

**TO APPROVE GRANT OF RIGHT OF WAY NO. 4200167987, IN FAVOR OF OKLAHOMA NATURAL GAS COMPANY, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA, IN BRYAN COUNTY, OKLAHOMA**

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

**RONALD PERRY INTRODUCED THE FOLLOWING BILL**

**A COUNCIL BILL**

**TO APPROVE** Grant of Right of Way No. 4200167987, in favor of Oklahoma Natural Gas Company, a Division of ONE Gas, Inc. ("ONG"), on land held by the USA in Trust for the Choctaw Nation of Oklahoma (the "Nation"), in Bryan 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**, ONG requests a 15 ft. wide right-of-way to install and maintain a 4" and 6" underground pipeline (the "Pipeline");

**WHEREAS**, the Pipeline will provide natural gas service to the new Choctaw Nation Cultural Center (the "Cultural Center");

**WHEREAS**, the requested right-of-way is on land held by the USA in Trust for the Nation, located in the NW¼ and SW¼ of Section 12, Township 7 South, Range 8 East, Bryan County, OK. See a copy of the survey labeled Exhibit A, a location map labeled Exhibit B, and a copy of the Right-of-Way Application labeled Exhibit C;

**WHEREAS**, ONG has proposed a perpetual term that will begin on the date of approval by the Bureau of Indian Affairs; and

**WHEREAS**, the Council has determined it is in the best interest of the Nation to waive the appraisal and to grant this right of way in favor of ONG.

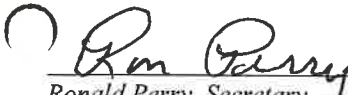
**THEREFORE BE IT ENACTED** by the Council that this Bill be cited as approval to grant a right-of-way to ONG on land held by the USA in Trust for the Nation, located in the NW¼ and SW¼ of Section 12, Township 7 South, Range 8 East, Bryan County, OK.

**BE IT FURTHER ENACTED**, by the Council that this Bill be cited as a waiver of the appraisal regarding this right-of-way to ONG.


**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 April 13, 2019. I further certify that the foregoing Council Bill CB- 95 -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: 4-17-19

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

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

**Grant of Right of Way No. 4200167987, in favor of Oklahoma Natural Gas Company – Bryan County, Oklahoma**

**Purpose of Council Bill:** To approve Grant of Right of Way No. 4200167987, in favor of Oklahoma Natural Gas Company, a Division of ONE Gas, Inc. (ONG), on land held by the USA in Trust for the Choctaw Nation of Oklahoma. The right of way will be located in part of the NW¼ and SW¼ of Section 12, Township 7 South, Range 8 East, Bryan County, Oklahoma. ONG proposes to acquire a 15 ft. wide right of way to install and maintain a 4” and 6” underground pipeline to provide natural gas service to the Choctaw Nation Cultural Center. A copy of the survey is attached labeled Exhibit A. Also attached is a location map labeled Exhibit B and copy of the Right of Way application form labeled Exhibit C.

**Title of Council Bill: TO APPROVE GRANT OF RIGHT OF WAY NO. 4200167987, IN FAVOR OF OKLAHOMA NATURAL GAS COMPANY, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA, IN BRYAN COUNTY, OKLAHOMA**

