

TO APPROVE AN ELECTRIC TRANSMISSION LINE EASEMENT, IN FAVOR OF PUBLIC SERVICE COMPANY OF OKLAHOMA, ON CHOCTAW NATION FEE LAND IN ATOKA COUNTY, OKLAHOMA

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING BILL

A COUNCIL BILL

TO APPROVE an electric transmission line easement, in favor of Public Service Company Oklahoma, on Choctaw Nation Fee land, in Atoka County, Oklahoma.

WHEREAS, in accordance with Article VII, Section 1 of the Constitution of the Choctaw Nation of Oklahoma (the "Nation"), the Chief 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, Public Service Company of Oklahoma ("PSO") has proposed a twenty (20) foot wide electric transmission line easement to provide service to a new shop building north of the Atoka Community Center in Atoka County, OK. The property is owned by the Choctaw Nation in Fee status and is in the SW¼ SE¼ and S½ SW¼ NE¼ of Section 9, Township 2 South, Range 11 East, Atoka County, OK. See Exhibit 1 and Exhibit 2;

WHEREAS, the payment will be \$1.00 since it is being installed at the request of the Choctaw Nation;

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

WHEREAS, the Council has determined it is in the best interest of the Nation to grant this easement in favor of PSO.

THEREFORE BE IT ENACTED by the Council that this Bill be cited as approval of the proposed electric transmission line easement, in favor of the Public Service Company of Oklahoma, on Choctaw Nation Fee land in Atoka County, Oklahoma.

BE IT FURTHER ENACTED by the Council that this Bill be cited as approval of the acceptance of the easement for a payment of one dollar and the easement will be for a perpetual term so long as the easement is used for the purpose of providing service to property owned by the Choctaw Nation of Oklahoma.

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 October 12, 2019. I further certify that the foregoing Council Bill CB- 14 -20 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.

Ronald Perry, Secretary
Choctaw Nation Tribal Council

Date: 10-16-19

Thomas Williston, Speaker
Choctaw Nation Tribal Council

Gary Batton, Chief
Choctaw Nation of Oklahoma

Electric Transmission Line Easement, in favor of Public Service Company of Oklahoma–Atoka County, Oklahoma

Purpose of Council Bill: To approve a twenty (20) foot wide electric transmission line easement, in favor of Public Service Company of Oklahoma (PSO), on Choctaw Nation fee land in Atoka County, OK. The easement will be in part of the NW¼ SE¼ and S½ SW¼ NE¼ of Section 9, Township 2 South, Range 11 East, Atoka County, Oklahoma. PSO is proposing to construct, install, and maintain an electric transmission line easement to provide service to a new shop building north of the Atoka Community Center in Atoka County, OK. It shall be for a perpetual term, so long as the easement is used for this purpose. Attached is a copy of the Easement and Survey Plat labeled Exhibit A and Google map labeled Exhibit B.

Title of Council Bill: **TO APPROVE AN ELECTRIC TRANSMISSION LINE EASEMENT, IN FAVOR OF PUBLIC SERVICE COMPANY OF OKLAHOMA, ON CHOCTAW NATION FEE LAND IN ATOKA COUNTY, OKLAHOMA**

Grantee: Public Service Company of Oklahoma

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

Payment: \$1.00
(The electric transmission line is being installed at the request of the Choctaw Nation.)

Request By Project Director: Traci Umsted, Real Property Management
Brad Mallett, Senior Executive Officer

Exhibit A

PSO
P.O. Box 201
Tulsa, OK 74102

Agent: M. Payton/B. Magby—OK191__
Area: D-6098 WO #
Address:

RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That: **Choctaw Nation of Oklahoma**, hereinafter referred to as "Grantor(s)", for the sum of One Dollar (\$1.00) and other good and valuable considerations in hand paid, the receipt and sufficiency of which as consideration for any and all direct and indirect, current damage, injury or diminution in value to the property covered by this easement, or the property of Grantor(s) adjacent thereto is hereby acknowledged, hereby grants, bargains, sells, and conveys unto **PUBLIC SERVICE COMPANY OF OKLAHOMA**, an Oklahoma corporation, its successors and assigns, hereinafter referred to as "Grantee", an easement consisting of the perpetual right, privilege and authority to construct, operate, maintain, reconstruct and remove a line or lines of structures with wires, fixtures and other equipment related thereto (whether located on the ground or on said structures) for the transmission of electrical current and other forms of energy and for the transmission or communication of data, audio and video information upon, over, under and across a portion of a tract or parcel of land owned by Grantor(s). Such tract or parcel is located in Section 9, Township 2 South, Range 11 East, I.B.&M., **Atoka** County, State of Oklahoma, and is described as follows:

