

TO APPROVE A SERVICE LINE AGREEMENT, IN FAVOR OF ARKANSAS VALLEY ELECTRIC COOPERATIVE, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN LEFLORE 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 Arkansas Valley Electric Cooperative, on land held by the USA in Trust for the Choctaw Nation of Oklahoma in LeFlore 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, Arkansas Valley Electric Cooperative ("AVEC") will provide an electric line to service the Choctaw Travel Center in Pocola, OK. It is described as a 20-foot wide easement, being 10 feet on each side of the centerline, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 10 North, Range 27 East, LeFlore County, OK. Please see attached Service Line Agreement labeled Exhibit A, Survey Map and easement description labeled Exhibit B, and location 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 Choctaw Nation of Oklahoma (the "Nation");

WHEREAS, the service line agreement shall be for a perpetual term so long as it's 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 AVEC.

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 34, Township 10 North, Range 27 East, LeFlore County, OK (See page 1 of Exhibit A), in favor of Arkansas Valley Electric Cooperative, on land held by the USA in Trust for the Choctaw Nation of Oklahoma.

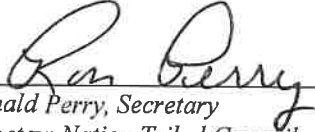
BE IT FUTHER ENACTED, by the Council of the Choctaw Nation of Oklahoma, that this bill be cited for approval for the payment of \$0.00.

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 Special Session of the Tribal Council at Tuskahoma, Oklahoma, on June 26, 2020. I further certify that the foregoing Council Bill CB- 87 -201 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 ARKANSAS VALLEY ELECTRIC
COOPERATIVE, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN
LEFLORE COUNTY, OKLAHOMA**



Ronald Perry, Secretary
Choctaw Nation Tribal Council



Thomas Williston, Speaker
Choctaw Nation Tribal Council

Date: 6-26-2020



Gary Batton, Chief
Choctaw Nation of Oklahoma

Purpose of Council Bill: To approve a service line agreement, in favor of Arkansas Valley Electric Cooperative (“AVEC”), on land held by the USA in Trust for the Choctaw Nation of Oklahoma in LeFlore County, OK. AVEC will provide an electric line to service the Choctaw Travel Center in Pocola, OK, located in Section 34, Township 10 North, Range 27 East, LeFlore County, Oklahoma. It is described as a 20-foot wide easement, 10-feet on each side of the centerline, see survey for full easement description. Attached is the Service Line Agreement labeled Exhibit A, Survey map and easement description labeled Exhibit B, and location map labeled Exhibit C.

Title of Council Bill: TO APPROVE A SERVICE LINE AGREEMENT, IN FAVOR OF ARKANSAS VALLEY ELECTRIC COOPERATIVE, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN LEFLORE COUNTY, OKLAHOMA

Grantee: Arkansas Valley Electric Cooperative

Duration: Perpetual

Payment: \$0.00

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

EXHIBIT A

SERVICE LINE AGREEMENT

WHEREAS, the ARKANSAS VALLEY ELECTRIC COOPERATIVE, its successors and assigns, hereinafter, termed "Applicants," has been requested for the purposes of construct, maintain, operate, transmit, distribute, repair and replace a service line in order to provide ELECTRIC service to USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA, hereinafter termed "Authorized Occupant," who is the owner, legally authorized occupant or lessee of a tract of trust land identified and described as follows:

Utility Easement Description:

A 20 foot wide easement through the SW / 4 of the SW / 4 of SECTION 34, TOWNSHIP 10N, RANGE 27E of the Indian Base and Meridian, LE FLORE County, Oklahoma, being 10 feet each side of a centerline. EASEMENT IS FOR ARKANSAS VALLEY ELECTRIC TO RUN 3PHASE UG LINES TO SERVICE THE TRAVEL CENTER. WAVE INTERNET WILL RUN IN THIS EASEMENT A FIBER LINE.

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 A," 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 to a legally authorized occupant or lessee of the applicant before any work by the applicant may be undertaken to construct a service line across such land; and

WHEREAS, those regulations further provide that a 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 services to the within described property, the authorized occupant hereby grants permission to applicant to construct and maintain a service line over, in, upon 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.

Applicant: **Arkansas Valley Electric Cooperative**

By: _____

Date: _____

Title: _____

In witness whereof, this agreement was executed this _____ day of _____, 20__.

USA in Trust for the CHOCTAW NATION

By:  _____
Gary Batton, Chief

ACKNOWLEDGEMENT

State of OKLAHOMA

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County of:

Subscribed and sworn to before me this _____ day of _____, 20__, by Gary Batton, Chief, on behalf of the Choctaw Nation of Oklahoma.