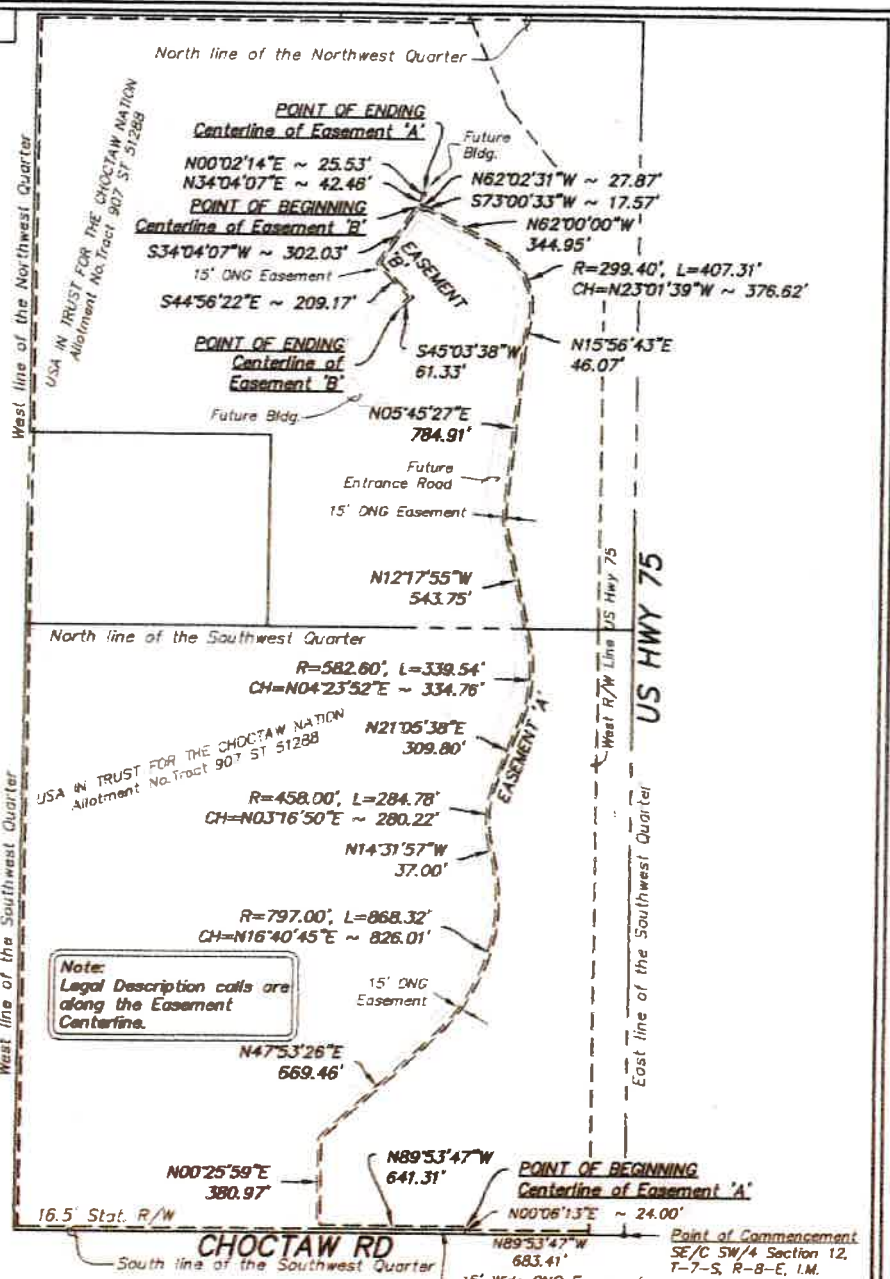
**Grantee:** Oklahoma Natural Gas Company

**Duration:** Perpetual

**Payment:** \$0.00. The natural gas service is being provided at the request of the Choctaw Nation for the use and benefit of the Cultural Center.

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

**EXHIBIT A**



**Note:**  
Legal Description calls are along the Easement Centerline.



Scale 1" = 600'

Basis of Bearing: True North

2-1-2019

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<p><b>LEMKE LAND SURVEYING, LLC</b></p> <p>S L L S</p> <p>3028 WEST CEDAR STREET, NORMAN, OK 73072 PH: (405) 330-0541 FAX: (405) 330-0540 OK 8 1875 http://www.lemke-llc.com</p>		<p>Surveyed By: ST Drawn By: CW Approved By: SKL Date: 01/23/2019 Scale: 1" = 800' Project No: 17085-180</p>	<p>Project: ONG EASEMENT CHOCTAW NATION - CALERA Project Location: PT. W/2, SEC. 12, T-7-S, R-8-E, I.M. BRYAN COUNTY, OKLAHOMA Client: ONE GAS, INC. TULSA, OK</p>	<p>Sheet Number 1 Sheet 1 of 2</p>
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**EXHIBIT A**

