

TO APPROVE AN ELECTRIC LINE EASEMENT, IN FAVOR OF OKLAHOMA GAS & ELECTRIC COMPANY, ON CHOCTAW NATION FEE LAND IN BRYAN COUNTY, OKLAHOMA

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING BILL

A COUNCIL BILL

TO APPROVE a 25-foot wide electric line easement, in favor of Oklahoma Gas & Electric Company, on Choctaw Nation Fee land, in Bryan 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, Oklahoma Gas & Electric Company ("OG&E") has proposed an easement to relocate their electric distribution line that is being displaced by the Hwy 69/75 improvement project in Bryan County, OK (hereinafter, the "Easement"). The property is owned by the Nation in Fee status and is in the S½ of Section 13, Township 7 South, Range 8 East, and the NW¼ of Section 24, Township 7 South, Range 8 East, Bryan County, OK. See Exhibit 1 and Exhibit 2;

WHEREAS, the total payment for all parcels will be \$27,980.00;

WHEREAS, the Easement shall be for a 50-year term; and

WHEREAS, the Council has determined it is in the best interest of the Nation to grant the Easement in favor of OG&E.

THEREFORE BE IT ENACTED by the Tribal Council that this Bill be cited as approval of the proposed electric line easement, in favor of Oklahoma Gas & Electric Company, on Choctaw Nation Fee land located in the in the S½ of Section 13, Township 7 South, Range 8 East, and the NW¼ of Section 24, Township 7 South, Range 8 East, Bryan County, OK. See Exhibit 1 and Exhibit 2.

BE IT FURTHER ENACTED by the Tribal Council that this Bill be cited as approval that the total payment for all parcels shall be twenty-seven thousand nine hundred eighty dollars and the easement shall be for a term of fifty years.

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- 15 -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 Line Easement, in favor of Oklahoma Gas & Electric Company–Bryan County, Oklahoma

Purpose of Council Bill: To approve a 25-foot wide electric line easement, in favor of Oklahoma Gas & Electric Company (OG&E), on Choctaw Nation fee land in Bryan County, OK. The easement will cover the following: Parcel 3 in Section 13, Township 7 South, Range 8 East; and Parcels 4A, 4B, 4C, 5 and 7, all in Section 24, Township 7 South, Range 8 East, Bryan County, Oklahoma. OG&E is proposing to relocate their electric distribution line that is being displaced by the Hwy 69/75 improvement project. The easement will be for a 50-year term. Attached is a copy of the Easement and Survey Plats labeled Exhibit A, (Parcels designated at bottom of each map) and general location map labeled Exhibit B.

Title of Council Bill: TO APPROVE AN ELECTRIC LINE EASEMENT, IN FAVOR OF OKLAHOMA GAS & ELECTRIC COMPANY, ON CHOCTAW NATION FEE LAND IN BRYAN COUNTY, OKLAHOMA

Grantee: Oklahoma Gas & Electric Company

Duration: 50-year term

Payment: \$27,980.00 = Total payment

Breakdown per Parcel is as follows (Based on payment of \$20,000.00 per acre):

Parcel 3	0.84 acre	\$16,800.00
Parcel 4A	0.112 acre	\$2,240.00
Parcel 4B	0.056 acre	\$1,120.00
Parcel 4C	0.088 acre	\$1,760.00
Parcel 5	0.21 acre	\$4,200.00
Parcel 7	0.093 acre	\$1,860.00

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

Exhibit A

AFTER RECORDING RETURN TO:
OG&E ELECTRIC SERVICES
ATTN: LAND MANAGEMENT SERVICES
P. O. BOX 321, MAIL CODE M109
OKLAHOMA CITY, OK 73101-0321

EASEMENT

WORK ORDER NO. 8433044
PARCEL NO. 3, 4A, 4B, 4C, 5 and 7

KNOW ALL PERSONS BY THESE PRESENTS: THAT **Choctaw Nation of Oklahoma**, Grantor, in consideration of Ten or more dollars, in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and warrant unto OKLAHOMA GAS AND ELECTRIC COMPANY, an Oklahoma corporation, hereinafter referred to herein as Grantee, and Grantee's successors and assigns, the right and authority to enter upon, erect, operate, repair and maintain a system of poles, wires, anchors, guy wires, and other fixtures for the transmission and/or distribution of electric current and communication messages upon, over, under and across certain tracts of real property, situated in Bryan County, State of Oklahoma, as described in the attached Exhibit A (hereinafter referred to as the "Easement Property"), together with the right to re-enter upon the Easement Property for the purpose of reconstructing, resetting, and making improvements to said system, and together with such right of ingress and egress to and from the said Easement Property across Grantor's lands contiguous to the Easement Property as may be necessary to accomplish the purposes herein set forth.

