

TO APPROVE AN EASEMENT FOR A BOOSTER PUMP STATION, IN FAVOR OF MCCURTAIN COUNTY RURAL WATER DISTRICT #5, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION IN MCCURTAIN COUNTY, OKLAHOMA

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING BILL

A COUNCIL BILL

TO APPROVE an easement for a booster pump station, in favor of McCurtain County Rural Water District #5, on land held by the USA in Trust for the Choctaw Nation in McCurtain County, Oklahoma.

WHEREAS, in accordance with Article VII, Section 1 of the Constitution of the Choctaw Nation of Oklahoma, the Chief shall perform all duties pertaining to the Office of the Chief Executive. He shall sign official papers on behalf of the Nation;

WHEREAS, in accordance with Article IX, Section 6 of the Constitution of the Choctaw Nation of Oklahoma, the Tribal Council (the "Council") shall make decisions pertaining to the acquisition, leasing, disposition, and management of tribal property;

WHEREAS, McCurtain County Rural Water District #5 ("RWD#5") has proposed to add an additional pump station to provide adequate pressure to their system that serves the southern area of Hochatown. The property is held by the USA in Trust for the Choctaw Nation and is located in part of the SW¼ SE¼ of Section 1, Township 5 South, Range 24 East, McCurtain County, OK, containing 0.057 acres, more or less. Please see attached Easement application labeled Exhibit A, Survey plat labeled Exhibit B, and location maps labeled Exhibit C;

WHEREAS, the payment will be \$0.00 since the service will benefit the Nation and their future development in the area;

WHEREAS, the easement will be for a perpetual term so long as it is used for its intended purpose; and

WHEREAS, the Council has determined it is in the best interest of the Nation to grant an Easement for a Booster Pump Station in favor of McCurtain County Rural Water District #5.

THEREFORE BE IT ENACTED by the Council that this Bill be cited as approval of the proposed easement for a booster pump station for a perpetual term, located in Section 1, Township 5 South, Range 24 East, McCurtain County, OK (See page 1 of Exhibit A), in favor of McCurtain County Rural Water District #5, on land held by the USA in Trust for the Choctaw Nation.

BE IT FUTHER ENACTED, by the Council of the Choctaw Nation of Oklahoma, that this bill be cited for approval for the total payment for the easement to be \$0.00 and for a perpetual term so long as it is used for its intended purposes and benefits.

BE IT FURTHER ENACTED by the Council that this Bill be cited as an acknowledgement that the Chief of the Nation, or his designee, is authorized to prepare, execute, deliver and file any and all agreements, certificates, instruments and documents, in such form and with such terms and provisions as the Chief of the Nation, or his designee, may approve, and to take such other action as he, she or they may deem proper or appropriate, to carry out the intent and purposes of the foregoing enactments.

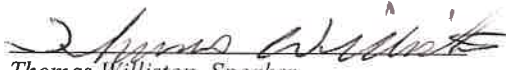
CERTIFICATION

I, the undersigned, as Speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma, on August 8, 2020 . I further certify that the foregoing Council Bill CB- 104 -20 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.

TO APPROVE AN EASEMENT FOR A BOOSTER PUMP STATION, IN FAVOR OF MCCURTAIN COUNTY
RURAL WATER DISTRICT #5, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION IN
MCCURTAIN COUNTY, OKLAHOMA



Ronald Perry, Secretary
Choctaw Nation Tribal Council



Thomas Williston, Speaker
Choctaw Nation Tribal Council

Date: 8-12-2020



Gary Batton, Chief
Choctaw Nation of Oklahoma

TO APPROVE AN EASEMENT FOR A BOOSTER PUMP STATION, IN FAVOR OF MCCURTAIN COUNTY RURAL WATER DISTRICT #5, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION IN MCCURTAIN COUNTY, OKLAHOMA

Purpose of Council Bill: To approve an Easement for a Booster Pump Station, in favor of McCurtain County Rural Water District #5 ("RWD#5"), on land held by the USA in Trust for the Choctaw Nation in McCurtain County, OK. RWD#5 is proposing an easement for a booster pump station in part of the SW¹/₄ SE¹/₄ of Section 1, Township 5 South, Range 24 East, McCurtain County, OK, containing 0.057 acres, more or less. There will be no payment and it will be for a perpetual term so long as it is being used for its intended purpose. Attached is the Easement application labeled Exhibit A, survey plat labeled Exhibit B, and location maps labeled Exhibit C.

