

**TO APPROVE A COMMUNICATION LINE EASEMENT, IN FAVOR OF SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T OKLAHOMA, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN PITTSBURG COUNTY, OKLAHOMA**

**IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION**

**RONALD PERRY INTRODUCED THE FOLLOWING BILL**

**A COUNCIL BILL**

**TO APPROVE** a Communication Line Easement, in favor of Southwestern Bell Telephone Company, d/b/a AT&T Oklahoma (AT&T), on land held by the USA in Trust for the Choctaw Nation of Oklahoma in Pittsburg County, Oklahoma.

**WHEREAS**, in accordance with Article VII, Section 1 of the Constitution of the Choctaw Nation of Oklahoma (the "Nation"), 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**, AT&T has an existing easement on this property but it is in the footprint of the proposed new construction of the McAlester Travel Plaza on Hereford Lane;

**WHEREAS**, AT&T has proposed to relocate their communication line easement on Choctaw Tribal Trust land located in the N½ of Section 33, Township 6 North, Range 15 East, Pittsburg County, OK (the "Communication Line Easement");

**WHEREAS**, the Nation has requested the line be relocated to the site shown on the attached Survey labeled Exhibit A;

**WHEREAS**, the easement will be for a term of fifty (50) years from the date of BIA approval and will contain approximately 0.72 acres; and

**WHEREAS**, the Council has determined it is in the best interest of the Nation to grant this easement in favor of Southwestern Bell Telephone Company, d/b/a AT&T Oklahoma.

**THEREFORE BE IT ENACTED** by the Council that this Bill be cited as approval of the proposed Communication Line Easement on land held by the USA in Trust for the Choctaw Nation of Oklahoma in Pittsburg County, Oklahoma;

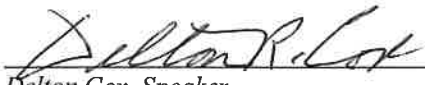
**BE IT FURTHER ENACTED** by the Council that this Bill be cited as an acknowledgement that the Chief of the Nation, or his designee, is authorized to prepare, execute, deliver and file any and all agreements, certificates, instruments and documents, in such form and with such terms and provisions as 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 January 12, 2019. I further certify that the foregoing Council Bill CB- 65 -19 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: 1-15-19

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

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

**Communication Line Easement with Southwestern Bell Telephone Co. d/b/a AT&T Oklahoma –  
Pittsburg County, OK**

**Purpose of Council Bill:** To approve the relocation of a Communication Line Easement with Southwestern Bell Telephone Company, d/b/a AT&T Oklahoma, on land held by the USA in Trust for the Choctaw Nation of Oklahoma in Pittsburg County, Oklahoma. The easement will be on land located in the N½ of Section 33, Township 6 North, Range 15 East, Pittsburg County, Oklahoma. AT&T has an existing easement on this property but it is in the footprint of the proposed new construction of the McAlester Travel Plaza on Hereford Lane, therefore the Choctaw Nation has requested that AT&T relocate their line to the site shown on the attached Survey labeled Exhibit A. The easement will be for a 50-year term and will contain 0.72 acres, more or less. There will be no payment required from AT&T and we are hereby waiving the requirement for an appraisal.

**Title of Council Bill: TO APPROVE A COMMUNICATION LINE EASEMENT, IN FAVOR OF  
SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T OKLAHOMA, ON LAND HELD BY  
THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN PITTSBURG COUNTY,  
OKLAHOMA**