Grantor further covenants and agrees that Grantee shall have the right, privilege, and authority to enter upon, cut, trim and keep trimmed, remove, and/or treat with selective herbicides and control the growth of any brush and trees that may, in Grantee's sole judgment, interfere with or endanger the construction, operation, and maintenance of said system hereinafter constructed on the Easement Property. Grantor hereby consents to permit Grantee to trim and keep trimmed and/or treat with selective herbicides any trees and foliage on Grantor's real property immediately adjacent to the Easement Property.

Grantor further covenants and agrees that within the Easement Property, no planting of any tree or bush, no building, sign, billboard, or other structure or the construction of any dam, pond, ditch, berm or other barrier to mobility on and along the Easement Property will be erected by the Grantor unless the written consent of the Grantee is first obtained. Grantor further covenants and agrees that Grantor shall not accomplish or permit any excavation or other removal of soil, so as to change the grade of terrain of the Easement Property, without the prior express written consent of Grantee.

The consideration which has been paid to Grantor for this Easement represents full and complete compensation for all damages which Grantor has sustained and may hereafter sustain by reason of the exercise by Grantee of the rights and privileges granted hereunder, except that actual damage to the grass and planted crops, exclusive of trees, caused during and by the construction or reconstruction of said electric system, or improvements thereto, will be paid after completion of the work and the extent of said damage has been determined.

The rights and privileges above granted shall continue for a term of 50 years, so long as the easement is used for the specified purpose.

Signed and delivered this _____ day of _____, 2019.

Gary Batton, Chief
Choctaw Nation of Oklahoma

ACKNOWLEDGMENT

STATE OF _____, COUNTY OF _____, SS:

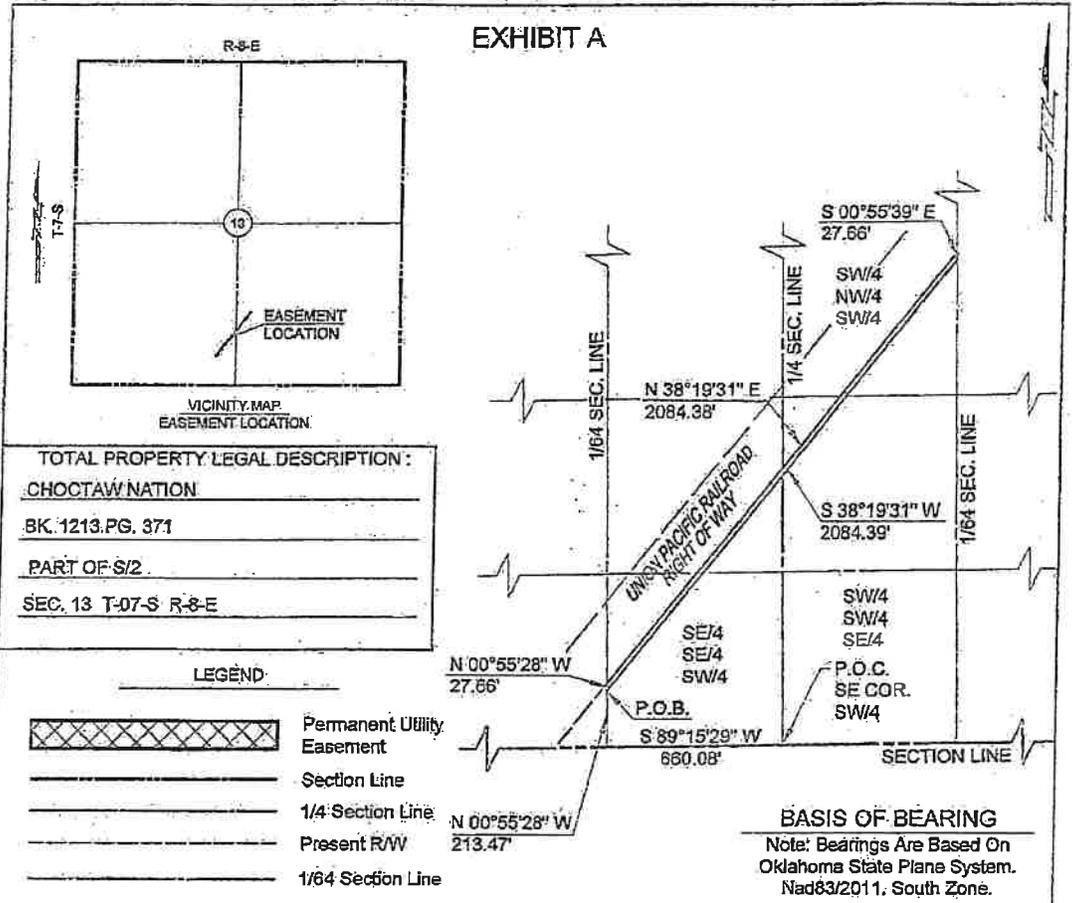
On this _____ day of _____, 2019, before me, a Notary Public within and for the County of _____, in the State of Oklahoma, duly commissioned and acting, appeared in person, _____, to me personally well known as the persons whose names appear upon the within and foregoing instrument as the party Grantor and stated that they had executed the same for the consideration and purpose therein mentioned and set forth, and I do hereby so certify.