**LEGAL DESCRIPTION**

A 15-foot wide ONE Gas Utility Easement being a part of the Southwest Quarter and a part of the Northwest Quarter, all in Section 12, Township 7 South, Range 8 East of the Indian Meridian, Bryan County, Oklahoma, being 7.5 feet each side of a centerline more particularly described in two parts, as follows:

**EASEMENT 'A' - Centerline Description**

- COMMENCING at the Southeast Corner of said Southwest Quarter;
- Thence North 89° 53' 47" West, along the south line of said Southwest Quarter, a distance of 583.41 feet;
  - Thence North 00° 06' 13" East, perpendicular to the south line of said Southwest Quarter, a distance of 24.00 feet to the POINT OF BEGINNING of EASEMENT 'A' centerline;
  - Thence North 89° 53' 47" West, parallel with and 24.00 feet north of the south line of said Southwest Quarter, a distance of 641.31 feet;
  - Thence North 00° 25' 59" East a distance of 380.97 feet;
  - Thence North 47° 53' 26" East a distance of 669.46 feet to the beginning of a tangent curve to the left having a radius of 797.00 feet;
  - Thence along said tangent curve to the left whose long chord bears North 16° 40' 45" East a long chord distance of 826.01 feet, an arc length of 868.32 feet to the point of tangency;
  - Thence North 14° 31' 57" West a distance of 37.00 feet to the beginning of a tangent curve to the right having a radius of 458.00 feet;
  - Thence along said tangent curve to the right whose long chord bears North 03° 16' 50" East a long chord distance of 280.22 feet, an arc length of 284.78 feet to the point of tangency;
  - Thence North 21° 05' 38" East a distance of 309.30 feet to the beginning of a tangent curve to the left having a radius of 582.60 feet;
  - Thence along said tangent curve to the left whose long chord bears North 04° 23' 52" East a long chord distance of 334.78 feet, an arc length of 339.34 feet to the point of tangency;
  - Thence North 12° 17' 35" West a distance of 543.75 feet;
  - Thence North 05° 45' 27" East a distance of 784.91 feet;
  - Thence North 15° 56' 43" East a distance of 46.07 feet to the beginning of a tangent curve to the left having a radius of 299.40 feet;
  - Thence along said tangent curve to the left whose long chord bears North 23° 01' 39" West a long chord distance of 376.52 feet, an arc distance of 407.31 feet;
  - Thence North 62° 00' 00" West a distance of 344.95 feet;
  - Thence South 73° 00' 33" West a distance of 17.57 feet;
  - Thence North 52° 02' 31" West a distance of 27.87 feet to a point being the POINT OF BEGINNING of EASEMENT 'B' centerline (described below);
  - Thence North 34° 04' 07" East a distance of 42.46 feet;
  - Thence North 00° 02' 14" East a distance of 23.53 feet to the POINT OF ENDING of EASEMENT 'A' Centerline;

**EASEMENT 'B' - Centerline Description**

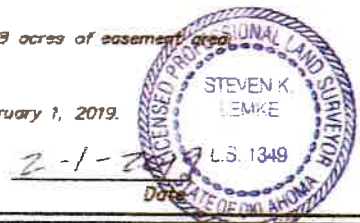
- Beginning at the POINT OF BEGINNING of EASEMENT 'B' Centerline (location described above);
- Thence South 34° 04' 07" West a distance of 302.03 feet;
  - Thence South 44° 56' 22" East a distance of 209.17 feet;
  - Thence South 45° 03' 38" West a distance of 61.33 feet to the POINT OF ENDING of EASEMENT 'B' Centerline.

All containing 6,343.24 linear feet of easement centerline and ±2.1819 acres of easement area.

