

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 CHOCTAW 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 of Oklahoma (PSO), on land held by the USA in Trust for the Choctaw Nation of Oklahoma (Nation), in Choctaw 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, PSO has proposed to construct a new underground electric line which will provide service to the new Choctaw Nation affordable rental homes in Hugo, Oklahoma. Said easement will be 10 feet in width (5 feet on each side of the centerline) on land held by the USA in Trust for the Choctaw Nation of Oklahoma located in part of the NE¼ NW¼ and E½ NW¼ NW¼ of Section 21, Township 6 South, Range 17 East, Choctaw County, OK. A copy of the service line agreement is attached and labeled Exhibit A and the centerline description and proposed electric plan is labeled Exhibit B-1 and Exhibit B-2. Also attached is a location map labeled Exhibit C;

WHEREAS, PSO has proposed a perpetual term which will begin on the date of approval; 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 on land held by the USA in Trust for the Choctaw Nation of Oklahoma in Choctaw 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 May 11, 2019. I further certify that the foregoing Council Bill CB- 99 -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: 5-15-19

Delton R. Cox, Speaker
Choctaw Nation Tribal Council

Gary Batten, Chief
Choctaw Nation of Oklahoma

Service Line Agreement, in favor of Public Service Company of Oklahoma–Choctaw 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. The service line agreement will be located in part of the NE¼ NW¼ and E½ NW¼ NW¼ of Section 21, Township 6 South, Range 17 East, Choctaw County, Oklahoma. PSO proposes to construct a new underground electric line which will service the new Choctaw Nation affordable rental homes in Hugo, Oklahoma. A copy of the service line agreement is attached labeled Exhibit A and the centerline description and proposed electric plan is labeled Exhibit B-1 and Exhibit B-2. Also attached is a location 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 CHOCTAW COUNTY, OKLAHOMA

Grantee: Public Service Company of Oklahoma

Duration: Perpetual

Payment: \$0.00 (The electric service is being provided at the request of the Choctaw Nation for the use and benefit of the Hugo Affordable Rental homes)

Request By Project Director: Traci Umsted, Real Property Management, Brad Mallett, SEO

PSO

P.O. Box 201
Tulsa, OK 74102

Agent: M. Payton/R. Vasconcellos — OK
191
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 Choctaw, 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.

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

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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 21, T6S, R17E

Exhibit "A"

NE/4 NW/4 and E/2 NW/4 NW/4 of Section 21, Township 6 South, Range 17 East, Choctaw County, Oklahoma,


ALSO KNOWN BY SURVEYED LEGAL DESCRIPTION AS FOLLOWS:

A piece or parcel of land lying in the Northwest Quarter (NW/4) of Section 21, Township 6 South, Range 17 East of the Indian Meridian, Choctaw County, Oklahoma and more particularly described as follows: COMMENCING at the Northwest Corner (NW/C) of said Section 21; thence along the North Line of said Section North 88 degrees 45 minutes 41 seconds East a distance of 661.44 feet to a 5/8 inch Iron Pin with aluminum cap, said pin also being the POINT OF BEGINNING; thence continuing along the said North Line North 88 degrees 45 minutes 41 seconds East a distance of 1984.33 feet to a 3/4 inch Iron Pin, said point also being the Northeast Corner (NE/C) of said Northwest Quarter (NW/4); thence along the East Line of said Northwest Quarter (NW/4) South 01 degrees 28 minutes 31 seconds East a distance of 1318.74 to a 1/2 inch Iron Pin; thence South 88 degrees 43 minutes 44 seconds West a distance of 1981.62 feet to a 5/8 inch Iron Pin with aluminum cap; thence North 01 degrees 35 minutes 33 seconds West a distance of 1319.88 feet, to the Point of Beginning.

PSO
P.O. Box 201
Tulsa, OK 74102

Section 21, T6S, R17E

Exhibit "B - 1" — Centerline description

The underground easements and rights-of-way granted hereby are five (5) feet on each side of the centerlines as depicted on Exhibit "B — 2" and shown by the dark lines . The actual, as-built location of the electric line shall locate,

define and establish the centerline of the easements, said rights-of-way to be ten (10) feet in width.

