

TO AMENDMENT CB-104-15

TO AUTHORIZE THE CHIEF TO PLACE PROPERTY IN BRYAN COUNTY IN TRUST  
STATUS WITH THE UNITED STATES OF AMERICA AS AMENDED

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IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

ANTHONY DILLARD INTRODUCED THE FOLLOWING COUNCIL BILL

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A COUNCIL BILL

**TO APPROVE**, the Amendment of CB-104-15, the Nation desires to amend the description of need for acquisition and description of land usage.

**WHEREAS**, in accordance with Article IX, Section 4 and 7 of the Constitution of the Choctaw Nation of Oklahoma, the Choctaw Tribal Council shall enact rule and regulations pertaining to the Choctaw Nation of Oklahoma, and shall make decisions pertaining to the acquisition, leasing, disposition and management of real property, subject to federal law; and

**WHEREAS**, in accordance with Article VII, Section 1 of the Constitution of the Choctaw Nation of Oklahoma, the Chief shall perform all duties appertaining to the office of chief executive. He shall sign official papers on behalf of the Nation; and

**WHEREAS**, the Choctaw Nation of Oklahoma ("the Nation") is a federally recognized Indian Nation with authority to acquire land for the purpose of promoting the general welfare of its people and taking further advantage of the opportunities for self-determination and economic independence. As a recognized Indian Nation, the Nation is eligible to utilize the fee to trust application process set out in the 25 Code of Federal Regulations (CFR) § 151 including Section 5 of the Indian Reorganization Act (IRA) of June 18, 1934, as amended, which is codified at 25 U.S.C. § 465, authorizes the Secretary of the Interior (Secretary) to acquire land in trust for Indians; and

**WHEREAS**, the Nation has acquired fee title to 82.77 acres of real property located on the Westside of Enterprise Boulevard, Durant, Oklahoma, within the City of Durant, Bryan County, Oklahoma. The subject property is contiguous to trust land on the south boundary, and located within the recognized former reservation and current jurisdictional boundaries of the Nation. The property is described as follows:

NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 12, Township 7 South, Range 8 East, Indian Base and Meridian, Bryan County, Oklahoma, LESS AND EXCEPT a tract described as: Beginning at the SW corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ , thence East along the South line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$  a distance of 150 feet, thence North 0 degrees 03 minutes East a distance of 1320 feet to a point on the north line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ , thence west along said north line a distance of 150 feet to the NW corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ , thence south along the west line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$  a distance of 1320 feet to the point of beginning; and, LESS AND EXCEPT a tract of land described by metes and bounds as follows: Beginning, at the SE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 12; thence west along the south line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  a distance of 1170 feet; more or less; thence North 35 feet; thence East and parallel with the south line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 12, a distance of 1170 feet, more or less to a point on the east line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 12; thence south along the east line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  a distance of 35 feet; more or less to the Point of Beginning, LESS AND EXCEPT ANY AND ALL MINERAL INTEREST, (Warranty Deed, filed January 26, 2004, in Book 1049, Page 313); and

The S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  and the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 12, Township 7 South, Range 8 East of the Indian Base and Meridian, Bryan County, Oklahoma, LESS AND EXCEPT the following described two tracts of land, to-wit:

Tract I: Beginning at a point 160.00 feet East from the Southwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 12, Township 7 South, Range 8 East, Indian Meridian; thence North 0 degrees 03 minutes 00 seconds East a distance of 330.00 feet; thence North 89 degrees 57 minutes 33.8 seconds East a distance of 660.00 feet; thence South 0 degrees 03 minutes 00 seconds West a distance of 330.00 feet; thence South 89 degrees 57 minutes 33.8 seconds West a distance of 660.00 feet to the Point of Beginning. LESS AND EXCEPT ANY AND ALL MINERAL INTEREST; and

Tract II: Beginning at the SW corner of said W $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 12, Township 7 South, Range 8 East, thence East along the South line of said W $\frac{1}{2}$ NE $\frac{1}{4}$  a distance of 150 feet, thence North 0 degrees 03 minutes East a distance of 944.5 feet, thence North 11 degrees 21 minutes East a distance of 51 feet, thence North 0 degrees 03 minutes East a distance of 750 feet, thence North 11 degrees 16 minutes West a distance of 51 feet, thence North 0 degrees 03 minutes East a distance of 845.5 feet, to a point on the North line of said W $\frac{1}{2}$ NE $\frac{1}{4}$ , thence West along said North line a distance of 150 feet to the NW corner of said W $\frac{1}{2}$ NE $\frac{1}{4}$ , thence South along the West line of said W $\frac{1}{2}$ NE $\frac{1}{4}$  a distance of 2640 feet to the Point of Beginning. LESS AND EXCEPT ANY AND ALL MINERAL INTEREST. (Warranty Deed, filed February 17, 2004, in Book 1051, Page 301); and

A part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 12, Township 7 South, Range 8 East of the Indian Base and Meridian, in Bryan County, Oklahoma, according to the Government Survey thereof, and more particularly described as follows: Beginning at a point 160.00 feet East from the Southwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 12, Township 7 South, Range 8 East, Indian Meridian; thence North 0 degrees 03 minutes 00 seconds East a distance of 330.00 feet; thence North 89 degrees 57 minutes 33.8 seconds East a distance of 660.00 feet; thence South 0 degrees 03 minutes 00 seconds West a distance of 330.00 feet; thence South 89 degrees 57 minutes 33.8 seconds West a distance of 660.00 feet to the Point of Beginning. LESS AND EXCEPT ANY AND ALL MINERAL INTEREST. (Warranty Deed, filed January 30, 2004, in Book 1050, Page 158-159).

