

**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 PUSHMATAHA COUNTY, OKLAHOMA**

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

**RONALD PERRY INTRODUCED THE FOLLOWING BILL**

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**A 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 Pushmataha County, Oklahoma.

**WHEREAS**, in accordance with Article VII, Section 1 of the Constitution of the Choctaw Nation of Oklahoma, 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**, Public Service Company of Oklahoma ("PSO") will provide an electric line to service the Choctaw Nation Capitol property at Tushka Homma. It is described as a 20-foot wide overhead electric line easement, the centerline to commence at the SW corner of Section 14, Township 2 North, Range 19 East, Pushmataha County, OK, thence N88°26'34"E along the south line of Sec. 14 a distance of 1365.91 feet; thence N1°33'26"W a distance of 1118.61 feet to the Point of Beginning; thence N38°59;08"W a distance of 179.41 feet to the Point of Termination. Please see attached Service Line Agreement with survey map and legal description labeled Exhibit A. Also attached is a location map labeled Exhibit B;

**WHEREAS**, the payment will be \$0.00 because the service is being installed at the request and for the benefit of the Choctaw Nation of Oklahoma (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 PSO.

**THEREFORE BE IT ENACTED** by the Council that this Bill be cited as approval of the proposed service line agreement for a perpetual term, described as being in Section 14, Township 2 North, Range 19 East, Pushmataha County, OK, thence N88°26'34"E along the south line of Sec. 14 a distance of 1365.91 feet; thence N1°33'26"W a distance of 1118.61 feet to the Point of Beginning; thence N38°59;08"W a distance of 179.41 feet to the Point of Termination, (See page 5 of Exhibit A), in favor of 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 payment of \$0.00 because the service is being installed at the request and for the benefit of the Choctaw Nation of Oklahoma.

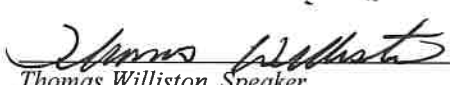
**BE IT FURTHER ENACTED** by the Council that this Bill be cited as an acknowledgement that the Chief of the Nation, or his designee, is authorized to prepare, execute, deliver and file any and all agreements, certificates, instruments and documents, in such form and with such terms and provisions as 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.

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 PUSHMATAHA COUNTY, OKLAHOMA

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 May 9, 2020. I further certify that the foregoing Council Bill CB- 79 -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

  
\_\_\_\_\_  
Thomas Williston, Speaker  
Choctaw Nation Tribal Council

Date: 5-14-2020

  
\_\_\_\_\_  
Gary Batton, Chief  
Choctaw Nation of 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 Pushmataha County, OK. PSO will provide an electric line to service the Choctaw Nation Capitol property at Tushka Homma, located in Section 14, Township 2 North, Range 19 East, Pushmataha County, Oklahoma. It is described as a 20-foot wide easement, 10-feet on each side of the centerline, more fully described in the Service Line Agreement, which includes a survey map and legal description, labeled Exhibit A. A location map is also attached labeled Exhibit B.

**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 PUSHMATAHA COUNTY, OKLAHOMA**

**Grantee:** Public Service Company of Oklahoma

**Duration:** Perpetual

**Payment:** \$0.00

**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 Pushmataha, 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 14, T2N, R19E

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  
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Tulsa, OK 74102