Tract 1: A tract of land in the NW/4 SE/4 of Section 9, Township 2 South, Range 11 East of the Indian Base and Meridian in Atoka County, State of Oklahoma, more particularly described as follows: Commencing at the Northeast corner of the SE/4 of Section 9; thence S00°58'56"E along the east line of said SE/4 a distance of 829.07 feet to a point on the northerly right-of-way of U.S. Highway 75; thence S86°18'07"W along said right-of-way a distance of 1455.51 feet to the Point of Beginning; thence S86°18'07"W a distance of 440.46 feet; thence N00°58'56"W a distance of 484.99 feet; thence N86°18'07"E a distance of 458.73 feet; thence S01°10'07"W a distance of 486.19 feet to the Point of Beginning.

PSO
P.O. Box 201
Tulsa, OK 74102

Section 9, T2S, R11E

Tract 2: A tract of land in the NW/4 SE/4 of Section 9, Township 2 South, Range 11 East of the Indian Base and Meridian in Atoka County, State of Oklahoma, more particularly described as follows: Commencing at the Northeast corner of the SE/4 of Section 9; thence S00°58'56"E along the east line of said SE/4 a distance of 829.07 feet to a point on the northerly right-of-way line of U.S. Highway 75; thence S86°18'07"W along said right-of-way a distance of 1455.51 feet; thence S86°18'07"W a distance of 440.46 feet; thence N00°58'56"W a distance of 484.99 feet to the Point of Beginning; thence N00°58'56"W a distance of 466.40 feet; thence N86°18'07"E a distance of 476.29 feet; thence S01°10'07"W a distance of 467.56 feet; thence S86°18'07"W a distance of 458.73 feet to the Point of Beginning.

Tract 3: A tract of land in the NW/4 SE/4 of Section 9, Township 2 South, Range 11 East of the Indian Base and Meridian in Atoka County, State of Oklahoma, more particularly described as follows: Commencing at the Northeast corner of the SE/4 of Section 9; thence S00°58'56"E along the east line of said SE/4 a distance of 829.07 feet to a point on the northerly right-of-way line of U.S. Highway 75; thence S86°18'07"W along said right-of-way a distance of 1455.51 feet; thence S86°18'07"W a distance of 440.46 feet; thence N00°58'56"W a distance of 951.39 feet to the Point of Beginning; thence N00°58'56"W a distance of 204.61 feet; thence N34°29'39"E a distance of 877.80 feet; thence S01°10'07"W a distance of 897.52 feet; thence S86°18'07"W a distance of 476.29 feet to the Point of Beginning.

The easement and right-of-way granted hereby is **ten (10)** feet on each side of a centerline of an overhead power line, as installed, more fully described as follows:

Commencing on the West line of the above described Tract 2 located approximately 80 feet South of the Northwest corner of said tract; thence East a distance of 25 feet to the point of beginning; thence North, parallel with the West line of the above described tracts, a distance of approximately 290 feet to the point of termination. Notwithstanding the foregoing, the actual, as-built location of the electric line shall locate, define and establish the centerline of the easement.

Said right-of-way to be **twenty (20)** feet in width.

PSO
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Tulsa, OK 74102

Section 9, T2S, R11E

For the same consideration, Grantor further grants unto said Grantee, the perpetual right, privilege and authority: to cut down, trim treat and dispose of any trees and undergrowth on said easement or on the Grantor's property contiguous thereto which, in Grantee's sole judgment, interfere or threaten to interfere with Grantee's structures, lines, fixtures and equipment, or with Grantee's ability to construct, operate, maintain, reconstruct or remove said structures, lines, fixtures and equipment; to prevent the placement of any structure within said easement; to set the necessary guy and brace poles or anchors and to attach all necessary guy wires thereto; to enter upon the said easement over, under and across the Grantor's other property adjacent to said easement for the purpose of constructing, operating, maintaining, reconstructing and removing its said structures, lines, fixtures and equipment; and to construct, operate, maintain, reconstruct, and remove such line or lines upon, over, under and across said easement.