**ALSO KNOWN BY SURVEYED LEGAL DESCRIPTION AS FOLLOWS:**

A tract of land in the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) and in the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) and in the South Half (S $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 12, Township 7 South, Range 8 East, Indian Meridian, Bryan County, Oklahoma, being more particularly described in True Bearings as follows: Commencing at the Southeast Corner of the SE $\frac{1}{4}$ ; thence North 89 degrees 51 minutes 08 seconds West, a distance of 1318.80 feet to the Southeast Corner of the West Half of the Southeast Quarter; thence North 00 degrees 01 minutes 13 seconds East along the East line of said West Half of the Southeast Quarter, a distance of 1355.17 feet to the Point of Beginning, said point being 35.00 feet North of the Southeast Corner of said Northwest Quarter of the Southeast Quarter; thence North 89 degrees 51 minutes 38 seconds West, parallel with the South line of said Northwest Quarter of the Southeast Quarter, a distance of 1167.98 feet to the East Right-of-Way of Highway 69/75 as recorded in Book 394 on Page 439 in the Office of the Bryan County Clerk; thence North 00 degrees 03 minutes 17 seconds East, a distance of 1285.00 feet to a point 150.00 feet East of the Southeast Corner of the Northwest Quarter; thence North 00 degrees 03 minutes 45 seconds East, a distance of 427.19 feet along the East Right-of-Way of Highway 69/75 as recorded in Book 394 on Page 437 in the Office of the Bryan County Clerk; thence along the East Right-of-Way as recorded in Book 1169 on Page 144 in the Office of the Bryan County Clerk for the following five (5) courses:

1. Thence North 05 degrees 39 minutes 40 seconds East, a distance of 309.01 feet;
2. Thence North 01 degrees 32 minutes 27 seconds West, a distance of 143.36 feet;
3. Thence North 00 degrees 03 minutes 29 seconds East, a distance of 456.75 feet;
4. Thence with a curve turning to the Right with an arc length of 1093.47 feet, with a radius of 596.20 feet, with a chord bearing of North 52 degrees 36 minutes 01 seconds East, with a chord length of 946.53 feet;
5. Thence South 69 degrees 06 minutes 19 seconds East, a distance of 417.90 feet to a point on the East line of the West Half of the Northeast Quarter;

Thence South 00 degrees 05 minutes 17 seconds West along said East line, a distance of 1763.28 feet to the Southeast Corner of the West Half of the Northeast Quarter; thence South 00 degrees 01 minutes 13 seconds West along the East line of the West Half of the Southeast Quarter, a distance of 1285.17 feet to the POINT OF BEGINNING, containing 82.77 acres, more or less, LESS AND EXCEPT ANY AND ALL MINERAL INTEREST.

**WHEREAS**, the Nation desires to amend the description of need for acquisition. The Nation has determined the need for additional trust land to its land base to promote tribal self-determination and sovereignty, self-sufficiency and economic independence, by pursuing economic development opportunities and sustainable income for the Nation. This acquisition will provide tribal employment opportunities and generate revenue from which it can invest into education, health care, housing, job training, and numerous other governmental services provided to tribal members; and

**WHEREAS**, the Nation desires to amend the description of land usage. The acquired property is presently undeveloped grassland and contiguous to trust property to the South. There are three (3) modular trailers, two (2) storage sheds, and an in-ground storm shelter located in the northeast corner of the property that are occupied by the Nation. The southern portion of the property contains a construction staging area and overflow parking for the Event Center. The Nation intends to develop the property for economic development purposes in the near future for a retail center and restaurants. The retail center and restaurants would offer employment opportunities to the area, provide income for the Nation and to promote self-determination; and

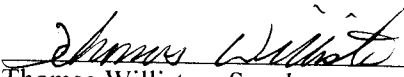
**WHEREAS**, the Nation seeks to request the Secretary of the United States Department of the Interior to accept this fee title to the United States of America to be held by the United States in trust for the benefit of the Choctaw Nation of Oklahoma; and

**THEREFORE, BE IT ENACTED**, that the Choctaw Tribal Council of the Choctaw Nation of Oklahoma authorizes and approves the Chief of the Choctaw Nation of Oklahoma, or his designee, to make a request as amended to the Secretary of the U.S. Department of the Interior, to place this property into trust status in accordance with the Bureau of Indian Affairs policy and procedure for the acquisition of land.

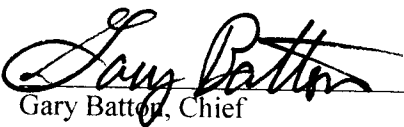
#### CERTIFICATION

*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) answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on May 14, 2016. I further certify that the foregoing Council Bill CB- 89 -16 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes and zero (0) abstaining.*

  
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Anthony Dillard, Secretary  
Choctaw Nation Tribal Council

  
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Thomas Williston, Speaker  
Choctaw Nation Tribal Council

Date: 5/20/16

  
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Gary Batten, Chief  
Choctaw Nation of Oklahoma