Basis of Bearing: True North

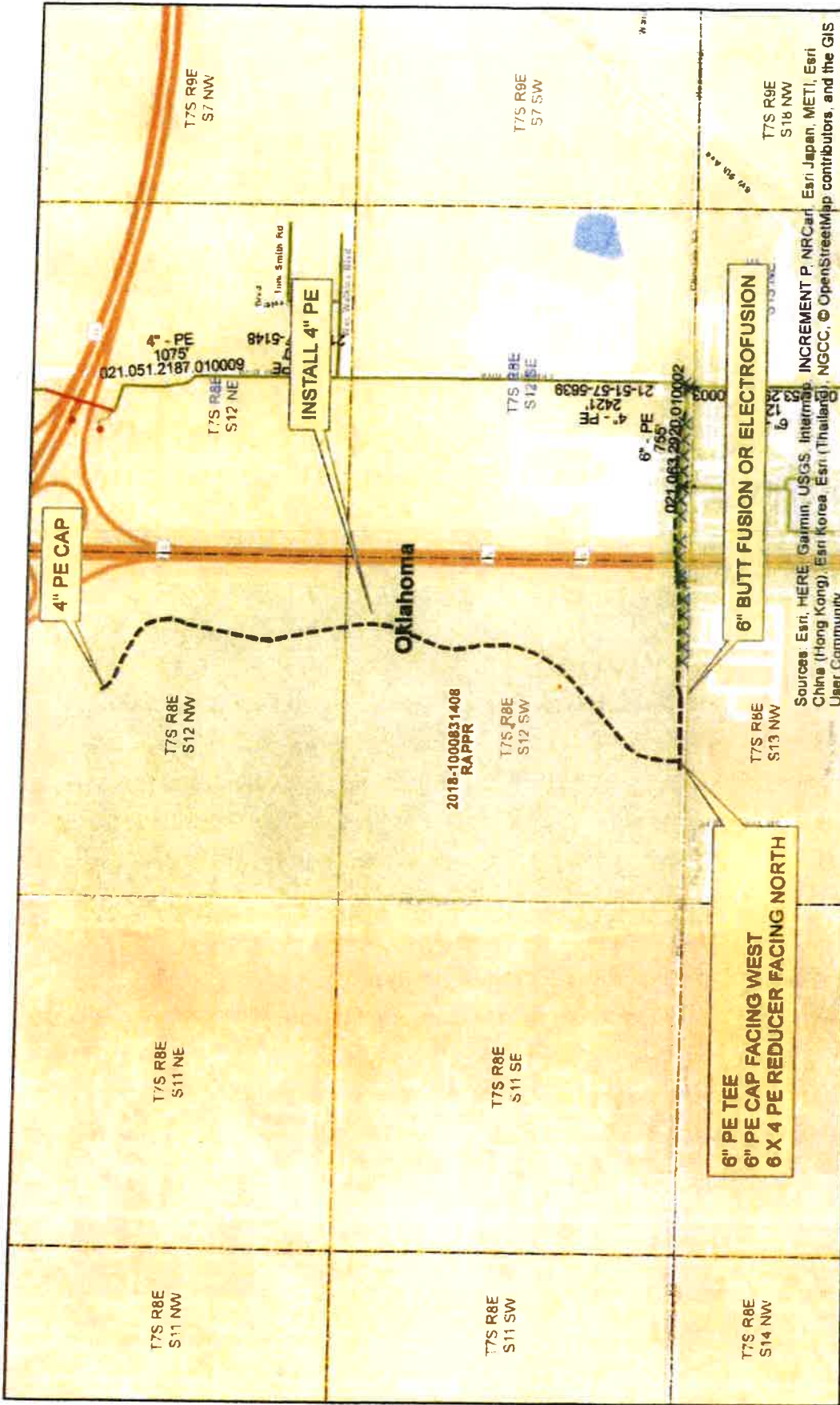
Legal Description prepared by Steven K. Lemke, PLS No. 1349 on February 1, 2019.

*[Signature]*  
Steven K. Lemke, P.L.S. 1349



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<b>LEMKE LAND SURVEYING, LLC</b> <small>3230 SPIRIT CORNER DRIVE, NORMAN, OK 73062          P.O. BOX 2000-2041 TULSA, OK 74103          OK # 8875  <a href="http://www.lemke-llc.com">http://www.lemke-llc.com</a></small>		Surveyed By: <b>SKL</b> Drawn By: <b>CW</b> Approved By: <b>SKL</b> Date: 02/01/2019 Scale: N/A Project No: 17095-180	Project: <b>ONG EASEMENT CHOCTAW NATION - CALERA</b> Project Location: <b>PT. W/2, SEC. 12, T-7-S, R-8-E, I.M., BRYAN COUNTY, OKLAHOMA</b> Client: <b>ONE GAS, INC. TULSA, OK</b>	Sheet Number   <b>2</b>  Sheet 2 of 2
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Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

