

TO APPROVE A PUBLIC HIGHWAY EASEMENT, IN FAVOR OF OKLAHOMA DEPARTMENT OF  
TRANSPORTATION, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW AND CHICKASAW  
NATIONS IN LOVE COUNTY, OKLAHOMA

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING BILL

A COUNCIL BILL

TO APPROVE a public highway easement, in favor of Oklahoma Department of Transportation (“ODOT”), on land held by the United States of America (“USA”) in Trust for the Choctaw and Chickasaw Nations (the “Nation”), in Love County, Oklahoma.

WHEREAS, in accordance with Article VII, Section 1 of the Constitution of the Choctaw Nation of Oklahoma (the “Constitution”), 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, the Tribal Council (the “Council”) shall make decisions pertaining to the acquisition, leasing, disposition, and management of tribal property;

WHEREAS, ODOT has proposed a public highway easement to widen Interstate Highway No. 35 in Love County, OK. The property is owned by the USA in Trust for the Choctaw and Chickasaw Nations and is in Government Lot 2 of Section 36, Township 9 South, Range 1 East, Love County, OK. Attached is a copy of the Survey Plat and easement description labeled Exhibit A, Letter of Intent labeled Exhibit B, Right of Way application labeled Exhibit C, and general location map labeled Exhibit D;

WHEREAS, the Choctaw Nation will waive the compensation and valuation of the easement;

WHEREAS, the easement shall be for a perpetual term so long as the easement is used as a public highway; and

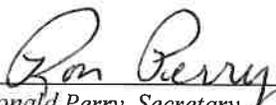
WHEREAS, the Council has determined it is in the best interest of the Nation to grant this easement in favor of ODOT.

THEREFORE BE IT ENACTED by Tribal Council that this Bill be cited as approval of the proposed public highway easement, in favor of the Oklahoma Department of Transportation, on land held by the USA in Trust for the Choctaw and Chickasaw Nations in Love County, Oklahoma, for a perpetual term so long as the easement is used as a public highway.

BE IT FURTHER ENACTED by Tribal 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 eleven (11) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma, on August 10, 2019. I further certify that the foregoing Council Bill CB- 140 -19 was adopted at such meeting by the affirmative vote of eleven (11) members, zero (0) negative votes, and zero (0) abstaining.

  
\_\_\_\_\_  
Ronald Perry, Secretary  
Choctaw Nation Tribal Council

Date: 8-13-19

  
\_\_\_\_\_  
Delton Cox, Speaker  
Choctaw Nation Tribal Council

  
\_\_\_\_\_  
Gary Barton, Chief  
Choctaw Nation of Oklahoma

**Public Highway Easement, in favor of Oklahoma Department of Transportation–Love County, Oklahoma**

**Purpose of Council Bill:** To approve a public highway easement, in favor of Oklahoma Department of Transportation (ODOT), on land held by the USA in Trust for the Choctaw and Chickasaw Nations in Love County, OK. The easement will be in part of Government Lot 2 of Section 36, Township 9 South, Range 1 East, Love County, Oklahoma. ODOT is proposing to construct and maintain a public highway easement to widen Interstate Highway No. 35 in Love County, OK, and shall be for a perpetual term so long as the easement is used as a public highway. Attached is a copy of the Survey Plat and easement description labeled Exhibit A, Letter of Intent labeled Exhibit B, Right of Way application labeled Exhibit C, and general location map labeled Exhibit D.

**Title of Council Bill: TO APPROVE A PUBLIC HIGHWAY EASEMENT, IN FAVOR OF OKLAHOMA DEPARTMENT OF TRANSPORTATION, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW AND CHICKASAW NATIONS IN LOVE COUNTY, OKLAHOMA**