In Testimony Whereof, I have hereunto set my hand and seal of office as such Notary Public at the County and State aforesaid, on this _____ day of _____, 2019.

My Commission Expires: _____
(SEAL)

Notary Public
Commission No. _____

EXHIBIT A



TOTAL PROPERTY LEGAL DESCRIPTION:
 CHOCTAW NATION
 BK. 1213.PG. 371
 PART OF S/2
 SEC. 13 T-07-S R-8-E

- LEGEND:
- Permanent Utility Easement
 - Section Line
 - 1/4 Section Line
 - Present R/W
 - 1/64 Section Line

BASIS OF BEARING
 Note: Bearings Are Based On
 Oklahoma State Plane System.
 Nad83/2011, South Zone.

An OG&E Easement located in part of the S/2 of Section 13, Township 7 South, Range 8 East, I.M., Bryan County, Oklahoma, said parcel being more particularly described by metes and bounds as follows:

Commencing at the Southeast corner of the SW/4 of said Section 13; thence S 89°15'29" W along the South line of said SW/4 a distance of 660.08 feet to the Southwest corner of the SE/4 of the SE/4 of said SW/4; thence N 00°55'28" W along the West line of said SE/4 SE/4 SW/4 a distance of 213.47 feet to the point of beginning; thence continuing N 00°55'28" W along said West line a distance of 27.66 feet to a point on the Southeast Right of Way line for the Union Pacific Railroad; thence N 38°19'31" E along said Southeast Railroad Right of Way line a distance of 2084.38 feet to a point on the East line of the SW/4 of the NW/4 of the SE/4 of said Section 13; thence S 00°55'39" E along the East line of said SW/4 NW/4 SE/4 a distance of 27.66 feet; thence S 38°19'31" W along a line being parallel with and 17.50 feet Southeast of said Railroad Right of Way line a distance of 2084.39 feet to the point of beginning.

Containing 0.84 acres, (36,476.70 Sq. Feet) more or less.

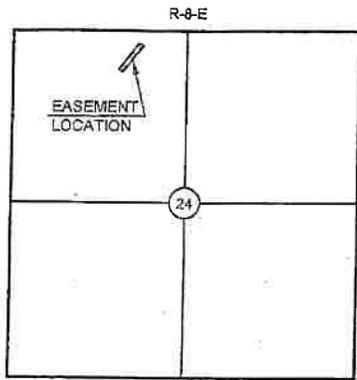
SURVEYOR'S CERTIFICATE
 I, Brian C. Bird, Registered Professional Land Surveyor, hereby state that the attached drawing is a true and accurate representation of the easement description, as shown hereon, it is not a Land or Boundary Survey.

Brian C. Bird
 Brian C. Bird, PLS No. 1869
 4555 W Memorial Road
 Oklahoma City, OK



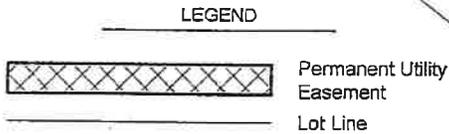
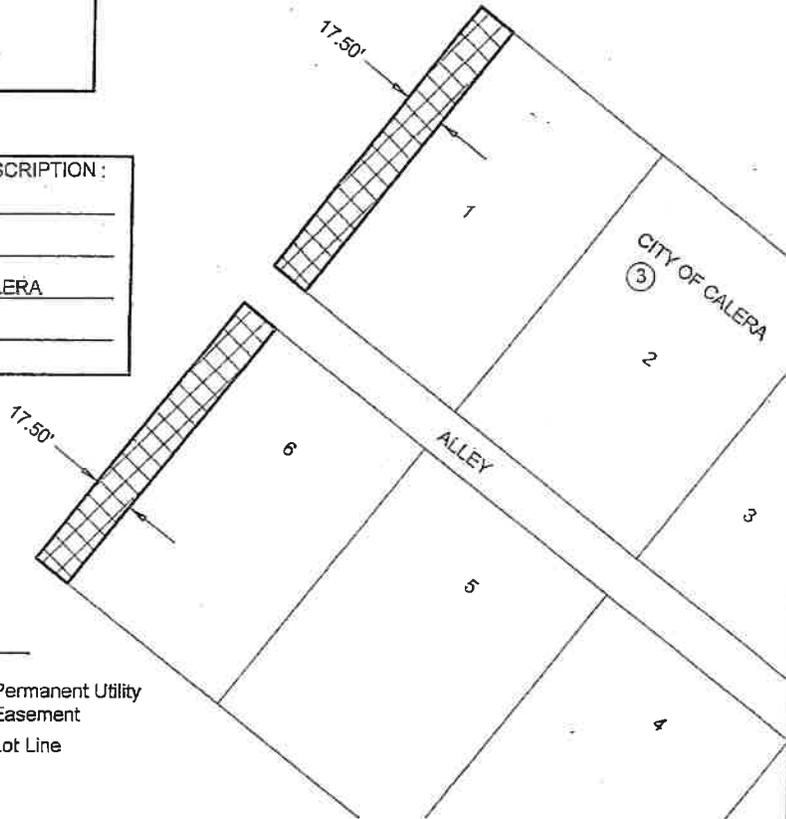
OKLAHOMA GAS AND ELECTRIC COMPANY		
<p>4555 W. MEMORIAL ROAD OKLAHOMA CITY, OK 73142 (405) 753.4200 CA#32 EXP. 06-30-20</p>	<p>OG&E EASEMENT SKETCH</p> <p>WO# 8433044 US-69 CALERA BRYAN COUNTY, OKLAHOMA</p>	REVISIONS:
DRAWN BY: JJK DATE: 02/21/19	APPROVED BY: BCB DATE: 02/23/19	DRAWING#: PARCEL_3 SCALE: 1"=500'

