

TO APPROVE A SERVICE LINE AGREEMENT, IN FAVOR OF KIAMICHI ELECTRIC COOPERATIVE, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN LATIMER 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 Kiamichi Electric Cooperative, on land held by the USA in Trust for the Choctaw Nation of Oklahoma in Latimer County, Oklahoma.

WHEREAS, in accordance with Article VII, Section 1 of the Constitution of the Choctaw Nation of Oklahoma (the "Nation"), 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, Kiamichi Electric Cooperative ("KEC") is proposing a Service Line Agreement to install electric service for the Talihina Forestry building on property held by the USA in Trust for the Choctaw Nation of Oklahoma described as the S½ SE¼ of Section 8; the SW¼ SW¼ of Section 9; and the NW¼ NW¼ NW¼ of Section 16, all in Township 3 North, Range 21 East, Latimer County, OK. Please see attached Survey Plat and Easement Description labeled Exhibit A, Service Line Agreement 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 of and for the benefit of the Choctaw Nation of Oklahoma;

WHEREAS, the service line agreement shall be for a perpetual term so long as it is used for its intended purpose; and

WHEREAS, the Tribal Council has determined it is in the best interest of the Choctaw Nation of Oklahoma to grant this service line agreement in favor of Kiamichi Electric Cooperative.

THEREFORE BE IT ENACTED by the Tribal Council that this Bill be cited as approval of the proposed service line agreement for a perpetual term, described as being in Sections 8, 9, and 16, all in Township 3 North, Range 21 East, Latimer County, OK, in favor of Kiamichi Electric Cooperative, on land held by the USA in Trust for the Choctaw Nation of Oklahoma. See page 1 of Exhibit B.

BE IT FUTHER ENACTED, by the Tribal Council of the Choctaw Nation of Oklahoma, that this bill be cited for approval of the payment of \$0.00 and for a perpetual term so long as it is used for its intended purpose.

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 December 11, 2021. I further certify that the foregoing Council Bill CB- 64 -22 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 KIAMICHI ELECTRIC COOPERATIVE, ON
LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN LATIMER COUNTY,
OKLAHOMA



Ronald Perry, Secretary
Choctaw Nation Tribal Council

Date: 12-14-21



Thomas Williston, Speaker
Choctaw Nation Tribal Council



Gary Barton, Chief
Choctaw Nation of Oklahoma

TO APPROVE A SERVICE LINE AGREEMENT, IN FAVOR OF KIAMICHI ELECTRIC COOPERATIVE, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN LATIMER COUNTY, OKLAHOMA

Purpose of Council Bill: To approve a Service Line Agreement, in favor of Kiamichi Electric Cooperative, on land held by the USA in Trust for the Choctaw Nation of Oklahoma, described as the S½ SE¼ of Section 8; the SW¼ SW¼ of Section 9; and the NW¼ NW¼ NW¼ of Section 16, all in Township 3 North, Range 21 East, Latimer County, OK (Talihina Forestry building). Please see attached Survey Plat and easement description labeled Exhibit A, Service Line Agreement labeled Exhibit B, and location map labeled Exhibit C.

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

Grantee: Kiamichi Electric Cooperative

Duration: Perpetual

Payment: \$0.00 (service is being installed at the request of and for the benefit of the Choctaw Nation of Oklahoma)

Request by Project Director: Traci Umsted, Senior Director of Land & Title, Kelly McKaughan, Senior Executive Officer

EXHIBIT A

KIAMICHI ELECTRIC COOPERATIVE PROPOSED EASEMENT

SURVEY FOR
CHILDERS ARCHITECT

S 68°41'46" W
86.95'
TRANSFORMER
LINE ON 100' W
CORNER SECTION
65% UNDER THE
EASEMENT

POE
N 524280.75
E 2834703.07

N 524322.35
E 2834784.10

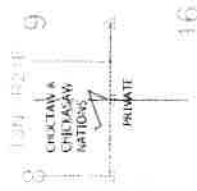
N 524127.86
E 2834662.59

N 523949.03
E 2835803.75

N 523818.74
E 2835955.50

N 524618.88
E 2836081.05

CENTERLINE OF
10 FEET PARALLEL
AND PARALLEL
TO R.O.W.