**Grantee:** Oklahoma Department of Transportation

**Duration:** Perpetual term so long as the easement is used as a public highway

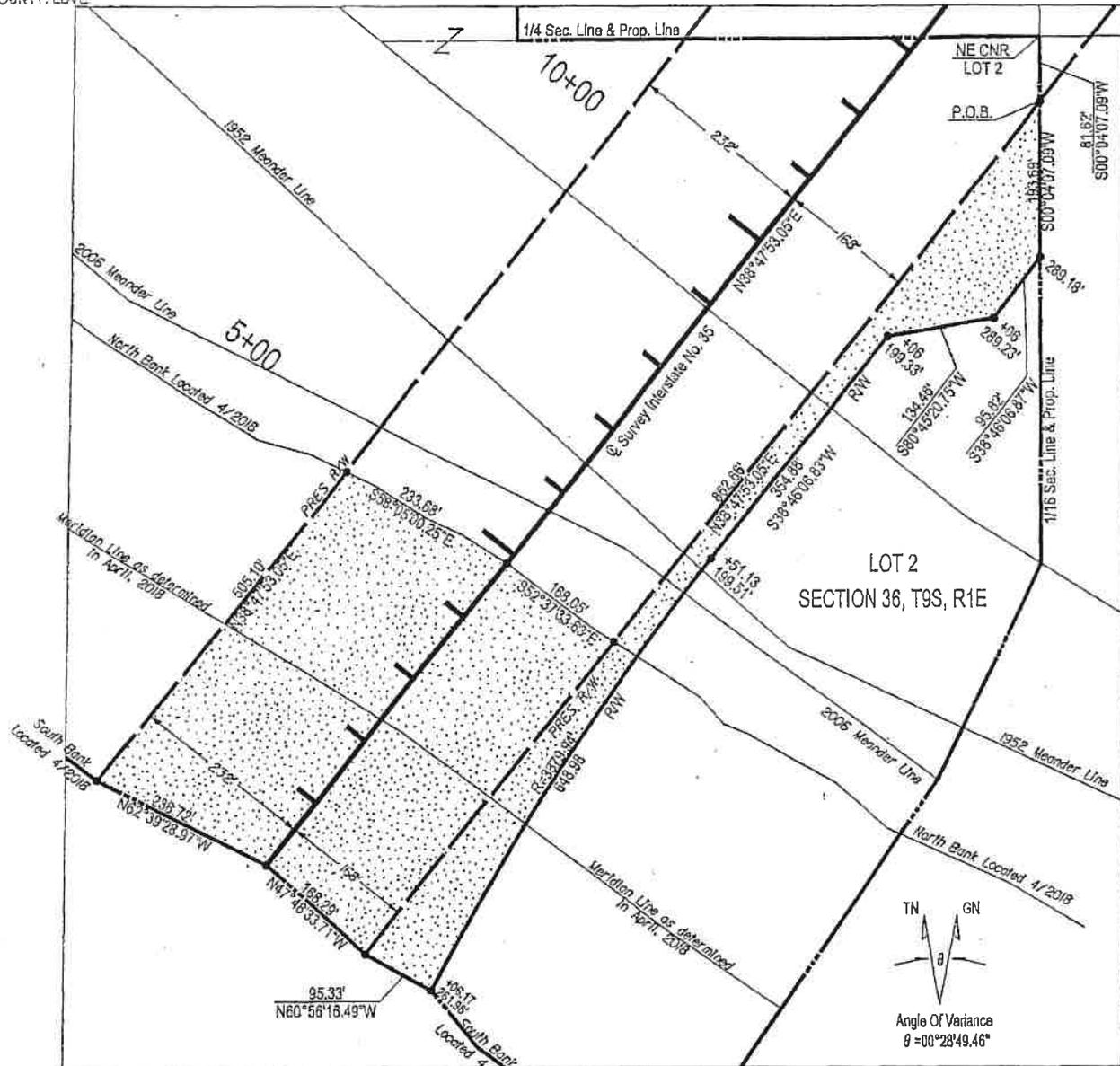
**Payment:** \$0  
(The highway improvements will serve the entire community with a wider, safer highway corridor. This will benefit all users of the highway, including the Indian Nations. Also, it furthers the relationship between the state and the Nations)

**Request By Project Director:** Traci Umsted, Real Property Management, Brad Mallett, SEO

BIA IN TRUST FOR CHOCTAW - CHICKASAW NATION  
 TRACT ID: 906 T 51155  
 TRIBE: CHOCTAW - CHICKASAW  
 SECTION 36, T9S, R1E  
 COUNTY: LOVE

JOB PIECE 33481(05)  
 PARCEL NO. 1  
 SCALE: 1" = 200'

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION



AFFIDAVIT OF PROFESSIONAL LAND SURVEYOR

Kyle King, Professional Land Surveyor (P.L.S.) for the Oklahoma Transportation Commission, hereinafter designated "Applicant", being duly sworn, states that the above plat shows the definite location of a public highway right-of-way as described exactly above, and that said plat was reviewed by him and that said right-of-way is accurately located as shown on this map.