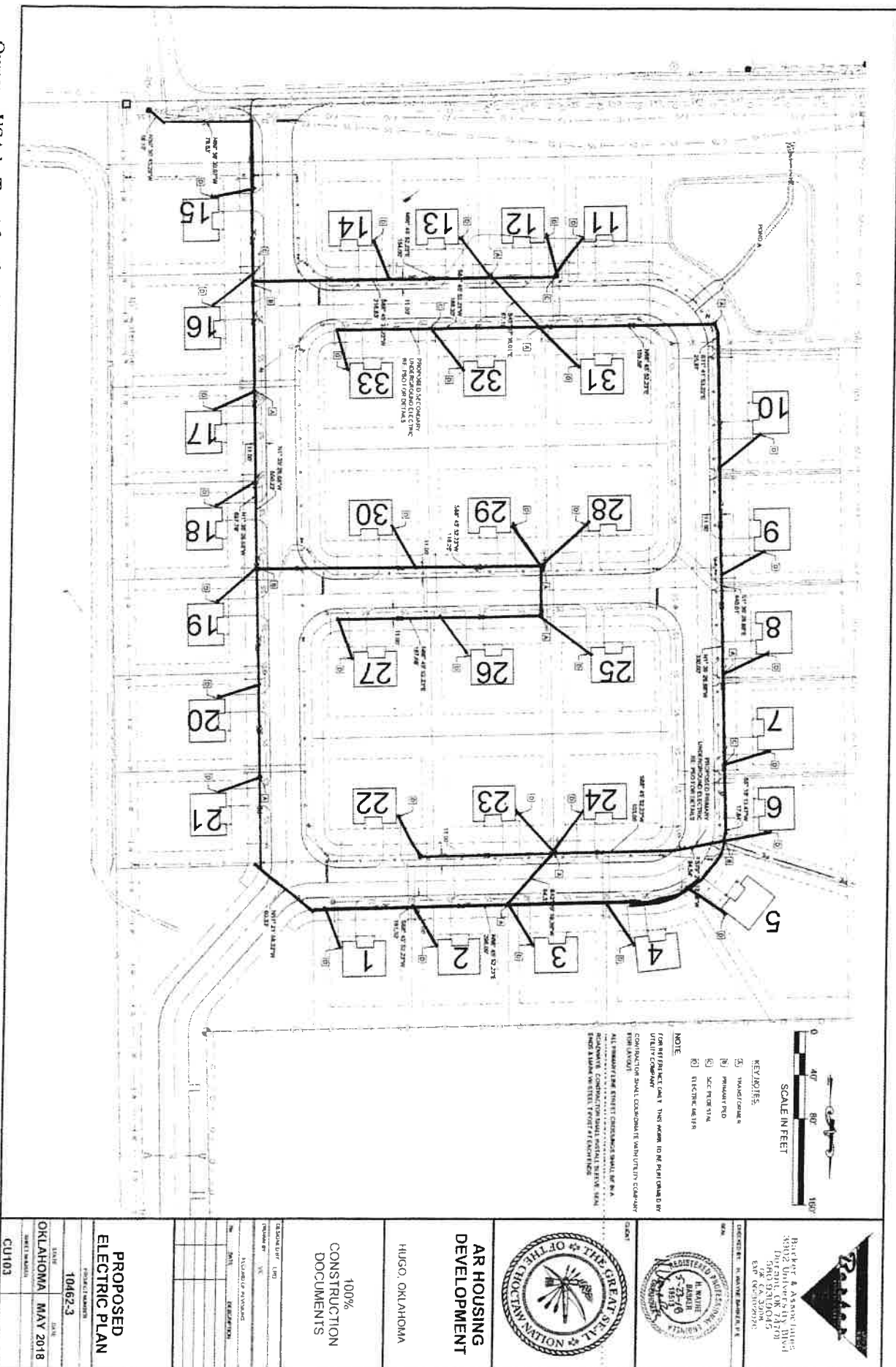
Owner: USA in Trust for the CHOCTAW NATION OF OKLAHOMA