Section 14, T2N, R19E

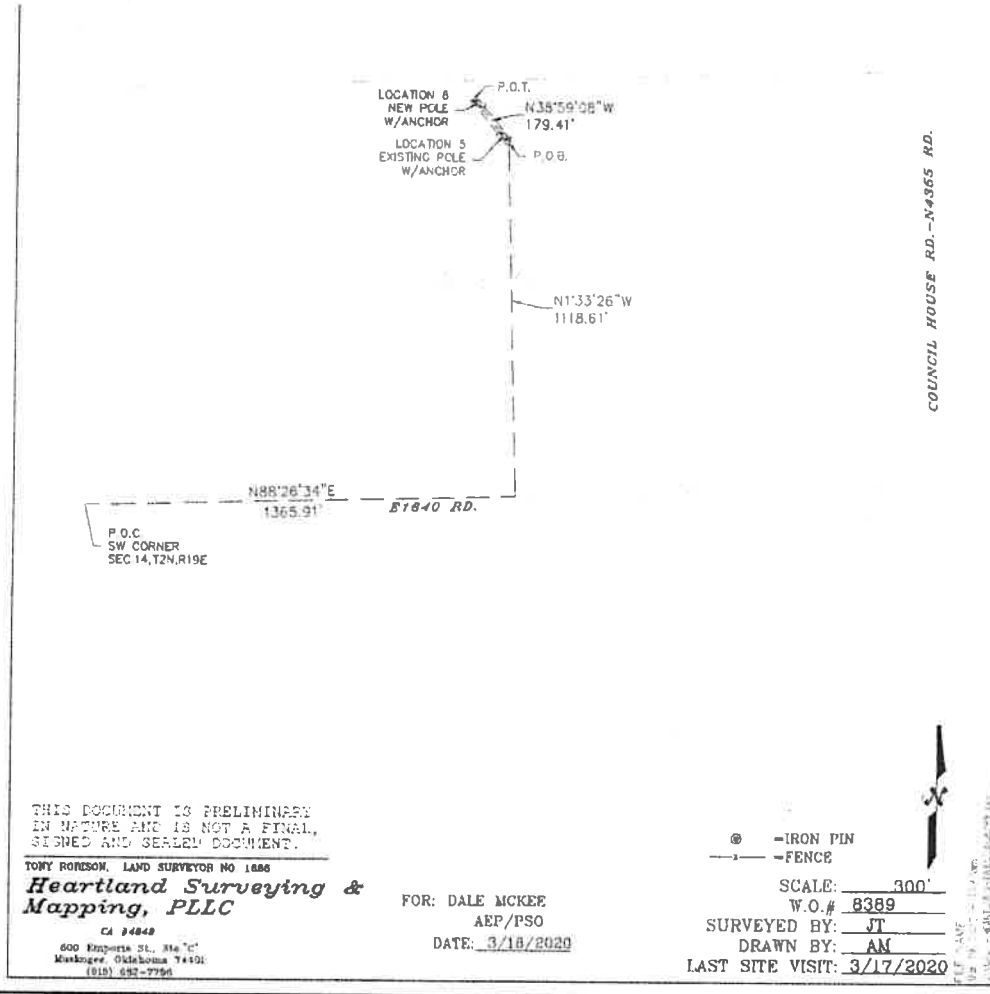
**Exhibit "A" Page 1 of 1**

The North Half of the South Half of the Southwest Quarter (N/2 S/2 SW/4) Section 14,  
Township 2 North, Range 19 East, Pushmataha county, Oklahoma,

PSO  
P.O. Box 201  
Tulsa, OK 74102

Section 14, T2N, R19E

**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 14, T2N, R19E

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

20 FEET OVERHEAD ELECTRIC EASEMENT DESCRIPTION A STRIP OF LAND 20.00 FOOT IN WIDTH, BEING 10.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE SW CORNER OF SECTION 14, T2N, R19E OF THE I.B.&M., PUSHMATAHA COUNTY, STATE OF OKLAHOMA, THENCE N88°26'34"E ALONG THE SOUTH LINE OF SECTION 14 A DISTANCE OF 1365.91 FEET; THENCE N1°33'26"W A DISTANCE OF 1118.61 FEET TO THE POINT OF BEGINNING; THENCE N38°59'08"W A DISTANCE OF 179.41 FEET TO THE POINT OF TERMINATION.