Title of Council Bill: **TO APPROVE AN EASEMENT FOR A BOOSTER PUMP STATION, IN FAVOR OF MCCURTAIN COUNTY RURAL WATER DISTRICT #5, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION IN MCCURTAIN COUNTY, OKLAHOMA**

Grantee: McCurtain Rural Water District #5

Duration: Perpetual term so long as it is used for its intended purpose

Payment: \$0.00 (the service will benefit the Nation and their future development in the area)

Request by Project Director: Traci Umsted, Senior Director of Land & Title, Brad Mallett, Senior Executive Officer

EXHIBIT A

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION MUST IDENTIFY [§169.102(a)]:

1. Applicant Name and Address: McCurtain Co. RWD #5
9180 N. US HWY 259 Broken Bow, OK 74728
2. Tract(s) or parcel(s) affected by the right-of-way: see Survey
3. General location (easement description): See survey (Property Description)
4. Purpose: Site for Booster Pump Station
5. Term (Renewal, if applicable): Perpetual
6. 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:

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 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 with reference to the public surveys under 25 U.S.C. § 176, 43 U.S.C. § 2 and § 1764, and showing existing facilities adjacent to the proposed project.]
3. Bond(s), insurance, and/or other security meeting the requirements of §169.103;
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 a right-of-way without consent under §169.107(b);
6. If applicable, a valuation meeting the requirements of §§ 169.110, 112, 114;
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 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.

EXHIBIT A

9. If required, a statement from the appropriate tribal authority that the proposed right-of-way is in 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 to and 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 a part of this application to the same effect as if the same were herein set out in full.

Applicant Point of Contact Information:

Name: Rod Pratt
Address: 9180 N. US HWY 259
City: Broken Bow State: OKLA. Zip: 74728
Phone: 580 306-6283 Fax: 580 494-6284
Email: hochatownwater@gmail.com