BLM MONUMENT
SW/C SE/4

BLM MONUMENT
SW CORNER
9-13N-R21E



DATE OF SURVEY: 8/13/2021
PROJECT: 2108 011 CHILDERS KLC

LLLOYD
MAPPING & PLANNING
LAND SURVEYING.COM

22828 Grandview Dr.
Poleau, OK 74953
OK CA# 8028
918.413.5324
F918.612.2076
lloydlandsurveying.com

I, Jason Lloyd, Professional Land Surveyor #1971 in Oklahoma do hereby certify to the party shown that this is a true representation of a survey performed under my supervision and according to the Oklahoma Minimum Standards.

NEW DESCRIPTION FOR PROPOSED 20FT EASEMENT
A 20 foot wide easement in the S/2 SE of Section 8 and in the SW SW of Section 9 and in the NW NW NW of Section 16 ALL in T3N, R21E, Laimier County Oklahoma, being 10 feet on each side of a centerline described as: Commencing at an existing BLM Monument at the SW corner of Section 9 thence N 87°45'50" E along the South line of the SW SW of Section 9 a distance of 172.09 feet thence S 02°14'10" E a distance of 20.12 feet to the POINT OF BEGINNING thence N 49°21'02" W a distance of 200.00 feet thence N 22°29'17" E a distance of 724.98 feet to a point that is 10 feet perpendicular to the Northwestern R-O-W of State Highway 63 thence S 68°41'46" W and parallel to said R-O-W a distance of 1313.75 feet thence N 27°57'23" W a distance of 209.91 feet thence S 68°41'46" W a distance of 86.98 feet to the point of ending Prepared by Jason Lloyd, OK RPLS#1971 & CFEDS#1818 on 10-28-21

- SET IRON PIN & CAP
- EXISTING REBAR
- EXISTING STONE
- ▲ EXISTING MONUMENT
- ⊙ NAIL
- ⊙ RAILROAD SPIKE

EXHIBIT A



Client: Childers Architect
Project: 21-03-003 price
Date: 10-28-21

NEW DESCRIPTION FOR PROPOSED 20FT EASEMENT:

A 20 foot wide easement in the S/2 SE of Section 8 and in the SW SW of Section 9 and in the NW NW of Section 16, ALL in T3N, R21E, Latimer County, Oklahoma, being 10 feet on each side of a centerline described as: Commencing at an existing BLM Monument at the SW corner of Section 9; thence N 87°45'50" E along the South line of the SW SW of Section 9 a distance of 172.09 feet; thence S 02°14'10" E a distance of 20.12 feet to the POINT OF BEGINNING; thence N 49°21'02" W a distance of 200.00 feet; thence N 22°29'17" E a distance of 724.98 feet to a point that is 10 feet perpendicular to the Northwesterly R-O-W of State Highway 63; thence S 68°02'37" W and parallel to said R-O-W a distance of 1313.75 feet; thence N 21°57'23" W a distance of 209.91 feet; thence S 68°41'46" W a distance of 86.98 feet to the point of ending.
Prepared by Jason Lloyd, OK RPLS#1971 & CFEDS#1818 on 10-28-21.

EXHIBIT B

SERVICE LINE AGREEMENT

WHEREAS, Kiamichi Electric Cooperative, 966 SW Hwy 2, PO Box 340 Wilburton, OK 74578, 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 the 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 in the S/2 SE of Section 8 and in the SW SW of Section 9 and in the NW NW of Section 16, All in T3N, R21E, Latimer County, Oklahoma, being 10 feet on each side of a centerline described as: Commencing at an existing BLM Monument at the SW corner of Section 9; thence N 87°45'50" E along the South line of the SW SW of Section 9 a distance of 172.09 feet; thence S 02°14'10" E a distance of 20.12 feet to the Point of Beginning;
Thence N 49°21'02" W a distance of 200.00 feet;
Thence N 22°29'17" E a distance of 724.98 feet to a point that is 10 feet perpendicular to the Northwesterly ROW of State Highway 63;
Thence S 68°02'37" W and parallel to said ROW a distance of 1313.75 feet;
Thence N 21°57'23" W a distance of 209.91 feet;
Thence S 68°41'46" W a distance of 86.98 feet to the point of ending.

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.

The permission to applicant to construct and maintain service line will include right of ingress and egress and a minimum of 15 feet on either side of center line of electric facilities.

Kiamichi Electric Cooperative is not liable and will be held harmless from liability for any surface damages caused in the construction and/or maintenance of the line.

It is understood that all electric facilities and associated equipment installed by the Applicant remain the property of Kiamichi Electric Cooperative.