The failure of Grantee to exercise any of the rights granted hereby, in whole or in part, for any period of time shall not be deemed to constitute a waiver, release, abandonment or limitation of such easement, right, privilege or authority. Grantor(s) hereby reserves the right to make such use of the land included within the easement as is not inconsistent with the rights, privileges and authorities granted hereby.

Grantor(s) hereby warrants unto Grantee that Grantor(s) will defend the easement and all rights, privileges and authorities hereby granted against every person or persons who may lawfully claim an interest in the property of Grantor(s) contrary thereto. Grantor(s) hereby acknowledges that this document contains the entire agreement between Grantor(s) and Grantee regarding the easement, rights, privileges and authority granted herein and that Grantor is not relying upon any oral or written representations or assurances given by Grantee in connection with the negotiations for this document. Any special agreements between Grantor(s) and Grantee shall be in writing, and signed by both parties.

SIGNED AND DELIVERED this ____ day of _____, 2019.

CHOCTAW NATION OF OKLAHOMA



Gary Baton

Chief of the Choctaw Nation of Oklahoma

PSO
P.O. Box 201
Tulsa, OK 74102

Section 9, T2S, R11E

(Acknowledgment)

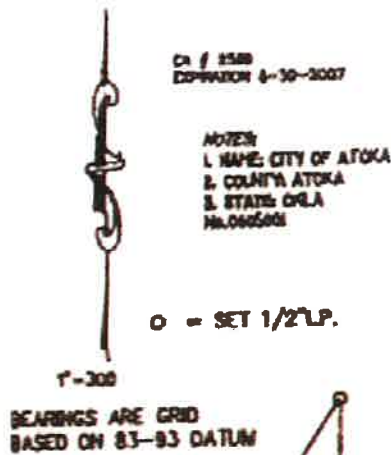
State of Oklahoma)
)SS.
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by Gary Baton as Chief of the Choctaw Nation of Oklahoma, on behalf of the Nation.

(SEAL)
My Commission Expires: _____
My Commission Number: _____

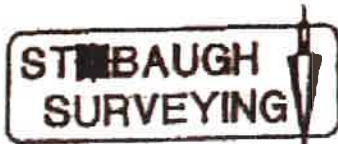
Notary Public

Exhibit A

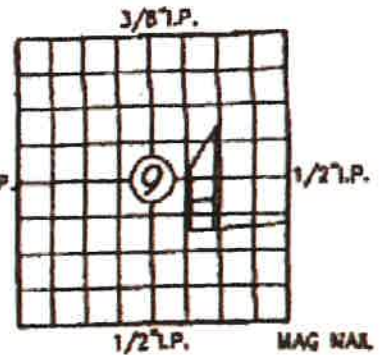


Ch / 1588
EXPIRATION 4-30-2007

NOTES
1. NAME: CITY OF ATOKA
2. COUNTY: ATOKA
3. STATE: OKLA
No. 0005001



T
2
3/8"LP
PLAT OF SURVEY S
1/2"LP.



