

TO APPROVE A SUBSTATION AND ACCESS ROAD RIGHT-OF-WAY, IN FAVOR OF WESTERN FARMERS ELECTRIC COOPERATIVE, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN MCCURTAIN COUNTY, OKLAHOMA

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO APPROVE a Substation and Access Road right-of-way, in favor of Western Farmers Electric Cooperative, on land held by the USA in Trust for the Choctaw Nation of Oklahoma in McCurtain 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, Western Farmers Electric Cooperative ("WFEC") has proposed to build a new Substation and a 20-foot-wide Access Road in Hochatown, OK.

WHEREAS, the Substation is located in a portion of the Northeast Quarter (NE/4) of Section 1, Township 5 South, Range 24 East, McCurtain County, Oklahoma. The Access Road is located in a portion of the East Half (E/2) of Section 1, Township 5 South, Range 24 East, McCurtain County, Oklahoma. The Substation will cover 2.61 acres and the Access Road will cover 1.01 acres, See Exhibit A for Survey Plats and legal descriptions;

WHEREAS, the payment will be \$0.00 since the services are being installed at the request of and for the benefit of the Choctaw Nation of Oklahoma and surrounding community;

WHEREAS, the right-of-way 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 Nation to approve and grant the right-of-way in favor of Western Farmers Electric Cooperative and to waive the requirements for a valuation, bond, insurance, and payment.

THEREFORE BE IT ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Bill be cited as approval of the proposed Substation and Access Road Right-of-Way for a perpetual term, described as being in Section 1, Township 5 South, Range 24 East, McCurtain County, OK, in favor of Western Farmers Electric Cooperative, on land held by the USA in Trust for the Choctaw Nation of Oklahoma. See Exhibit B.

BE IT FURTHER 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 the right-of-way is used for its intended purpose.

BE IT FURTHER ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma 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.


TO APPROVE A SUBSTATION AND ACCESS ROAD RIGHT-OF-WAY, IN FAVOR OF WESTERN FARMERS ELECTRIC COOPERATIVE, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN MCCURTAIN COUNTY, OKLAHOMA

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 10, 2022. I further certify that the foregoing Council Bill CB- 29 -23 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



Thomas Williston, Speaker
Choctaw Nation Tribal Council



Gary Batton, Chief
Choctaw Nation of Oklahoma

Date 12-13-22

TO APPROVE A SUBSTATION AND ACCESS ROAD RIGHT-OF-WAY, IN FAVOR OF WESTERN FARMERS ELECTRIC COOPERATIVE, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN MCCURTAIN COUNTY, OKLAHOMA

Purpose of Council Bill: To approve a Substation and Access Road Right-of-Way, in favor of Western Farmers Electric Cooperative, on land held by the USA in Trust for the Choctaw Nation of Oklahoma, located in Hochatown in Section 1, Township 5 South, Range 24 East, McCurtain County, OK. Please see attached Survey Plats and Legal Descriptions labeled Exhibit A, Right-of-Way application labeled Exhibit B, and location map labeled Exhibit C.

Title of Council Bill: TO APPROVE A SUBSTATION AND ROAD ACCESS RIGHT-OF-WAY, IN FAVOR OF WESTERN FARMERS ELECTRIC COOPERATIVE, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN MCCURTAIN COUNTY, OKLAHOMA