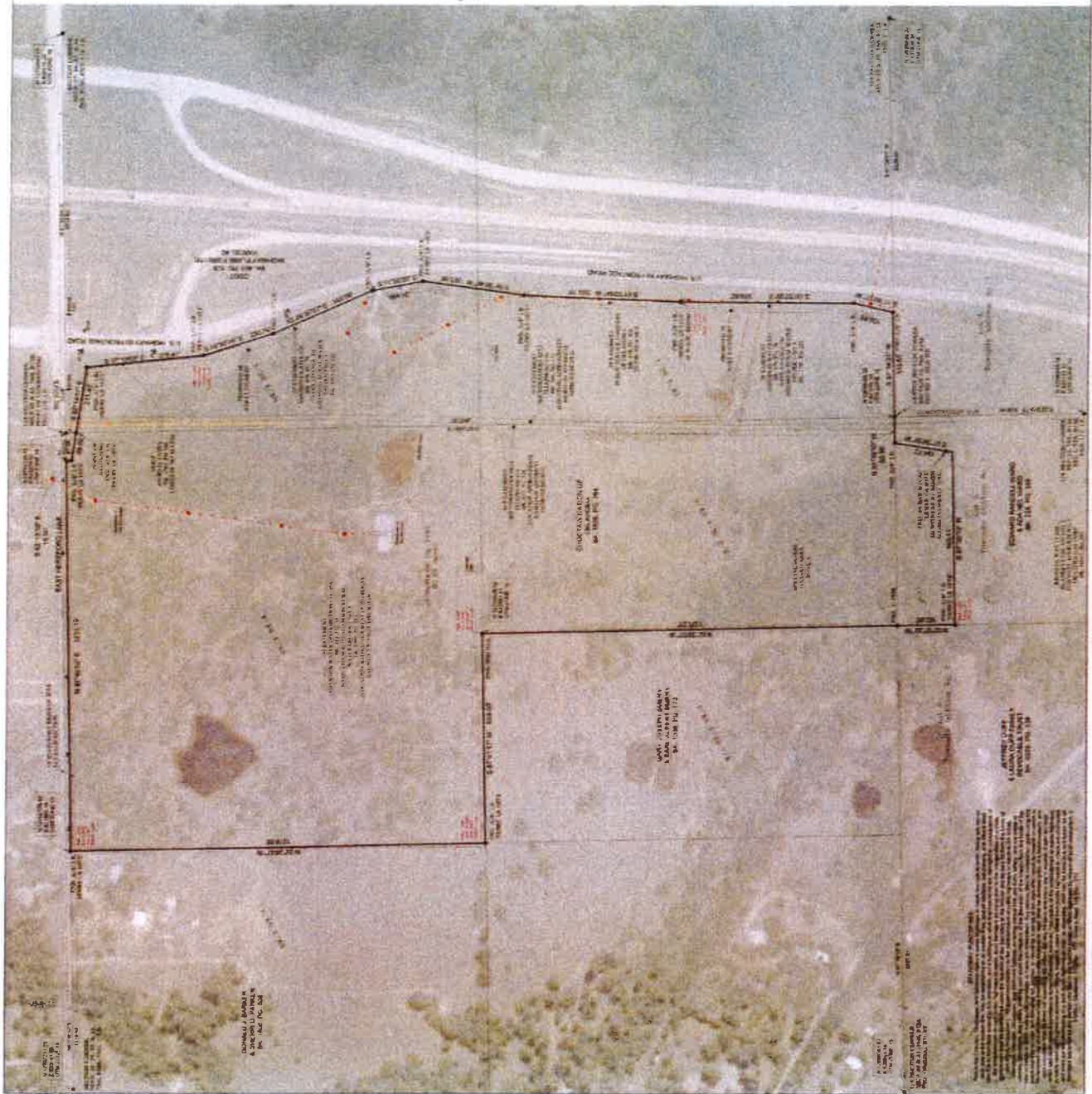
**Lessee:** Southwestern Bell Telephone Company, d/b/a AT&T Oklahoma

**Duration:** 50 years

**Payment:** \$0.00

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

EXHIBIT A



**STATE SURVEY**

THIS SURVEY WAS MADE BY THE SURVEYOR IN ACCORDANCE WITH THE LAWS AND REGULATIONS OF THE STATE OF OKLAHOMA, AND THE SURVEYOR'S DUTY IS TO OBEY THE LAWS AND REGULATIONS OF THE STATE OF OKLAHOMA IN THIS RESPECT. THE SURVEYOR HAS BEEN LICENSED BY THE BOARD OF SURVEYING ENGINEERS OF THE STATE OF OKLAHOMA, AND HIS LICENSE NO. IS 11111. HE HAS BEEN LICENSED SINCE 1970.

**DESCRIPTION OF SURVEY**

THE SURVEY WAS MADE FOR THE PURPOSE OF SURVEYING THE BOUNDARIES OF THE SEVERAL TRACTS OF LAND DESCRIBED IN THE ACCOMPANYING DEEDS, AND FOR THE PURPOSE OF SURVEYING THE BOUNDARIES OF THE SEVERAL TRACTS OF LAND DESCRIBED IN THE ACCOMPANYING DEEDS, AND FOR THE PURPOSE OF SURVEYING THE BOUNDARIES OF THE SEVERAL TRACTS OF LAND DESCRIBED IN THE ACCOMPANYING DEEDS, AND FOR THE PURPOSE OF SURVEYING THE BOUNDARIES OF THE SEVERAL TRACTS OF LAND DESCRIBED IN THE ACCOMPANYING DEEDS.