115 EAST CHOCTAW
MCLESTER, OKLAHOMA 74501
(818) 425-1126

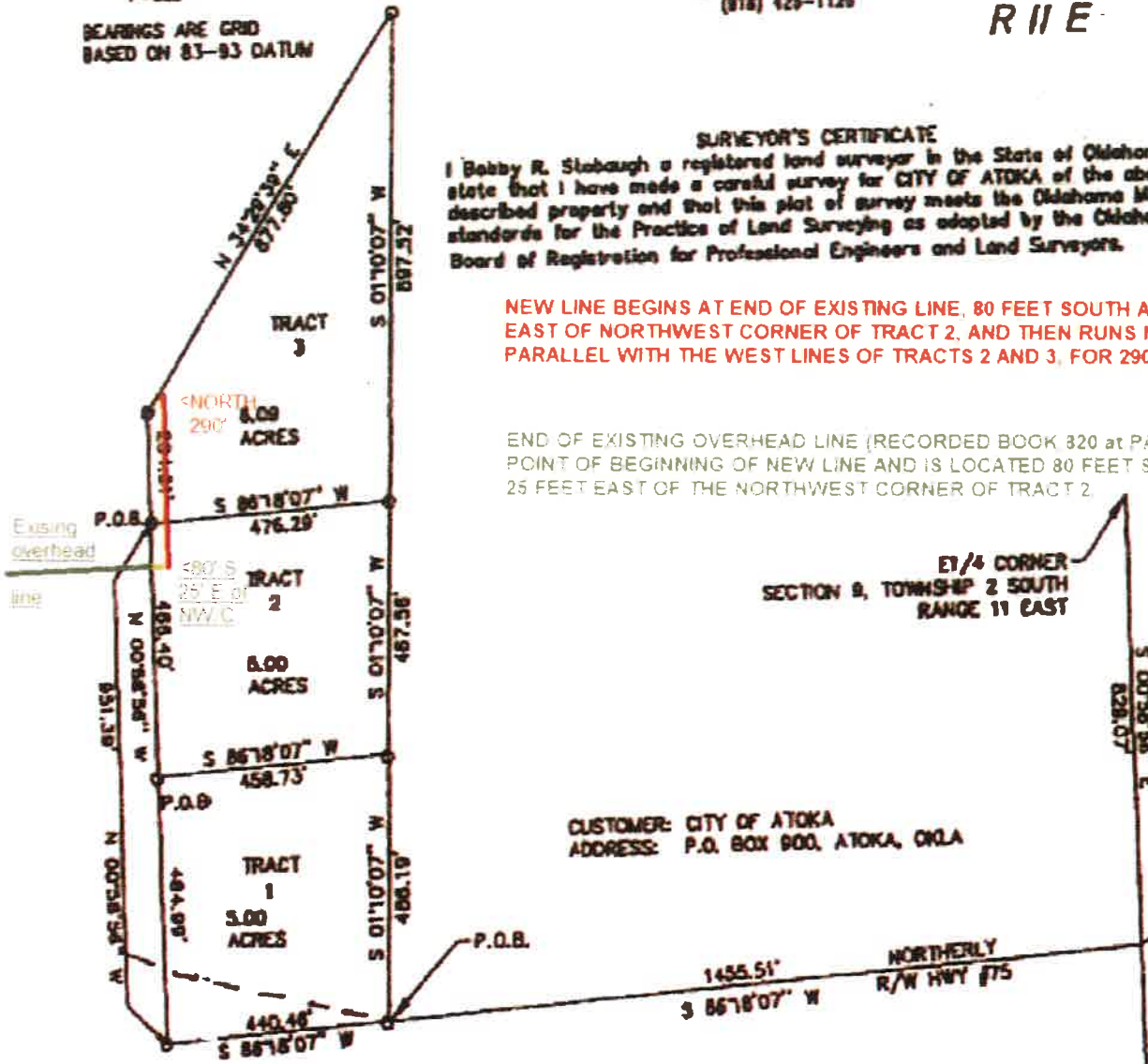
R I E

SURVEYOR'S CERTIFICATE

I Bobby R. Stabaugh a registered land surveyor in the State of Oklahoma hereby state that I have made a careful survey for CITY OF ATOKA of the above described property and that this plat of 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.

