

TO APPROVE A SERVICE LINE AGREEMENT IN FAVOR OF PUBLIC SERVICE COMPANY OF OKLAHOMA, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN MCCURTAIN COUNTY, OKLAHOMA

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING BILL

A COUNCIL BILL

TO APPROVE a service line agreement in favor of Public Service Company Oklahoma (PSO), on land held by the USA in Trust for the Choctaw Nation of Oklahoma in McCurtain 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 including 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, Public Service Company (PSO) has proposed to provide electric service to the new District addition to the Idabel Casino site. The property is held by the USA in Trust for the Choctaw Nation of Oklahoma (the "Nation") and is in the SE¼ of Section 32, Township 7 South, Range 24 East, McCurtain County, Oklahoma. Attached is a copy of the Service Line Agreement with legal description labeled Exhibit A, map with centerline description labeled Exhibit B, and Google map labeled Exhibit C;

WHEREAS, the payment will be \$0.00 because the service is being installed at the request and for the benefit of the Nation;

WHEREAS, the service line agreement shall 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 this service line agreement in favor of the Public Service Company of Oklahoma.

THEREFORE BE IT ENACTED by the Council that this Bill be cited as approval of the proposed service line agreement, located in the SE¼ of Section 32, Township 7 South, Range 24 East, McCurtain County, OK (See page 3 of Exhibit "A") in favor of the Public Service Company of Oklahoma, on land held by the USA in Trust for the Choctaw Nation of Oklahoma.

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 service line agreement to be \$0.00 and for a perpetual term so long as it is used for its intended purpose.

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

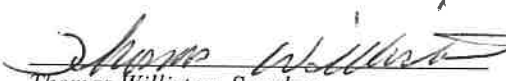
I, the undersigned, as Speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma, on February 8, 2020. I further certify that the foregoing Council Bill CB- 45 -20 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.

TO APPROVE A SERVICE LINE AGREEMENT IN FAVOR OF PUBLIC SERVICE COMPANY OF OKLAHOMA, ON
LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN MCCURTAIN COUNTY,
OKLAHOMA



Ronald Perry, Secretary
Choctaw Nation Tribal Council

Date: 2-11-2020



Thomas Williston, Speaker
Choctaw Nation Tribal Council



Gary Battin, Chief
Choctaw Nation of Oklahoma

TO APPROVE A SERVICE LINE AGREEMENT IN FAVOR OF PUBLIC SERVICE COMPANY OF OKLAHOMA, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN MCCURTAIN COUNTY, OKLAHOMA

Purpose of Council Bill: To approve a service line agreement, in favor of Public Service Company of Oklahoma (PSO), on land held by the USA in Trust for the Choctaw Nation of Oklahoma in McCurtain County, OK. The service line agreement will be in part of the SE¼ of Section 32, Township 7 South, Range 24 East, McCurtain County, Oklahoma. PSO is proposing to provide electric service to the new District addition to the Idabel Casino site. It shall be for a perpetual term, so long as the line is used for this purpose. Attached is a copy of the Service Line Agreement with legal description labeled Exhibit A, map with centerline description labeled Exhibit B, and google map labeled Exhibit C.

Title of Council Bill: TO APPROVE A SERVICE LINE AGREEMENT, IN FAVOR OF PUBLIC SERVICE COMPANY OF OKLAHOMA, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA, IN MCCURTAIN COUNTY, OKLAHOMA

Grantee: Public Service Company of Oklahoma

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

Payment: \$0.00 (The electric transmission line is being installed at the request of the Choctaw Nation.)

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

EXHIBIT A

PSO
P.O. Box 201
Tulsa, OK 74102

Agent: M. Payton/d. Leonard - OK201____
Area: D-6098 WO #
Address:

SERVICE LINE AGREEMENT

WHEREAS, the PUBLIC SERVICE COMPANY OF OKLAHOMA, its successors and assigns, hereinafter, termed "Applicant," has been requested to extend ELECTRIC service to the CHOCTAW NATION OF OKLAHOMA, hereinafter termed "Authorized Occupant," who is the owner or legally authorized occupant or lessee of a tract of TRUST land identified and described as follows:

See Exhibit "A" attached, County of McCurtain, State of Oklahoma; and

WHEREAS, the location of the service line required to serve the above described property, and its extent, is more particularly shown and delineated on the attached plat marked "Exhibit B." which has been prepared in accordance with 25 CFR 169.56, and which by this reference is made a part hereof; and

WHEREAS, the regulations of 25 CFR 169.54 provide that an agreement shall be entered into by and between the landowner or legally authorized occupant or lessee of the land before any work by the applicant may be undertaken to construct a service line across such land; and

WHEREAS, those regulations further provide that the service line shall be for the sole purpose of supplying the owner or authorized occupant or lessee of land, including schools and churches with telephone, water, electric power, gas or other utilities for use by such owner, occupant or lessee of the land on the premises.