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: **Kiamichi Electric Cooperative**

By: [Signature]

Date: 11-10-21

Printed Name: Brett Orme

Owner: **USA in Trust for the CHOCTAW NATION OF OKLAHOMA**

By: _____
Gary Batton, Chief

Date: _____

ACKNOWLEDGEMENT

STATE OF: OKLAHOMA

§

COUNTY OF: _____

Subscribed and sworn to before me this _____ day of _____, 20____, that Gary Batton, Chief of the Choctaw Nation of Oklahoma, personally appeared and acknowledged the due execution of the foregoing instrument.

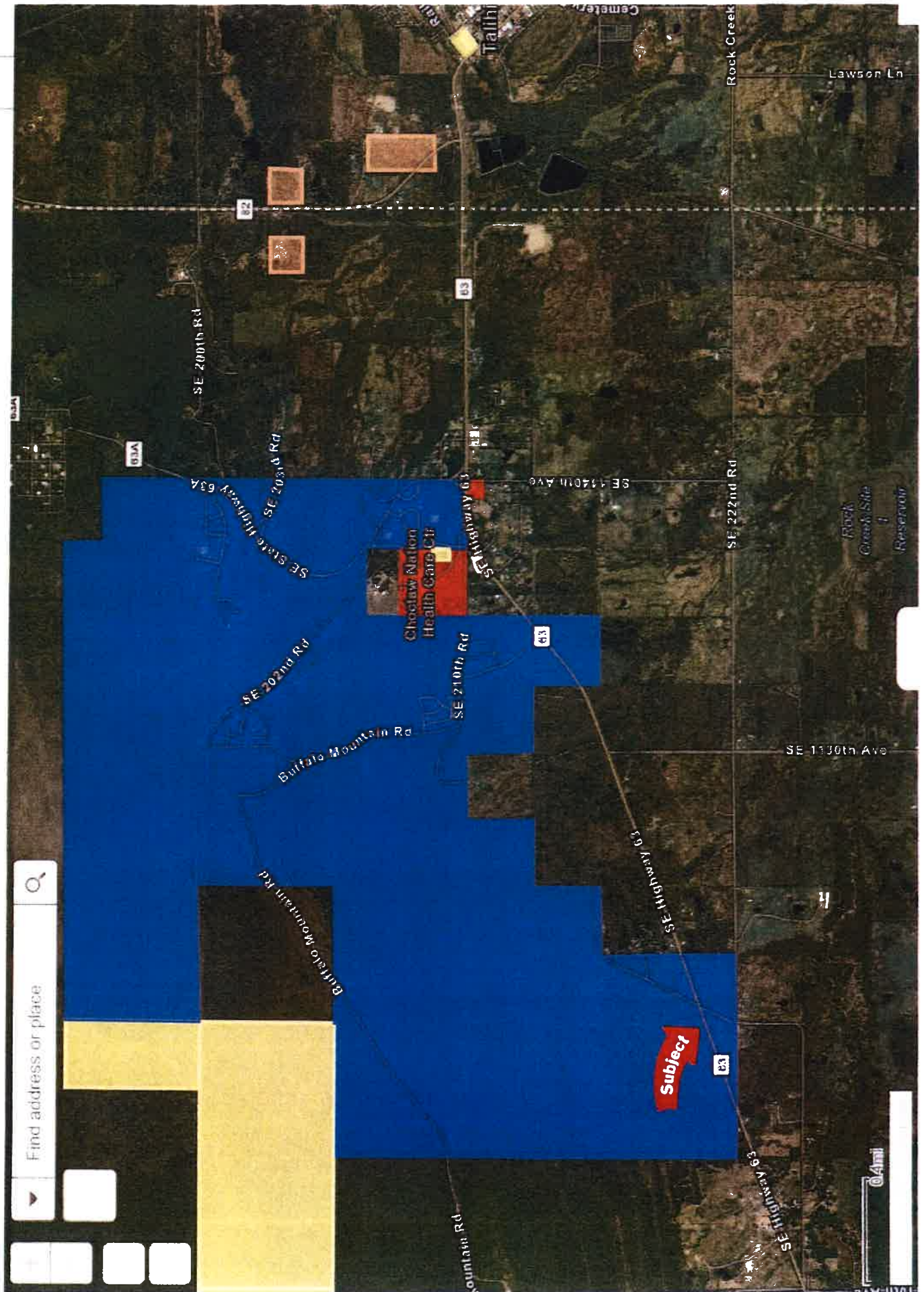
Signature of Notary Public

My commission expires: _____, 20____.

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

EXHIBIT C

Regulatory Land Base



Find address or place

Map navigation controls: +, -, and other icons.

Scale bar: @ 4mi