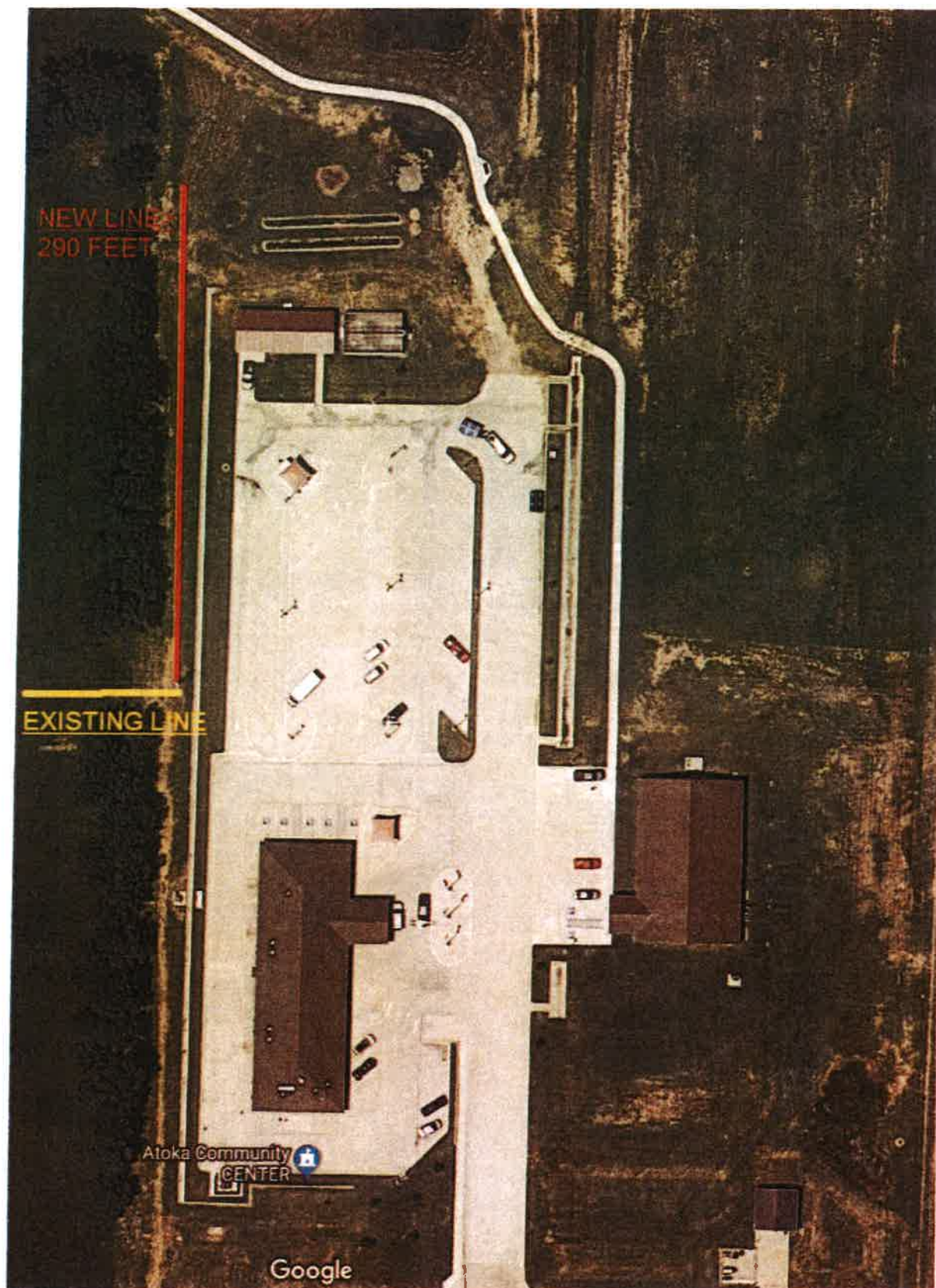
NEW LINE BEGINS AT END OF EXISTING LINE, 80 FEET SOUTH AND 25 FEET EAST OF NORTHWEST CORNER OF TRACT 2, AND THEN RUNS NORTH, PARALLEL WITH THE WEST LINES OF TRACTS 2 AND 3, FOR 290 FEET

END OF EXISTING OVERHEAD LINE (RECORDED BOOK 320 at PAGE 425) IS POINT OF BEGINNING OF NEW LINE AND IS LOCATED 80 FEET SOUTH AND 25 FEET EAST OF THE NORTHWEST CORNER OF TRACT 2



CUSTOMER: CITY OF ATOKA
ADDRESS: P.O. BOX 900, ATOKA, OKLA

Exhibit B



Thank you again for your courtesy and assistance. If you have any questions, comments or need anything further, please don't hesitate to contact me.