All information provided on this document is based on JP 33481(05) plans. This does not represent a field survey. The readings have been adjusted from Grid to True, based on the angle variance displayed here on. This document does not meet minimum standards for a survey. It's intent is for legal description only.

*[Signature]*  
 PROFESSIONAL LAND SURVEYOR

CERTIFICATE OF APPLICANT

I, Robert Blackwell, Chief, Right-of-Way Division for the Oklahoma Transportation Commission, Applicant herein, certify that Kyle King, P.L.S., who subscribed to the affidavit hereon, reviewed the plat for the above described public highway right-of-way upon Applicant's direction, and that same is accurately represented on this map and has been adapted as the definite location of the said right-of-way, and that this map has been prepared to be filed for the approval of the Secretary of the Interior or his duly authorized representative.

Subscribed to and sworn before me, the undersigned Notary Public,  
 this 15 day of October, 2018  
*[Signature]*  
 Notary Public  
 My Commission expires: 8/26/22



OKLAHOMA TRANSPORTATION COMMISSION, APPLICANT  
 BY *[Signature]*  
 CHIEF, RIGHT-OF-WAY & UTILITIES DIVISION

J/P 33481(05)  
Parcel 1  
Love County

EXHIBIT "A"

PERPETUAL EASEMENT

A strip, piece or parcel of land lying in Government Lot 2 of Section 36, T9S, R1E, Love County, Oklahoma, Said parcel of land being described by metes and bounds as follows:

Beginning at a point where the East line of said Lot 2 intersects the present East right-of-way line of Interstate Highway No. 35 a distance of 81.62 feet S 00°04'07.09" W of the NE corner of said Lot 2, thence S 00°04'07.09" W along said East line a distance of 193.69 feet, thence S 38°46'06.87" W a distance of 95.82 feet, thence S 80°45'20.75" W a distance of 134.46 feet, thence S 38°46'06.83" W a distance of 354.88 feet, thence Southwesterly on a curve to the left having a cord bearing of S 33°16'04.55" W and having a radius of 3379.94 feet and an arc distance of 648.98 feet to a point on the 2018 South bank of the Red River, thence N 60°56'16.49" W along said South bank a distance of 95.33 feet, thence N 47°48'33.71" W along said South bank a distance of 168.29 feet, thence N 62°39'28.97" W along said South bank a distance of 236.72 feet, to a point on the present West right-of-way line of Interstate Highway No. 35, thence N 38°47'53.05" E along said right-of-way line a distance of 505.10 feet to a point on the 2018 North bank of the Red River, thence S 58°05'00.25" E along said North bank a distance of 233.68 feet, thence S 52°37'33.63" E along said North bank a distance of 168.05 feet to a point on the present East right-of-way line of Interstate Highway No. 35, thence N 38°47'53.05" E along said right-of-way a distance of 862.66 feet to point of beginning.

Containing 6.24 acres, more or less, together with all abutter's rights, including all rights to access onto the LIMITED ACCESS HIGHWAY to be constructed on the property described in this instrument.

Letter of Intent & Offer Letter – For a New Right-of-Way Grant of Easement

July 17, 2019

Choctaw Agency  
Attn: Traci Umsted, Director of Real Property Management  
P.O. Box 1210  
Durant, Ok. 74702

Ms. Umsted,

Oklahoma Department of Transportation is interested in negotiating a new right-of-way for a Perpetual Highway Easement. We refer to the tract as Love County 33481(05) Parcel 1. The following is the legal description of the property to be affected:

Part of Government Lot 2 of Section 36 T9S R1E

Please see the documents that I have included with this letter. You should find an Affidavit of Professional Land Surveyor with Exhibit A that includes the legal description, an Engineer's Affidavit, a Bearings Statement, a United States Department of the Interior – Bureau of Indian Affairs – Right-of-Way Application.

Please let me know if there is anything else I can provide to you to facilitate your Tribal Council's approval to waive the appraisal on this property.



Tom Maclin  
Appraisal Branch Supervisor  
Right-of Way & Utilities Division  
Oklahoma Dept. of Transportation  
OKC, Ok. 73105  
405-521-2665

**UNITED STATES DEPARTMENT OF THE INTERIOR**  
**BUREAU OF INDIAN AFFAIRS**

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

1. Applicant Name and Address: Oklahoma Department of Transportation,  
200 NE 21st St., Oklahoma City, OK 73105
2. Tract(s) or parcel(s) affected by the right-of-way: 906 T 51155
3. General location (easement description): SEE ATTACHMENT "A"
4. Purpose: Construct and Maintain a Public Highway
5. Term (Renewal, if applicable): Perpetuity
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;
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: Robert Blackwell, Chief, Right-of-Way & Utilities Division

Address 200 NE 21st St.

