs approval to survey is not required.

If you should have any questions, contact Cherokee Nation Real Estate Services 918 453-5350.

Cherokee Nation
Attn: Real Estate Services
PO Box 948
Tahlequah, OK 74464

Cherokee Nation
Attn: Real Estate Services
17632 S Muskogee Ave.
Tahlequah, OK 74464

Cc: Bureau of Indian Affairs, Cherokee Nation

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
CHEROKEE NATION
CONSENT OF OWNERS TO GRANT OF RIGHT-OF-WAY

On this, _____ day of _____, 20_____

Owner: USA in Trust for Cherokee Nation

Unit Name/Number: _____

Description: _____

Pursuant to 25 CFR §169.106 thru 169.109 Consent Requirements:

Cherokee Nation, the undersigned landowner(s) of the aforementioned described Trust land hereby

(Does) / (Does Not) give consent to the granting of a(n): _____ right-of-way easement,

as contemplated by the application of:

(Applicant Name)

(Address)

(Phone – Email)

Pursuant to 25 CFR §169.110 thru 169.122 Compensation Requirements:

Compensation for the said grant of easement for right-of-way will be based off of a market analysis, appraisal, other appropriate valuation, negotiated monetary consideration, alternate forms and / or varying types of compensation (Note: for negotiated values, alternate forms or varying types of compensation a signed Certification or Tribal Resolution / Authorization must state that it is in the tribe's best interest)

Compensation amount / Negotiated value of \$_____ for the rights granted.

Alternate form or Varying type of compensation: _____

Will this easement be a one-time lump sum payment? Yes / No

Acceptance of payment: Cherokee Nation, accepts the negotiated value / compensation amount as a one-time lump sum payment, payable within 60 days of the approval by the Regional Director for said grant of right-of-way. §169.115 Compensation for a right-of-way may be a one-time, lump sum payment, or may be paid in increments. Payments must be made in full unless otherwise expressed in said application or grant of easement.

Other terms or comments: _____

Include any specific request made by the Tribe or Indian Landowner(s) re: payment details, fencing, gates, culverts, entryways to the property, driveways, any other miscellaneous requests, etc...

Approved by Tribal Council Resolution

Acknowledged by Director Cherokee Nation RES

CHECKLIST FOR RIGHT - OF - WAYS

X	(25 CFR § 169)	DATE
<input type="checkbox"/>	APPLICATION- 25 CFR §169.101 - 169.105	
<input type="checkbox"/>	EVIDENCE OF AUTHORITY TO EXECUTE PAPERS	
<input type="checkbox"/>	CORPORATE DOCUMENTS 25 CFR 169.102(b)(7)	
<input type="checkbox"/>	LEGAL DESCRIPTION 25 CFR 169.102(b)(1)(2)	
<input type="checkbox"/>	SURVEY - MAP OF DEFINITE LOCATION 25 CFR 169.102(b)(2)	
<input type="checkbox"/>	NOTICE LETTER OF INTENT - 25 CFR 169.102(b)(4)	
<input type="checkbox"/>	CONSENT OF OWNERS - 25 CFR 169.106 - 169.109	
<input type="checkbox"/>	<i>TRIBAL COUNCIL RESOLUTION (Tribal Authorization) 25 CFR 169.108</i>	
<input type="checkbox"/>	TITLE STATUS REPORT (TSR) - NARRATIVE OF TITLE	
<input type="checkbox"/>	BOND - 25 CFR 169.103	
<input type="checkbox"/>	VALUATION - 25 CFR 169.110 - 169.122	
<input type="checkbox"/>	NEPA - ENVIRONMENTAL DOCUMENTS 25 CFR 169.102(b)(8)	
<input type="checkbox"/>	TYPE OF RIGHT-OF-WAY: _____	
<input type="checkbox"/>	SENT TO BIA FOR APPROVAL	
<input type="checkbox"/>	BIA APPROVAL	
<input type="checkbox"/>	PAYMENT REQUESTED	
<input type="checkbox"/>	PAYMENT RECEIVED	
<input type="checkbox"/>	FILED WITH CHEORKEE NATION LTRO / TITLE PLANT	
<input type="checkbox"/>	SCAN DOCUMENT TO ALLOTTEE FILE IN REALTY FOLDER	
<input type="checkbox"/>	PUT CERTIFIED COPY IN TITLE FILE	
<input type="checkbox"/>	FILED WITH COUNTY CLERK	