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DISCLAIMER: This map is FOR INFORMATION PURPOSES ONLY and is not to be used for the accurate location of pipeline facilities for construction purposes. This map may also identify abandoned in place pipeline facilities. Additional abandoned in place pipeline facilities may exist that are not identified on this map. Document Path

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS**

RIGHT-OF-WAY APPLICATION MUST IDENTIFY [§169.102(a)]:

1. Applicant Name and Address: Oklahoma Natural Gas Company, a Division of ONE Gas, Inc., 15 East 5<sup>th</sup> St., Tulsa, OK 74103
2. Tract(s) or parcel(s) affected by the right-of-way: Choctaw Tract 907 ST 51288
3. General location (easement description): part of the W/2 of Section 12, T7S, R8E, Bryan Co., OK
4. Purpose: to serve natural gas to Choctaw Nation Cultural Center
5. Term (Renewal, if applicable): perpetual easement or 20-year term
6. Identify ownership of permanent improvements associated with the right-of-way and the responsibility for constructing, operating, maintaining, and managing; or removal of permanent improvements under §169.105: Applicant proposes to acquire a 15' wide right-of-way to install and maintain a 4" and 6" underground pipeline to provide natural gas service. A certified survey and plat have been performed and signed by a licensed professional land surveyor detailing location of proposed pipeline. The length of pipeline easement is a total of 6,343.24 linear feet. Upon completion of pipeline construction the property is to be restored to pre-disturbed conditions.

REQUIRED SUPPORTING DOCUMENTS [§169.102(b)]:

1. Accurate legal description of the right-of-way, its boundaries, and parcels associated with the right-of-way;
2. A map of definite location of the right-of-way; [25 CFR 169.102(b)(2); survey plat signed by professional surveyor or engineer showing the location, size, and extent of the ROW and other related parcels, with respect to each affected parcel of individually owned land, tribal land, or BIA land and with reference to the public surveys under 25 U.S.C. § 176, 43 U.S.C. § 2 and § 1764, and showing existing facilities adjacent to the proposed project.]
3. Bond(s), insurance, and/or other security meeting the requirements of §169.103;
4. Record of notice that the right-of-way was provided to all Indian landowners;
5. Record of consent that the right-of-way meets the requirements of §169.107, or a statement documenting a request for a right-of-way without consent under §169.107(b);
6. If applicable, a valuation meeting the requirements of §§ 169.110, 112, 114;
7. With each application, if the applicant is a corporation, limited liability company, partnership, joint venture, or other legal entity, except a tribal entity, information such as organizational documents, certificates, filing records, and resolutions, demonstrating that:
  - a. The representative has authority to execute the application;
  - b. The right-of-way will be enforceable against the applicant; and

- c. The legal entity is in good standing and authorized to conduct business in the jurisdiction where the land is located.
- 8. Current environmental and archaeological reports, surveys, and site assessments, as needed to facilitate compliance with applicable Federal and tribal environmental and land use requirements.
- 9. If required, a statement from the appropriate tribal authority that the proposed right-of-way is in conformance with applicable tribal law.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

To conform and to abide by all applicable requirements with respect to the right-of-way herein applied for. The applicant agrees to conform to and abide by the rules, regulations, and requirements contained in the *Code of Federal Regulations*, Title 25 Indians, Part 169, as amended, and by reference includes such rules, regulations and requirements as a part of this application to the same effect as if the same were herein set out in full.

Applicant Point of Contact Information:

Name: Jeff Johns  
Address: 15 East 5<sup>th</sup> Street  
City: Tulsa State: OK Zip: 74103  
Phone: 918-947-7446  
Fax: 918-831-8214  
Email: Jeff.Johns@onegas.com

Date: 2.20.19

Applicant  
Signature: 

Applicant  
Printed Name: Jeff Johns, Resource Management