EXHIBIT A



VICINITY MAP
EASEMENT LOCATION

TOTAL PROPERTY LEGAL DESCRIPTION:
 CHOCTAW NATION
 BOOK 1213 / PAGE 371
 PART OF BLOCK 3 CITY OF CALERA
 SEC. 24 T-07-S R-8-E



An OG&E Easement located in part of the NW/4 of Section 24, Township 7 South, Range 8 East, I.M., Bryan County, Oklahoma, Part of Block 3 City of Calera Original Township being more particularly described as follows:

The Northwesternly 17.50 feet of Lots 1 & 6, Block 3 of said Calera Original Township as shown above.

Containing 0.112 acres (4,900.00 Sq. Ft.), more or less.

BASIS OF BEARING

Note: Bearings Are Based On
 Oklahoma State Plane System.
 Nad83/2011. South Zone.

SURVEYOR'S CERTIFICATE

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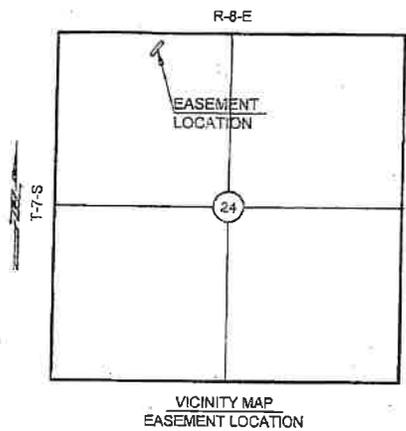
Brian C. Bird
 Brian C. Bird, PLS No. 1869
 4555 W Memorial Road
 Oklahoma City, OK



OKLAHOMA GAS AND ELECTRIC COMPANY

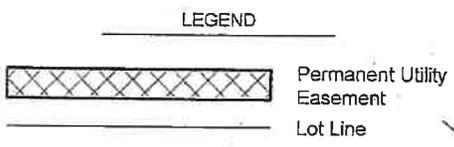
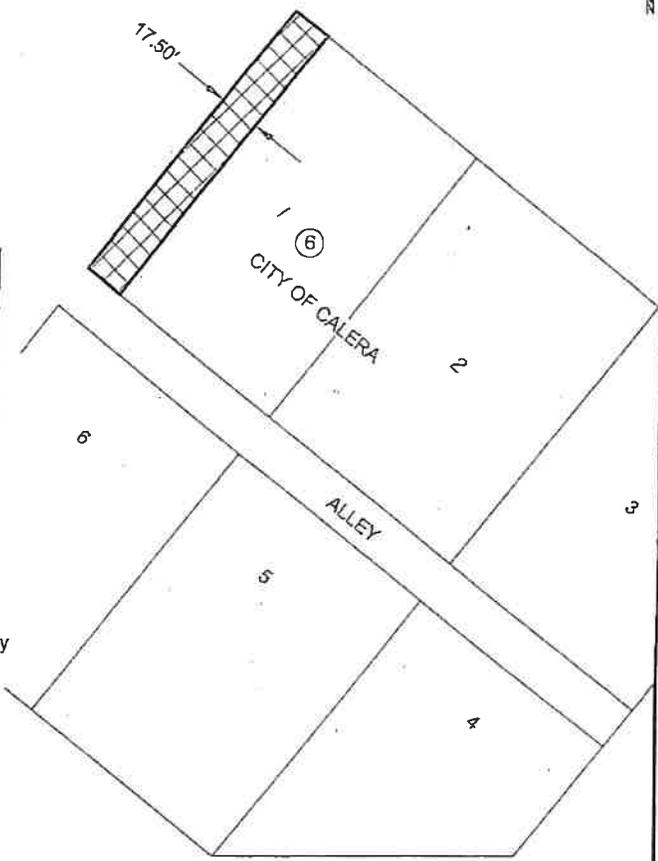
<p>CEC 4555 W. MEMORIAL ROAD OKLAHOMA CITY, OK 73142 (405) 753.4200 CA #32 EXP. 06-30-20</p>	<p>OG&E EASEMENT SKETCH</p> <p>WO# 8433044 US-69 CALERA BRYAN COUNTY, OKLAHOMA</p>	REVISIONS:
DRAWN BY: BCB	DATE: 02/23/19	
APPROVED BY: BCB	DATE: 02/25/19:	DRWG #: PARCEL 4A
		SCALE 1"=60'