Date: 3/10/2020

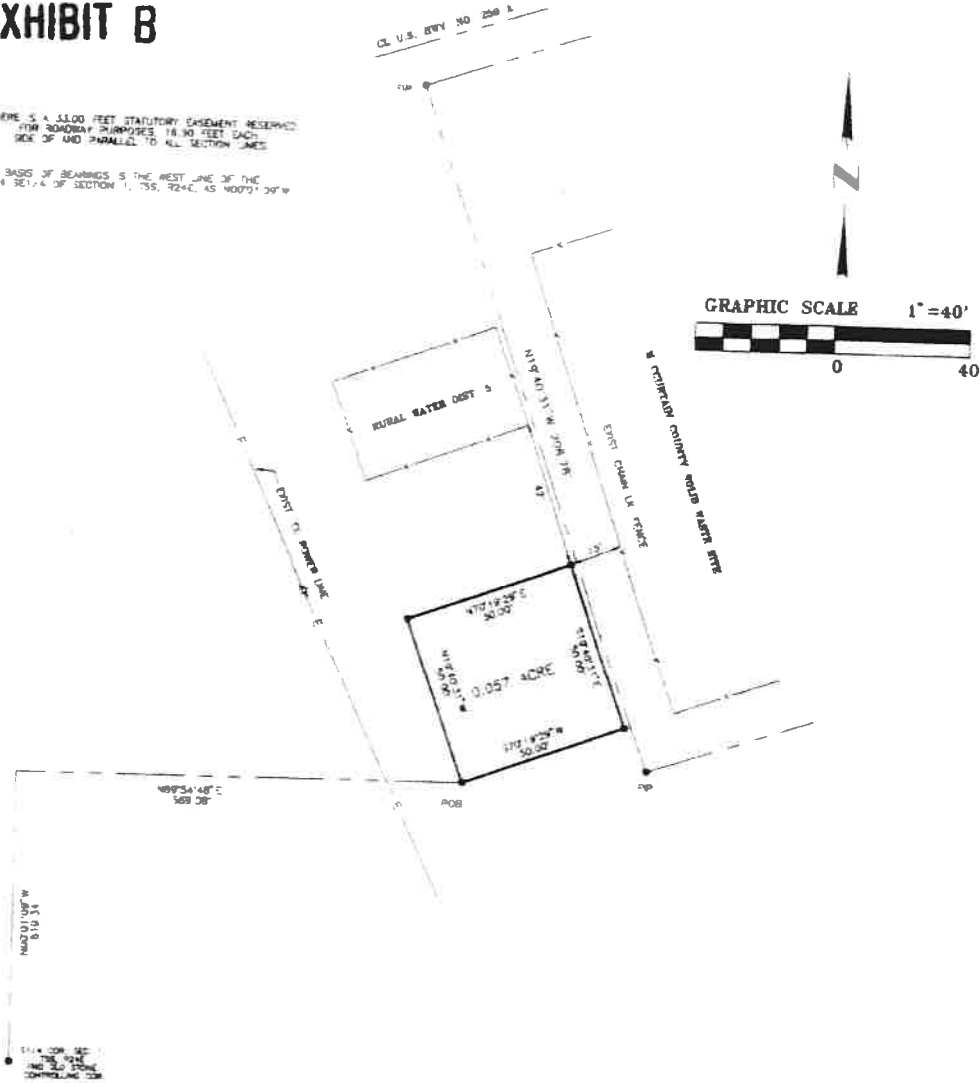
Applicant
Signature: Rod Pratt

Applicant
Printed Name: Rod Pratt

EXHIBIT B

THERE IS A 55.00 FEET STATUTORY EASEMENT RESERVED FOR ROADWAY PURPOSES, 18.30 FEET EACH SIDE OF AND PARALLEL TO ALL SECTION LINES.

BASES OF BEARINGS IS THE WEST LINE OF THE SW1/4 SE1/4 OF SECTION 1, T5S, R24E, AS N00°01'09"W



PROPERTY DESCRIPTION

All that part of the SW1/4 SE1/4 of Section 1, Township 5 South, Range 24 East of the Indian Base and Meridian, McCurtain County, Oklahoma, described as follows.

Commencing at the Southwest corner of the SW1/4 SE1/4 of said Section 1;
 THENCE: N00°01'09"W, along the West line of said Section 1, 519.34 feet;
 THENCE: N89°54'48"E, 569.08 feet to the POINT OF BEGINNING;
 THENCE: N19°40'31"W, 50.00 feet;
 THENCE: N70°13'29"E, 50.00 feet;
 THENCE: S19°40'31"E, 50.00 feet;
 THENCE: S70°13'29"W, 50.00 feet to the PLACE OF BEGINNING, containing 0.057 acre of land more or less.

Subject to any Easements, Restrictions, Reservations, or Rights of Way of record or otherwise implied.

This property description was prepared on February 18, 2020, by Wayne T. Maye, Licensed Professional Land Surveyor No. 834.

Basis of bearing for this property description is the West line of the SW1/4 SE1/4 of Section 1, Township 5 South, Range 24E, as N00°01'09"W.

SURVEYOR'S CERTIFICATE

I, Wayne T. Maye, Licensed Professional Land Surveyor, certify that this plat correctly reflects the results of a survey made under my supervision on the ground of the herein described parcel of land and that this survey meets the Oklahoma minimum standards for the practice of land surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.

WAYNE T. MAYE PLS
 605 FERGUSON ROAD
 HAWORTH, OKLA., 74740
 TEL. 580 245 2420
 CELL 580 212 8153
 FAX. 580 245 1832
 EMAIL wmaye@idabelok.net

February 7, 2020
 DATE OF LAST VISIT

Wayne T. Maye
 Wayne T. Maye, PLS
 Okla. Reg. No. 834
 2/18/2020
 DATE OF SIGNATURE



EXHIBIT C



EXHIBIT C

Source: City of San Diego (2014)

Legend: (0) (1) (2) (3) (4) (5) (6) (7) (8) (9) (A) (B) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z)