Gary Batton, Chief
APPLICANT: Public Service Company of Oklahoma

Date_____

Mark F. Payton 111, ROW Agent

Date_____






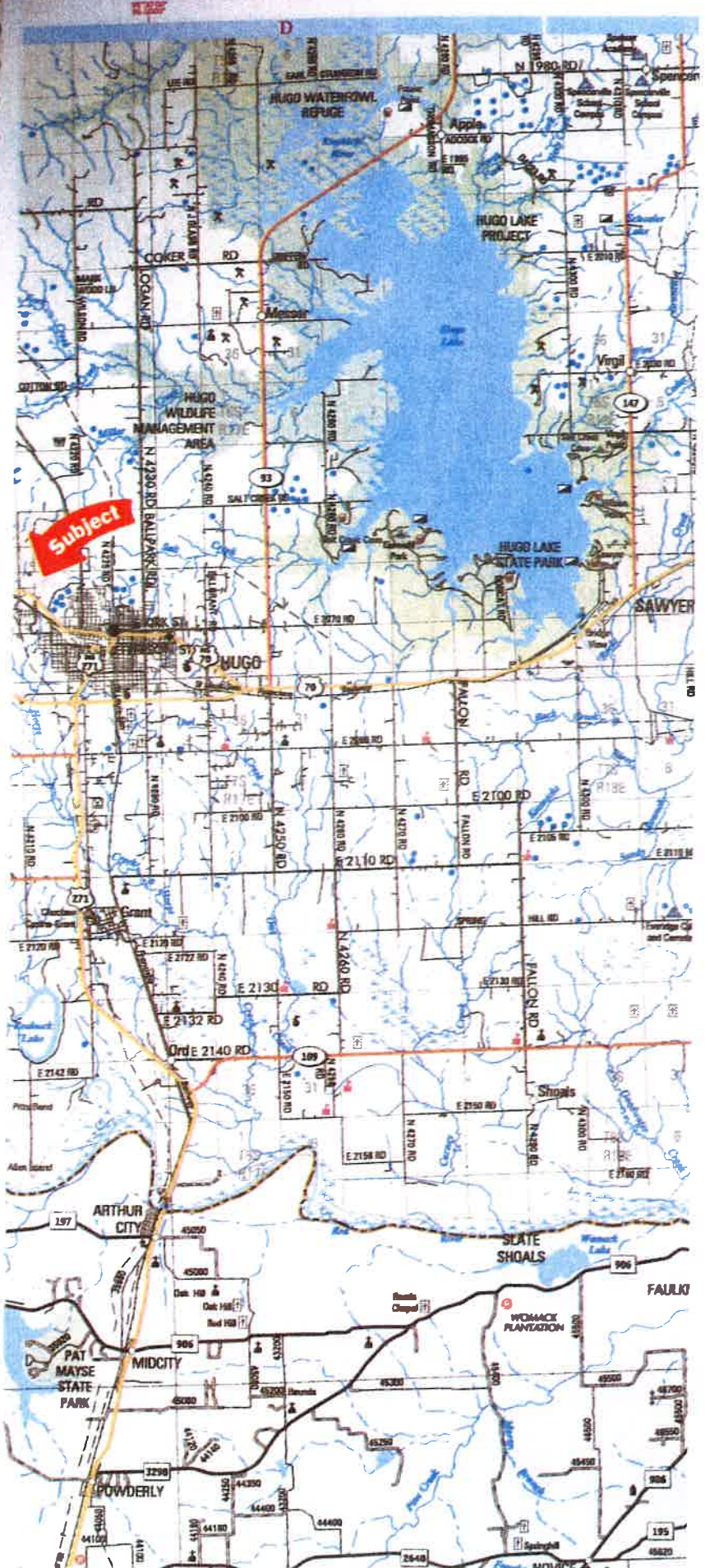
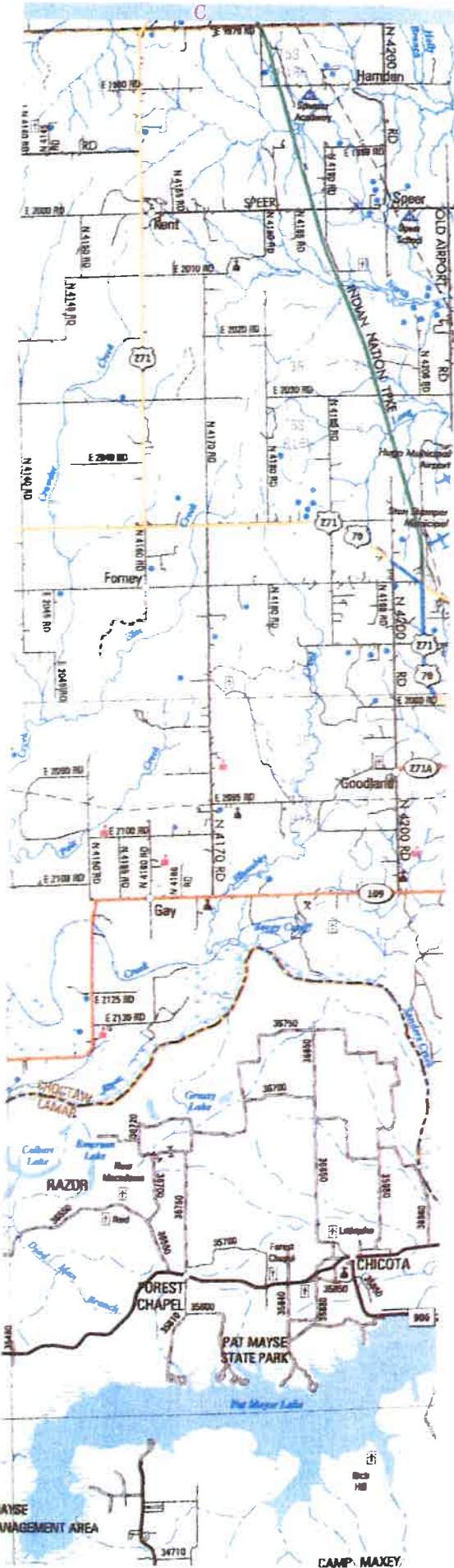
Owner: USA in Trust for the Choctaw Nation of Oklahoma

Applicant: Public Service Company of Oklahoma

Gary Baton, Chief _____ Date _____

Mark F. Payton III, ROW Agent _____ Date _____

		Banner & Associates 3002 University Blvd Oklahoma City, OK 73106 Phone: 405.949.0645 Fax: 405.949.0645 E-mail: info@banner.com	
		REGISTERED PROFESSIONAL ENGINEER H. WADE BADER No. 52740 STATE OF OKLAHOMA	
		THE GREAT SEAL OF THE CHOCTAW NATION	
AR HOUSING DEVELOPMENT			
HUGO, OKLAHOMA			
100% CONSTRUCTION DOCUMENTS			
10462-3 OKLAHOMA MAY 2018 CU103			



Subject