EXHIBIT A



VICINITY MAP
EASEMENT LOCATION

TOTAL PROPERTY LEGAL DESCRIPTION:
CHOCTAW NATION
BOOK 1213 / PAGE 371
LOT 1, BLOCK 6 CITY OF CALERA
SEC. 24 T-07-S R-8-E



An OG&E Easement located in part of the NW/4 of Section 24, Township 7 South, Range 8 East, I.M., Bryan County, Oklahoma, Part of Block 6 City of Calera Original Township being more particularly described as follows:

The Northwesterly 17.50 feet of Lot 1, Block 6 of said Calera Original Township as shown above.

Containing 0.056 acres (2,450.00 Sq. Ft.), more or less.

BASIS OF BEARING

Note: Bearings Are Based On
 Oklahoma State Plane System.
 Nad83/2011. South Zone.

SURVEYOR'S CERTIFICATE

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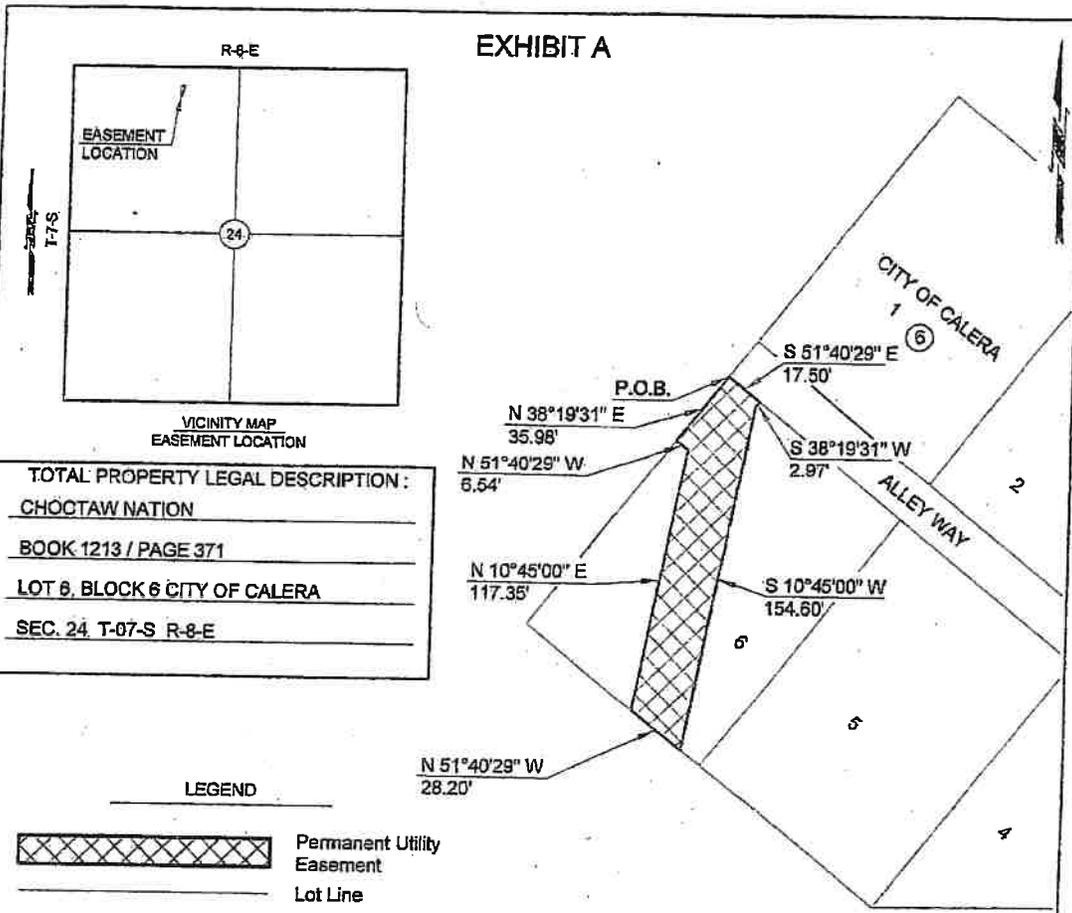
Brian C. Bird
 Brian C. Bird, PLS No. 1869
 4555 W Memorial Road
 Oklahoma City, OK