State, Oklahoma

Zip: 73105

Phone: (405) 521-2661

Fax: (405) 522-1858

Email: RBLACKWELL@ODOT.ORG

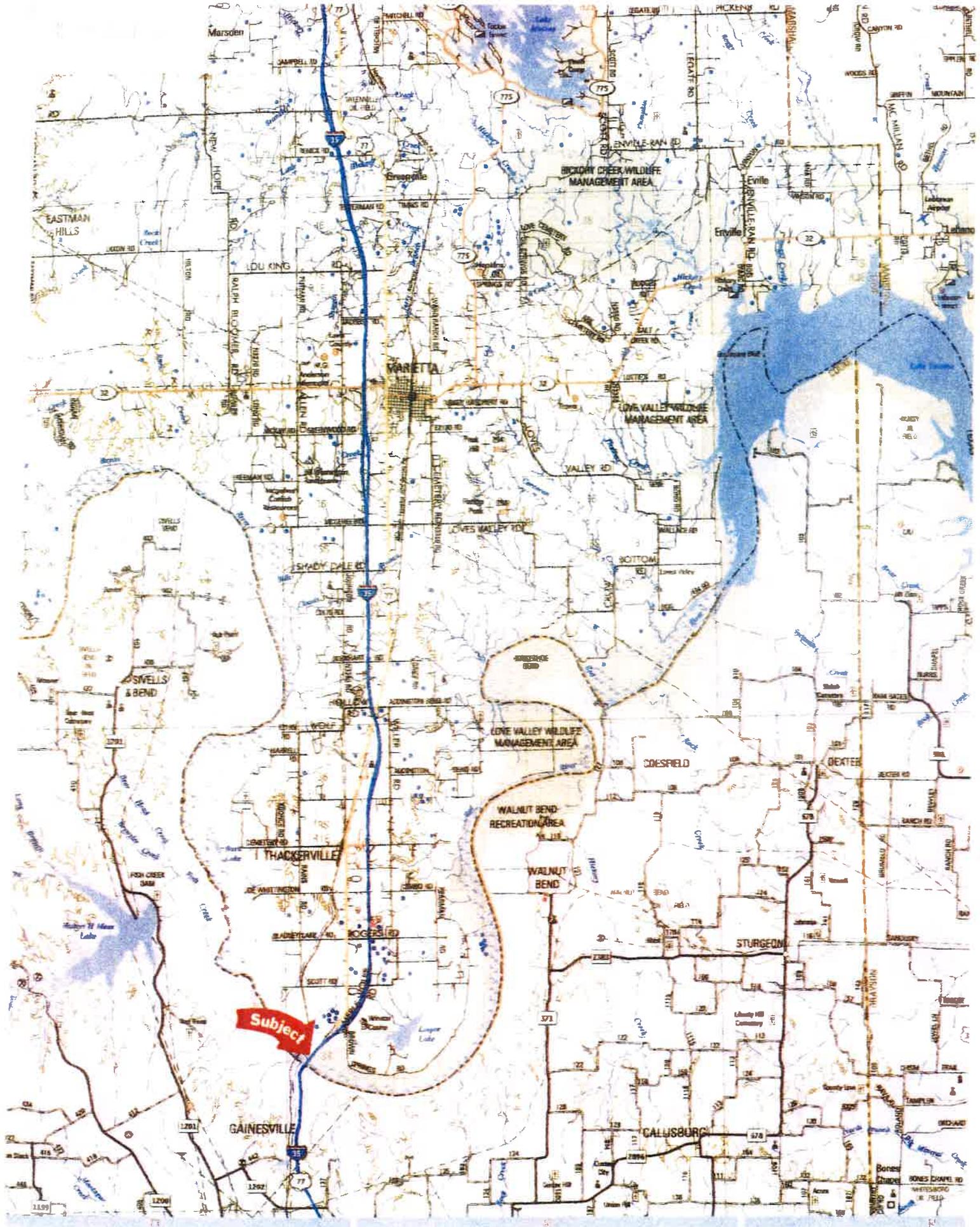
DATE: OCTOBER 15, 2018

APPLICANT:



(Signature): \_\_\_\_\_

Print Name: ROBERT BLACKWELL



**Subject**