**THE CHOCTAW NATION OF OKLAHOMA**  
 HERBERT R. HARTZ  
 CHIEF OF BUREAU  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA STATE SURVEY**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA BOARD OF SURVEYING ENGINEERS**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA GEOLOGICAL SURVEY**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF TRANSPORTATION**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF REVENUE**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF AGRICULTURE**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF SOCIAL SERVICES**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF HEALTH**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF EDUCATION**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF ENVIRONMENT**  
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**OKLAHOMA DEPARTMENT OF ENERGY**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF FOREstry**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF GENERAL INVESTIGATION**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF LANDS**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF LABOR**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF LEGAL COUNSEL**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF MINERAL INDUSTRIES**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF NATURAL RESOURCES**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF PUBLIC SAFETY**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF PUBLIC SERVICE**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF TULSA**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF WATER RESOURCES**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF WILDLIFE**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102

**OKLAHOMA DEPARTMENT OF YOUTH SERVICES**  
 1000 EAST PULASKI, OKLAHOMA CITY, OKLA. 73102



Lot 4 Pittsburg County Townsite Addition No. 7 a distance of 333.61 feet to the Northwest Corner of Lot 4, also being along the South line of the N $\frac{1}{2}$  of Section 33; THENCE S88°32'36"W along the North line of Lot 5, Townsite Addition No. 7 a distance of 83.98 feet; THENCE S08°14'01"W a distance of 184.72 feet; THENCE S88°52'36"W parallel to the North line of Lot 5, Townsite Addition No. 7 a distance of 545.11 feet to a point on the West line of Lot 5; THENCE N00°49'57"W along the West line of Lot 5 a distance of 182.00 feet to the Northwest Corner of said Lot 5, also the Southwest Corner of the E $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 33; THENCE N01°12'01"W a distance of 1321.21 feet to the Northwest Corner of the said E $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ; THENCE S88°58'43"W a distance of 659.60 feet to the Southwest Corner of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 33; THENCE N01°11'21"W a distance of 1319.55 feet to the Northwest Corner of the said NE $\frac{1}{4}$  NW $\frac{1}{4}$ ; THENCE N88°57'28"E a distance of 1231.19 feet; THENCE S00°55'04"E a distance of 16.50 feet; THENCE S80°56'51"E a distance of 89.09 feet to the POINT OF BEGINNING.

**MORE PARTICULARLY DESCRIBED IN TRUE NORTH BEARINGS AS FOLLOWS:**

A portion of Lot 5 in Townsite Addition No. 7, and a tract of land in the N $\frac{1}{2}$  of Section 33, Township 6 North, Range 15 East of the Indian Base and Meridian, Pittsburg County, Oklahoma, Commencing at the Northeast Corner of the NW $\frac{1}{4}$ ; THENCE S02°30'03"E, along the East line of said NW $\frac{1}{4}$ , a distance of 32.24 feet to the POINT OF BEGINNING; THENCE S82°14'17"E along US 69 Right-of-Way a distance of 211.45 feet; THENCE S07°19'03"E along US 69 Right-of-Way a distance of 376.41 feet; THENCE S18°55'16"E along US 69 Right-of-Way a distance of 230.76 feet; THENCE S24°57'07"E along US 69 Right-of-Way a distance of 343.09 feet; THENCE S11°50'20"E along US 69 Right-of-Way a distance of 164.92 feet; THENCE S06°35'46"W along US 69 Right-of-Way a distance of 325.96 feet; THENCE S01°03'06"W along US 69 Right-of-Way a distance of 500.10 feet; THENCE S00°55'29"E along US 69 Right-of-Way a distance of 550.82 feet; THENCE S11°49'37"W along US 69 Right-of-Way a distance of 126.68 feet; THENCE S87°34'31"W along the North line of Lot 4 Pittsburg County Townsite Addition No. 7 a distance of 333.61 feet to the Northwest Corner of Lot 4, also being along the South line of the N $\frac{1}{2}$  of Section 33; THENCE S87°35'10"W along the North line of Lot 5, Townsite Addition No. 7 a distance of 83.98 feet; THENCE S07°26'35"W a distance of 184.72 feet; THENCE S87°35'10"W parallel to the North line of Lot 5, Townsite Addition No. 7 a distance of 545.11 feet to a point on the West line of Lot 5; THENCE N02°07'23"W along the West line of Lot 5 a distance of 182.00 feet to the Northwest Corner of said Lot 5, also the Southwest Corner of the E $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 33; THENCE N02°29'27"W a distance of 1321.21 feet to the Northwest Corner of the said E $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ; THENCE S87°41'17"W a distance of 659.60 feet to the Southwest Corner of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 33; THENCE N02°28'47"W a distance of 1319.55 feet to the Northwest Corner of the said NE $\frac{1}{4}$  NW $\frac{1}{4}$ ; THENCE N87°40'02"E a distance of 1231.19 feet; THENCE S02°12'30"E a distance of 16.50 feet; THENCE S82°14'17"E a distance of 89.09 feet to the POINT OF BEGINNING.