OKLAHOMA GAS AND ELECTRIC COMPANY

<p>CEC 4555 W. MEMORIAL ROAD OKLAHOMA CITY, OK 73142 (405) 753.4200 CA #32 EXP. 06-30-20</p>	<p>OG&E EASEMENT SKETCH</p> <p>WO# 8433044 US-69 CALERA BRYAN COUNTY, OKLAHOMA</p>	REVISIONS:
DRAWN BY: JLK DATE: 02/21/19	APPROVED BY: BCB DATE: 02/25/19	DRWG #: PARCEL 4B
		SCALE 1"=60'

EXHIBIT A



An OG&E Easement located in part of the NW/4 of Section 24, Township 7 South, Range 8 East, I.M., Bryan County, Oklahoma, Part of Lot 6 Block 6 City of Calera Original Township being more particularly described by metes and bounds as follows:

Beginning at the Northwest corner of said Lot 6; thence S 51°40'29" E along the North line of said Lot 6 a distance of 17.50 feet; thence S 38°19'31" W along a line being parallel with and 17.50 feet East of the West line of said Lot 6 a distance of 2.97 feet; thence S 10°45'00" W a distance of 154.60 feet to a point on the South line of said Lot 6; thence N 51°40'29" W along the South line of said Lot 6 a distance of 28.20 feet; thence N 10°45'00" E a distance of 117.35 feet; thence N 51°40'29" W a distance of 6.54 feet to a point on the West line of said Lot 6; thence N 38°19'31" E along the West line of said Lot 6 a distance of 35.98 feet to the point of beginning.

Containing 0.088 acres (3,847.72 Sq. Ft.), more or less.

BASIS OF BEARING

Note: Bearings Are Based On
Oklahoma State Plane System.
Nad83/2011, South Zone.

SURVEYOR'S CERTIFICATE

I, Brian C. Bird, Registered Professional Land Surveyor, hereby state that the attached drawing is a true and accurate representation of the easement description, as shown hereon, it is not a Land or Boundary Survey.

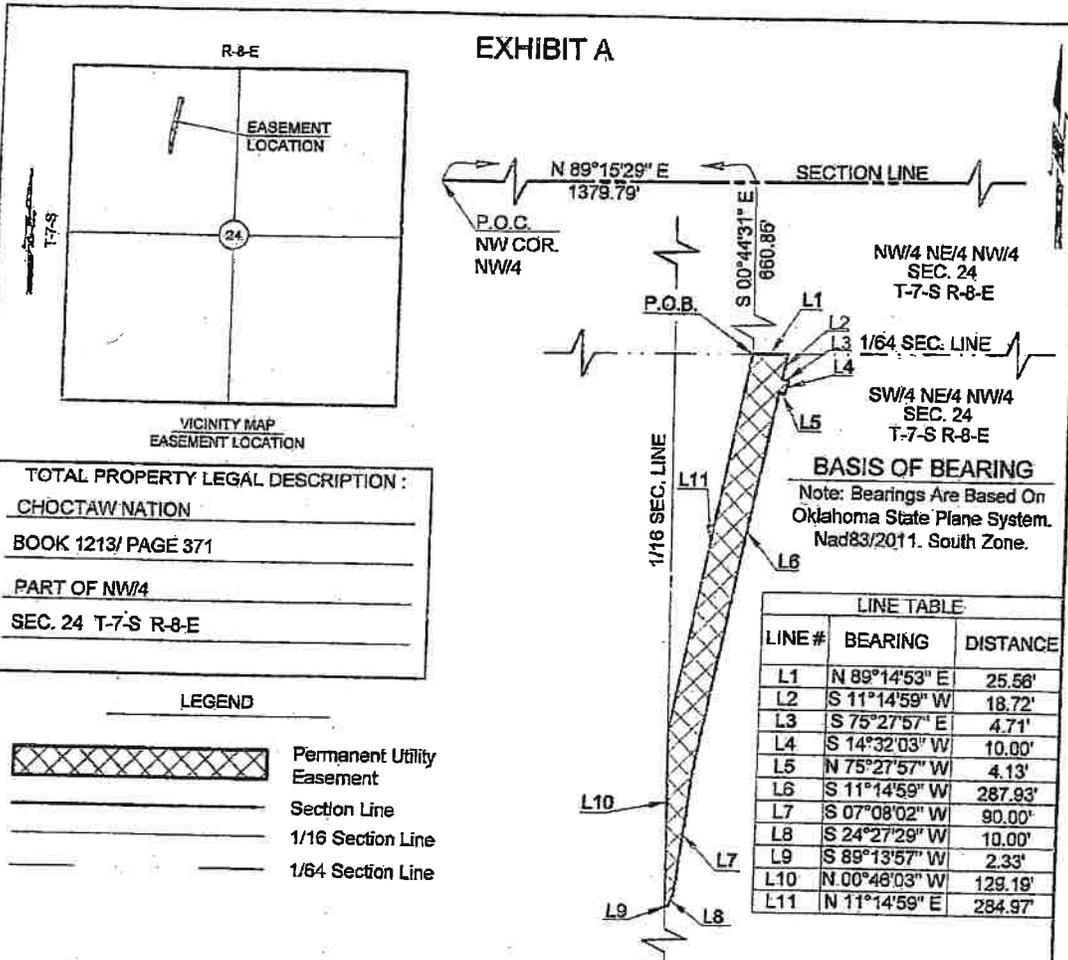
Brian C. Bird
Brian C. Bird, PLS No. 1869
4555 W Memorial Road
Oklahoma City, OK