Now, therefore, it is hereby agreed that in consideration of the applicant furnishing ELECTRIC service to the herein described property, the Authorized Occupant hereby grants permission to the applicant to construct a service line on and across the said property without the payment of any monetary compensation for damages.

Applicant agrees to comply with all the applicable requirements of 25 CFR 169 Subpart B.

This agreement is in the nature of a license revocable at any time at the sole option of the Authorized Occupant, and conveys no interest in the land traversed whatever.

Each person signing this Service Line Agreement represents and warrants that he or she is duly authorized to execute and deliver this Service Line Agreement. Each party represents and warrants to the other that the execution and delivery of this Service Line Agreement and the performance of such party's obligations hereunder have been duly authorized and that the Service Line Agreement is a valid and legal agreement binding on such party and enforceable in accordance with its terms.

PSO
P.O. Box 201
Tulsa, OK 74102

Section 32, T7S, R24E

Owner: USA in Trust for the CHOCTAW NATION OF OKLAHOMA

By: _____
Gary Batton, Chief

Date: _____

Applicant: Public Service Company of Oklahoma

By: _____
Mark F. Payton III, ROW Agent

Date: _____

Filed with the Regional Director, _____ Regional Office on _____, 20____.

If any archaeological remains such as bone, pottery, chipped stone, tools, charcoal stains, historic artifacts such as metal, glass, wood, brick, or historic pottery, or unrecorded cemeteries, marked or unmarked graves are exposed during ground disturbing activity, all activity must cease in the immediate vicinity of the remains, and the Agency Superintendent, Zone Archaeologist, and State Archaeologist must be notified to determine the disposition of the remains.

PSO
P.O. Box 201
Tulsa, OK 74102

Section 32, T7S, R24E

Exhibit "A" Page 1 of 1

Beginning 42.50 feet North and 41.50 feet West of the Southeast corner of Section 32, Township 7 South, Range 24 East, for the point beginning, thence North $44^{\circ}53'$ East a distance of 35.20 feet, thence East 16.50 feet, thence North 1252.50 feet, thence West 870 feet, thence South 1140 feet, thence East 2.25 feet, thence South 135.05 feet to the North right-of-way of present U.S. Highway 70 "Bus.", thence Easterly along said right-of-way 826.25 feet to the true point of beginning containing 25.47 acres, more or less;

PSO
P O Box 201
Tulsa, OK 74102

Section 3, T3N, R21E

Exhibit "B" – Centerline description – Page 1 of 2



Owner **USA in Trust for the CHOCTAW NATION OF OKLAHOMA**

By: _____
Gary Batton, Chief

Date _____

APPLICANT **Public Service Company of Oklahoma**

Mark F Payton III, ROW Agent

Date _____

PSO
P.O. Box 201
Tulsa, OK 74102

Section 32, T7S, R24E

Exhibit "B" – Centerline description – Page 2 of 2

Ten (10) feet on each side of a centerline of an overhead power line, more fully described as follows: Commencing at the Northeast corner of the property described on Exhibit "A"; thence South a distance of 660 feet; thence West a distance of approximately 365 feet to an existing power pole, being the Point of Beginning; thence continuing West a distance of 82 feet to the Point of Termination.

Five (5) feet on each side of a centerline of an underground power cable, more fully described as follows: Commencing at the Point of Termination of the overhead power line, described above; thence South a distance of 50 feet to the Point of Termination on the North side of a building.

Owner: **USA in Trust for the CHOCTAW NATION OF OKLAHOMA**

By: _____ Date _____
Gary Batton, Chief

APPLICANT: **Public Service Company of Oklahoma**

_____ Date _____
Mark F Payton III, ROW Agent

EXHIBIT C

118
B

14. 03.17