Said tract containing 83.48 Acres of land, more or less.

**LEGAL DESCRIPTION OF PROPOSED EASEMENT**

A 10 foot wide Utility Easement located in the North Half (N/2) of Section Thirty-three (33), Township Six (6) North, Range Fifteen (15) East of the Indian Base and Meridian, Pittsburg County, Oklahoma, being more particularly described as follows:

Commencing at the North Quarter Corner of said Section 33; Thence S02°30'03"E, along the North/South Quarter Section Line of said Section 33, a distance of 32.24 feet; Thence S82°14'17"E, along the West Right of Way Line of US Highway 69, a distance of 14.06 feet to the True Point of Beginning;

Thence continuing along said West Right of Way Line S82°14'17"E, a distance of 176.52 feet; Thence parallel with and 20 feet West of said West Right of Way Line for the following 8 courses:

- 1) Thence S07°19'03"E, a distance of 383.83 feet;
- 2) Thence S18°55'16"E, a distance of 233.85 feet;
- 3) Thence S24°57'07"E, a distance of 341.84 feet;
- 4) Thence S11°50'20"E, a distance of 159.38 feet;
- 5) Thence S06°35'46"W, a distance of 323.68 feet;
- 6) Thence S01°03'06"W, a distance of 501.41 feet;
- 7) Thence S00°55'29"E, a distance of 548.93 feet;
- 8) Thence S11°49'37"W, a distance of 129.53 feet to a point on the South line of the Northeast Quarter (NE/4) of said Section 33; Thence S87°34'31"W, along said South line, a distance of 312.97 feet to the Center Quarter Corner (C1/4) of said Section 33; Thence S87°35'10"W, along the South line of the Northwest Quarter (NW/4) of said Section 33, a distance of 54.22 feet; Thence N01°55'10"W, a distance of 10.00 feet;

Thence N87°35'10"E, parallel with and 10 feet North of the South line of said NW/4, a distance of 54.13 feet; Thence N87°34'31"E, parallel with and 10 feet North of the South line of said NE/4, a distance of 305.20 feet;

Thence parallel with and 30 feet West of said West Right of Way Line for the following 8 courses:

- 1) Thence N11°49'37"E, a distance of 120.63 feet;
  - 2) Thence N00°55'29"W, a distance of 547.99 feet;
  - 3) Thence N01°03'06"E, a distance of 502.07 feet;
  - 4) Thence N06°35'46"E, a distance of 322.54 feet;
  - 5) Thence N11°50'20"W, a distance of 156.60 feet;
  - 6) Thence N24°57'07"W, a distance of 341.22 feet;
  - 7) Thence N18°55'16"W, a distance of 235.39 feet;
  - 8) Thence N07°19'03"W, a distance of 377.19 feet;
- Thence N82°14'17"W, parallel with and 10 feet Southwesterly of said West Right of Way Line, a distance of 167.09 feet; Thence N02°15'21"W, a distance of 10.00 feet to the True Point of Beginning, having an area of 0.72 Acres more or less.

Basis of Bearings are Geodetic North.

Said being described by Robby L. Johnson, RPLS No. 1539 on September 25, 2018.

**NOTES:**

1. Survey was prepared without the benefit of a current Abstract, Commitment or Title Opinion. No Easements or Rights-of-Way were provided to the Surveyor.
2. The utilities shown have been located from field survey information. The Surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in service or abandoned. The Surveyor further does not warrant that the utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The Surveyor has not physically located the utilities. Call OKIE Utility Locate Ticket 18071613032661, Utility members notified include Navitas Utility, Scissortail, Centerpoint Energy, Adamson RWD, Kiamichi Electric, AT&T Distribution, and Public Services of Oklahoma.
3. All measurements as shown hereon are in True Bearings and ground distances unless otherwise noted.
4. Coordinates as shown hereon are U.T.M. Zone 15, WGS84 as derived from OPUS solution and are in U.S. Survey feet.
5. According to the National Flood Insurance Program, Flood Insurance Rate Map (FIRM) Number 40121C0480E bearing an Effective Date of July 22, 2010, a portion of the subject property as shown hereon is situated in Special Flood Hazard Area Zone A (subject to flooding by the 1% annual chance flood)
6. Subject to Easements, Rights-of-Way and Restrictions, recorded or implied, if any, thereof and subject to a 33 foot Statutory Section line Right-of-Way, being 16.5 feet on each side of Section line.