OKLAHOMA GAS AND ELECTRIC COMPANY

<p>CEC 4555 W. MEMORIAL ROAD OKLAHOMA CITY, OK 73142 (405) 753.4200 CA #32 EXP. 08-30-20</p>	<p>OG&E EASEMENT SKETCH</p> <p>W/O# 8433044 US-89 CALERA BRYAN COUNTY, OKLAHOMA</p>	REVISIONS:
DRAWN BY: JLK	DATE: 02/21/19	
APPROVED BY: BCB	DATE: 02/23/19	DRWG #: PARCEL 4C
		SCALE 1"=60'

EXHIBIT A



TOTAL PROPERTY LEGAL DESCRIPTION :
 CHOCTAW NATION
 BOOK 1213/ PAGE 371
 PART OF NW/4
 SEC. 24 T-7-S R-8-E

LEGEND

- Permanent Utility Easement
- Section Line
- 1/16 Section Line
- 1/64 Section Line

BASIS OF BEARING
 Note: Bearings Are Based On Oklahoma State Plane System, Nad83/2011, South Zone.

LINE #	BEARING	DISTANCE
L1	N 89°14'53" E	25.58'
L2	S 11°14'59" W	18.72'
L3	S 75°27'57" E	4.71'
L4	S 14°32'03" W	10.00'
L5	N 75°27'57" W	4.13'
L6	S 11°14'59" W	287.93'
L7	S 07°08'02" W	90.00'
L8	S 24°27'29" W	10.00'
L9	S 89°13'57" W	2.33'
L10	N 00°46'03" W	129.19'
L11	N 11°14'59" E	284.97'

An OG&E Easement located in part of the NW/4 of Section 24, Township 7 South, Range 8 East, I.M., Bryan County. Said parcel being more particularly described by metes and bounds as follows:

Commencing at the Northwest corner of said NW/4; thence N 89°15'29" E along the North line of said NW/4 a distance of 1379.79 feet; thence S 00°44'31" E a distance of 660.85 feet to a point on the North line of the SW/4 of the NE/4 of said NW/4, said point being the point of beginning; thence N 89°14'53" E along said North line a distance of 25.56 feet; thence S 11°14'59" W a distance of 18.72 feet; thence S 75°27'57" E a distance of 4.71 feet; thence S 14°32'03" W a distance of 10.00 feet; thence N 75°27'57" W a distance of 4.13 feet; thence S 11°14'59" W a distance of 287.93 feet; thence S 07°08'02" W a distance of 90.00 feet; thence S 24°27'29" W a distance of 10.00 feet; thence S 89°13'57" W a distance of 2.33 feet to a point on the West line of the NE/4 of said NW/4; thence N 00°46'03" W along said West line a distance of 129.19 feet; thence N 11°14'59" E a distance of 284.97 feet to the point of beginning.

Containing 0.21 acres, (9,037.71 square feet) more or less.

SURVEYOR'S CERTIFICATE
 I, Brian C. Bird, Registered Professional Land Surveyor, hereby state that the attached drawing is a true and accurate representation of the easement description, as shown hereon, it is not a Land or Boundary Survey.