Signature of Notary Public

My commission expires _____, 20__.

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

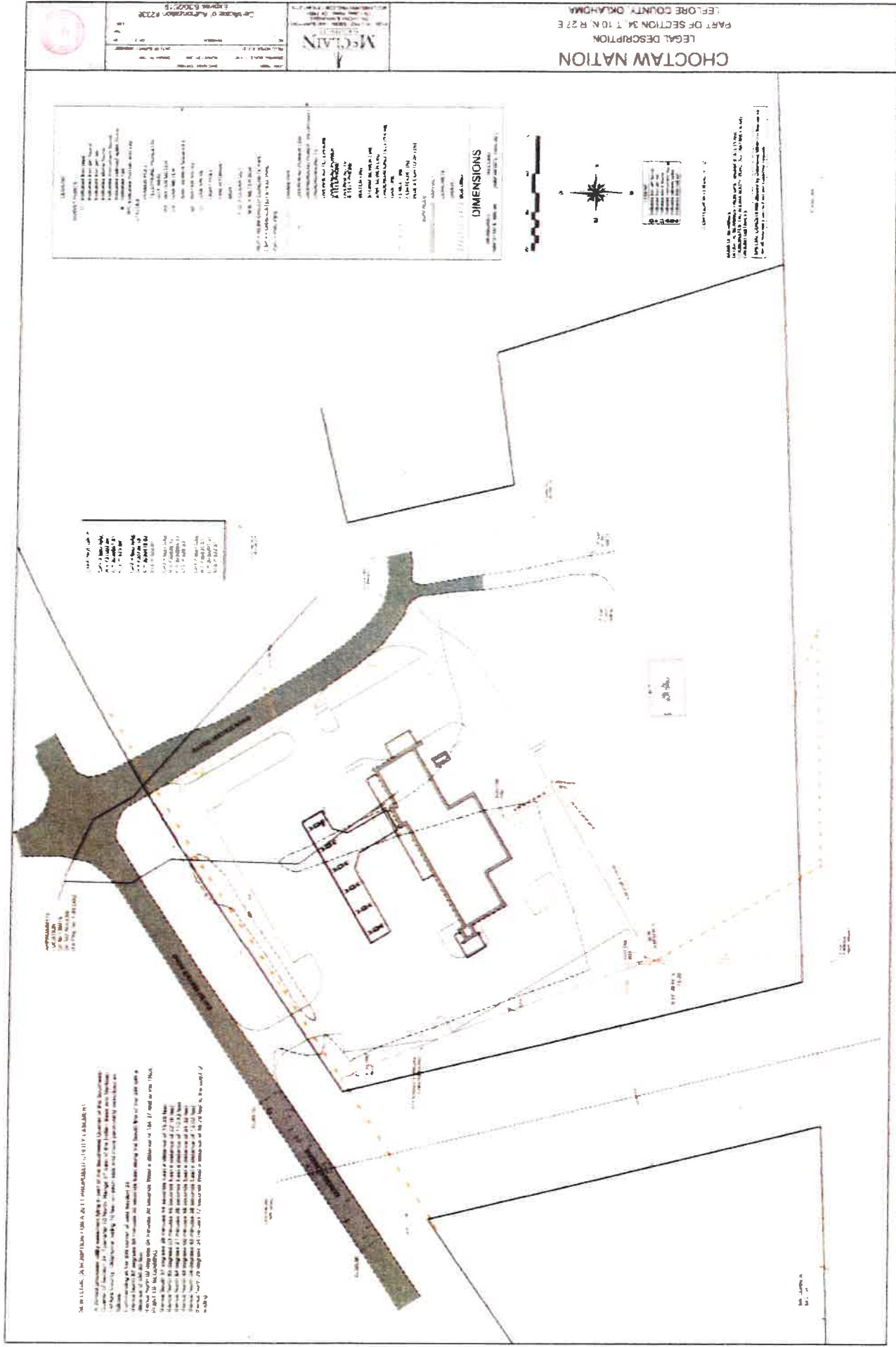


EXHIBIT B

Client: CHOCTAW NATION

Job #: 19393

Date: June 17, 2020

NEW LEGAL DESCRIPTION FOR A 20 FT PROPOSED UTILITY EASEMENT:

A 20-foot proposed utility easement lying in part of the Southwest Quarter of the Southwest Quarter of Section 34, Township 10 North, Range 27 East of the Indian Base and Meridian, LeFlore County, Oklahoma, being 10 feet on each side and more particularly described as follows:

Commencing at the SW corner of said Section 34;

thence North 87 degrees 55 minutes 30 seconds East along the South line of the SW SW a distance of 550.80 feet;

thence North 02 degrees 04 minutes 30 seconds West a distance of 184.37 feet to the TRUE POINT OF BEGINNING;

thence South 57 degrees 36 minutes 44 seconds East a distance of 15.25 feet;

thence North 85 degrees 03 minutes 45 seconds East a distance of 22.16 feet;

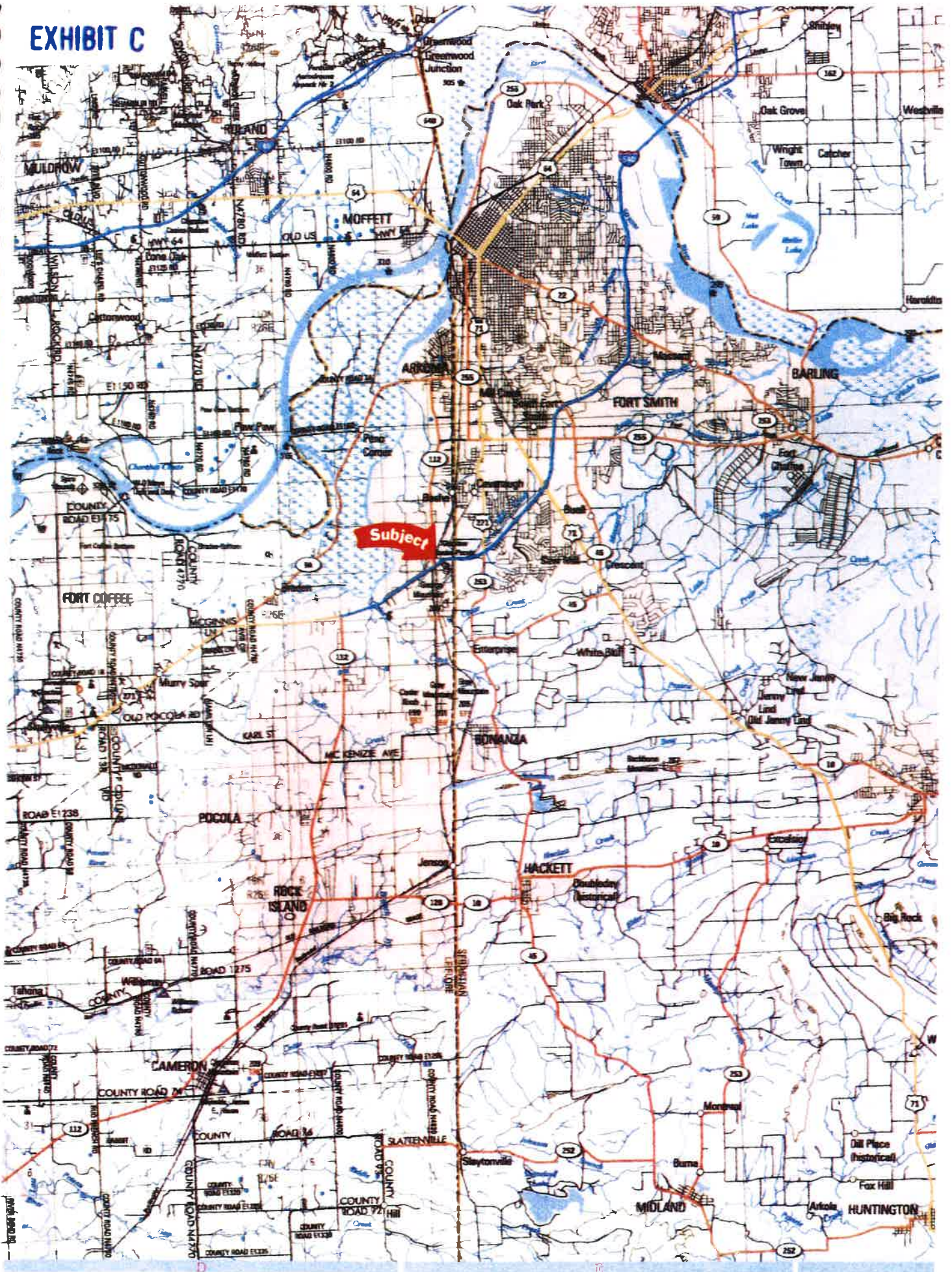
thence North 64 degrees 21 minutes 26 seconds East a distance of 110.43 feet;

thence North 49 degrees 00 minutes 48 seconds East a distance of 54.32 feet;

thence North 04 degrees 45 minutes 38 seconds East a distance of 13.02 feet;

thence North 29 degrees 34 minutes 12 seconds West a distance of 58.29 feet to the point of ending.

EXHIBIT C



Subject