Owner: USA in Trust for the CHOCTAW NATION OF OKLAHOMA

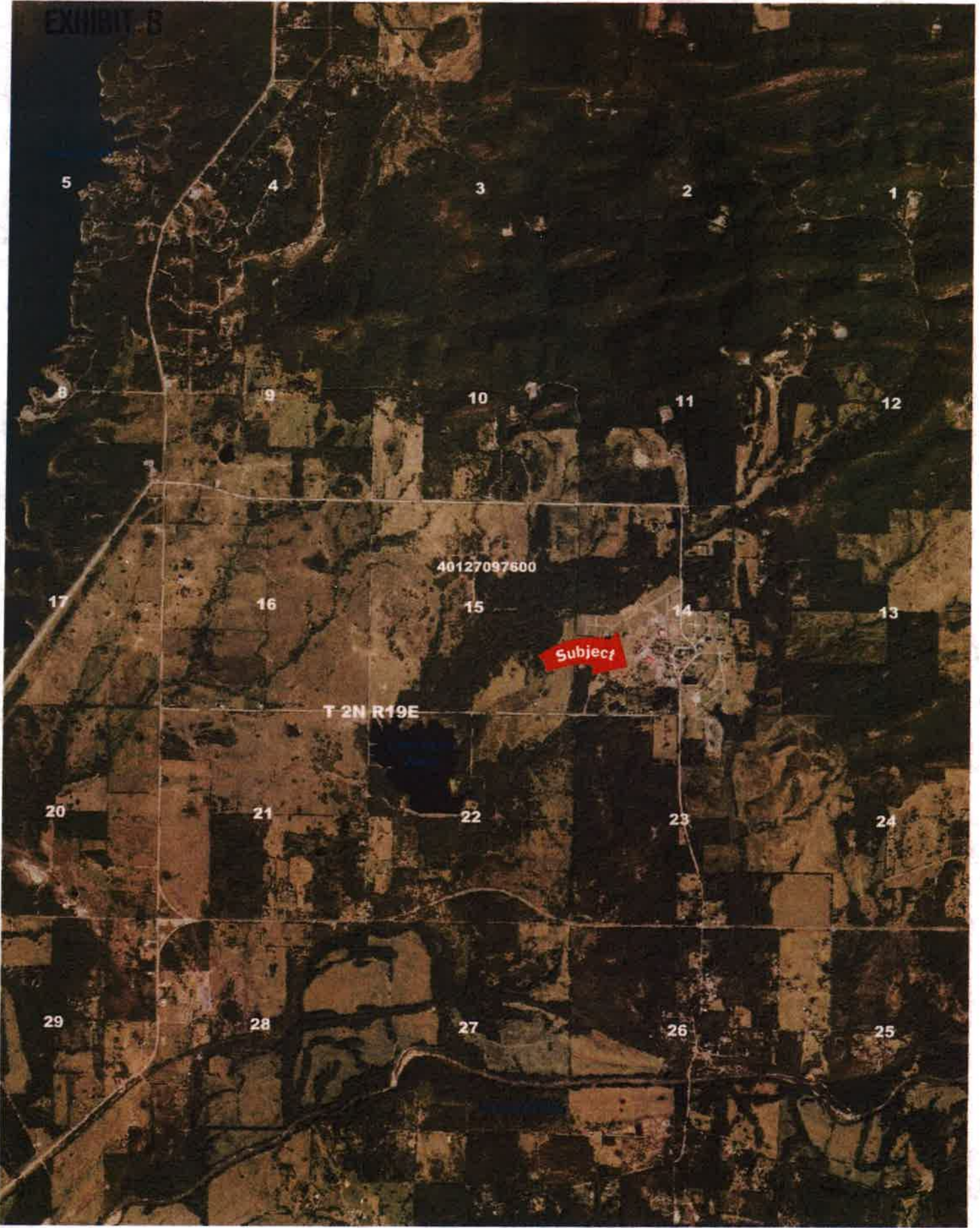
By: \_\_\_\_\_ Date: \_\_\_\_\_  
Gary Batton, Chief

APPLICANT: Public Service Company of Oklahoma

\_\_\_\_\_  
Mark F. Payton III, ROW Agent Date: \_\_\_\_\_



EXHIBIT B



40127097600

Subject

T 2N R19E