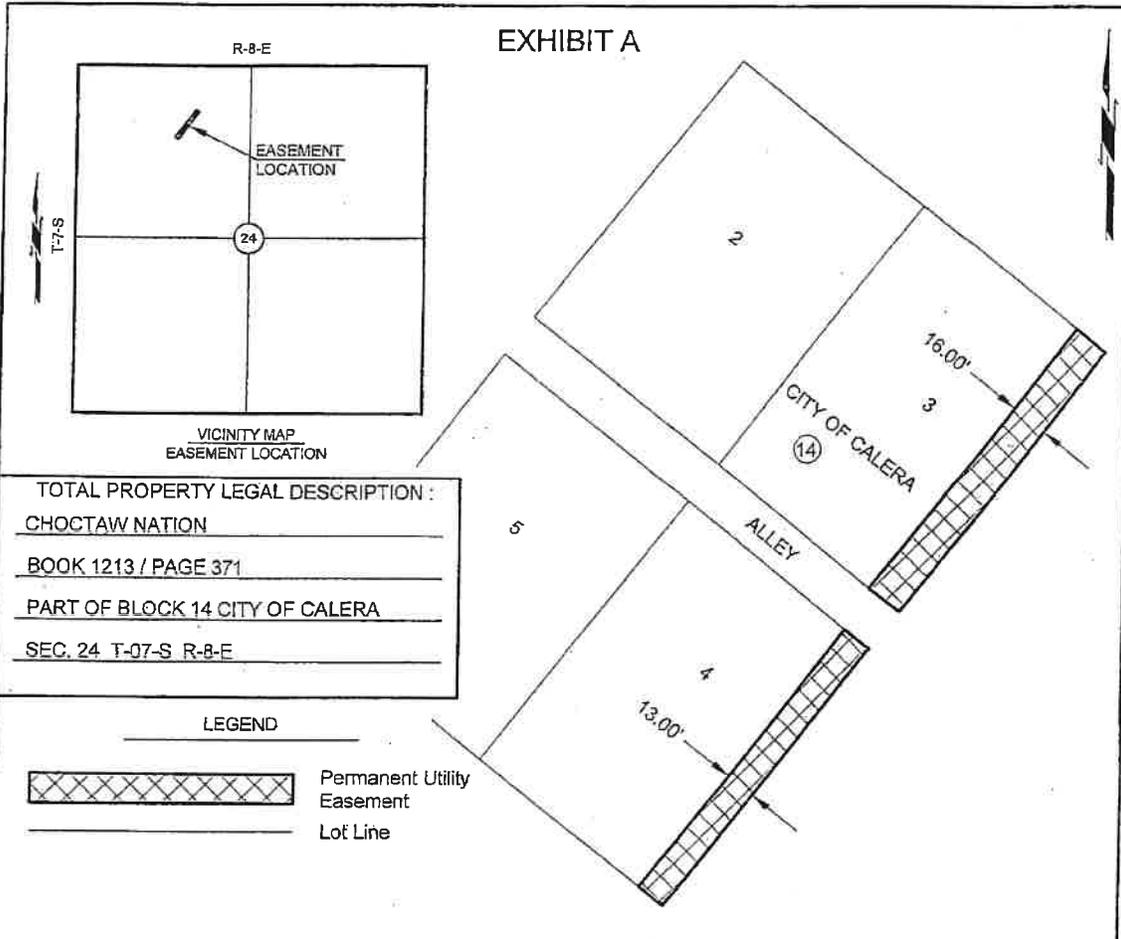
Brian C. Bird
 Brian C. Bird, PLS No. 1869
 4555 W Memorial Road
 Oklahoma City, OK



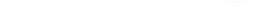
OKLAHOMA GAS AND ELECTRIC COMPANY

 CEC 4555 W. MEMORIAL ROAD OKLAHOMA CITY, OK 73142 (405) 753.4200 CA #32 EXP. 06-30-20	OG&E EASEMENT SKETCH WC# 8433044 US-69 CALERA BRYAN COUNTY, OKLAHOMA	REVISIONS:
DRAWN BY: JLK	DATE: 02/23/19	
APPROVED BY: BCB	DATE: 02/23/19	DRWG #: PARCEL 5
		SCALE 1"=100'

EXHIBIT A



TOTAL PROPERTY LEGAL DESCRIPTION :
 CHOCTAW NATION
 BOOK 1213 / PAGE 371
 PART OF BLOCK 14 CITY OF CALERA
 SEC. 24 T-07-S R-8-E

LEGEND
 Permanent Utility Easement
 Lot Line

An OG&E Easement located in part of the NW/4 of Section 24, Township 7 South, Range 8 East, I.M., Bryan County, Oklahoma, Part of Block 14 City of Calera Original Township being more particularly described as follows:

The Southeasterly 16.00 feet of Lot 3 & the Southeasterly 13.00 feet of Lot 4, all in Block 14 of said Calera Original Township as shown above.

Containing 0.093 acres (4,060.00 Sq. Ft.), more or less.

BASIS OF BEARING

Note: Bearings Are Based On
 Oklahoma State Plane System.
 Nad83/2011. South Zone.

SURVEYOR'S CERTIFICATE

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 Brian C. Bird, PLS No. 1869
 4555 W Memorial Road
 Oklahoma City, OK



OKLAHOMA GAS AND ELECTRIC COMPANY

 CEC 4555 W. MEMORIAL ROAD OKLAHOMA CITY, OK 73142 (405) 753.4200 CA #32 EXP. 06-30-20	OG&E EASEMENT SKETCH WO# 8433044 US-69 CALERA BRYAN COUNTY, OKLAHOMA	REVISIONS:
DRAWN BY: DH	DATE: 03/14/19	
APPROVED BY: BCB	DATE: 03/14/19	DRWG #: PARCEL 7
		SCALE 1"=60'

Exhibit B