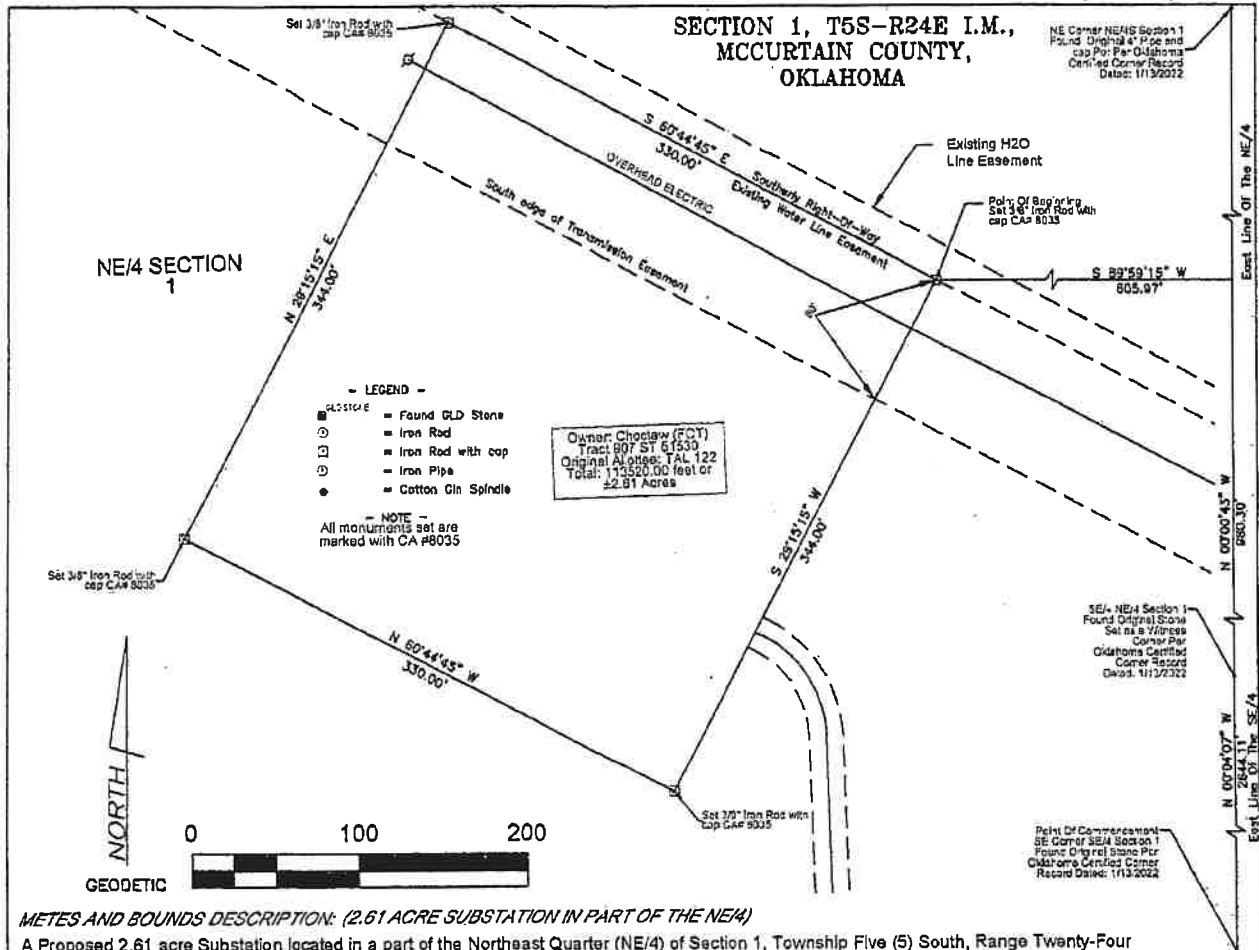
Grantee: Western Farmers Electric Cooperative

Duration: Perpetual

Payment: \$0.00 per year

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

Exhibit A



METES AND BOUNDS DESCRIPTION: (2.61 ACRE SUBSTATION IN PART OF THE NE/4)

A Proposed 2.61 acre Substation located in a part of the Northeast Quarter (NE/4) of Section 1, Township Five (5) South, Range Twenty-Four (24) East of the Indian Meridian, McCurtain County, Oklahoma being more particularly described by the following metes and bounds:

Commencing at a found GLO Stone for the Southeast Corner of the Southeast Quarter (SE/4) of said Section 1; Thence N 00°04'07" W, on the East line of the Southeast Quarter (SE/4), a distance of 264.11 feet passing a found GLO Stone for a Witness Corner to the East Quarter Corner of said Section 1; Thence N 00°00'43" W, on the east line of the NE/4, a distance of 980.30 feet; Thence S 89°59'15" W, perpendicular to said east line of the NE/4, a distance of 605.97 feet to a set Iron Rod with Cap for the Northeast Corner on the southerly right-of-way of an existing water line easement, said point also being the POINT OF BEGINNING of the herein described tract; Thence S 29°15'15" W, a distance of 344.00 feet to a set Iron Rod with Cap; Thence N 60°44'45" W, a distance of 330.00 feet, parallel with and 344.00 feet south of said southerly right-of-way of an existing water line easement to a set Iron Rod with Cap; Thence N 29°15'15" E, a distance of 344.00 feet to a set Iron Rod with Cap on said southerly right-of-way; Thence S 60°44'45" E, on said southerly right-of-way, a distance of 330.00 feet to the Point of Beginning.

Said Substation contains 113520.00 square feet or 2.61 acres more or less.

Basis of Bearing:

Per above description, the Basis of Bearing is Geodetic, U.S. Feet.
The Reference Bearing is the East line of the SE/4 of said Section 1, taken to bear N 00°04'07" W as shown on sheet 2 of 2, attached hereto and made a part thereof.

Owner's Certificate:

That the undersigned as representative for Western Farmers Electric Coop., do hereby certify that the above shown survey route represents a correct survey of the existing transmission line crossing the captioned property.

Western Farmers Electric Coop.

Surveyor's Certificate:

I, Jay Washburn, Oklahoma Licensed Professional Land Surveyor, No. 1707, do hereby certify that this plat of survey meets the Oklahoma Minimum Standards for the practice of land surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

Jay Washburn, PLS

09/08/2022
Date:



Notarization: No. 18005484
Subscribed and sworn to before me on 09/08/2022
this 8th day of September
My Commission Expires: 09/07/2026
FOR
Brian Daniel, Notary Public # 18005484

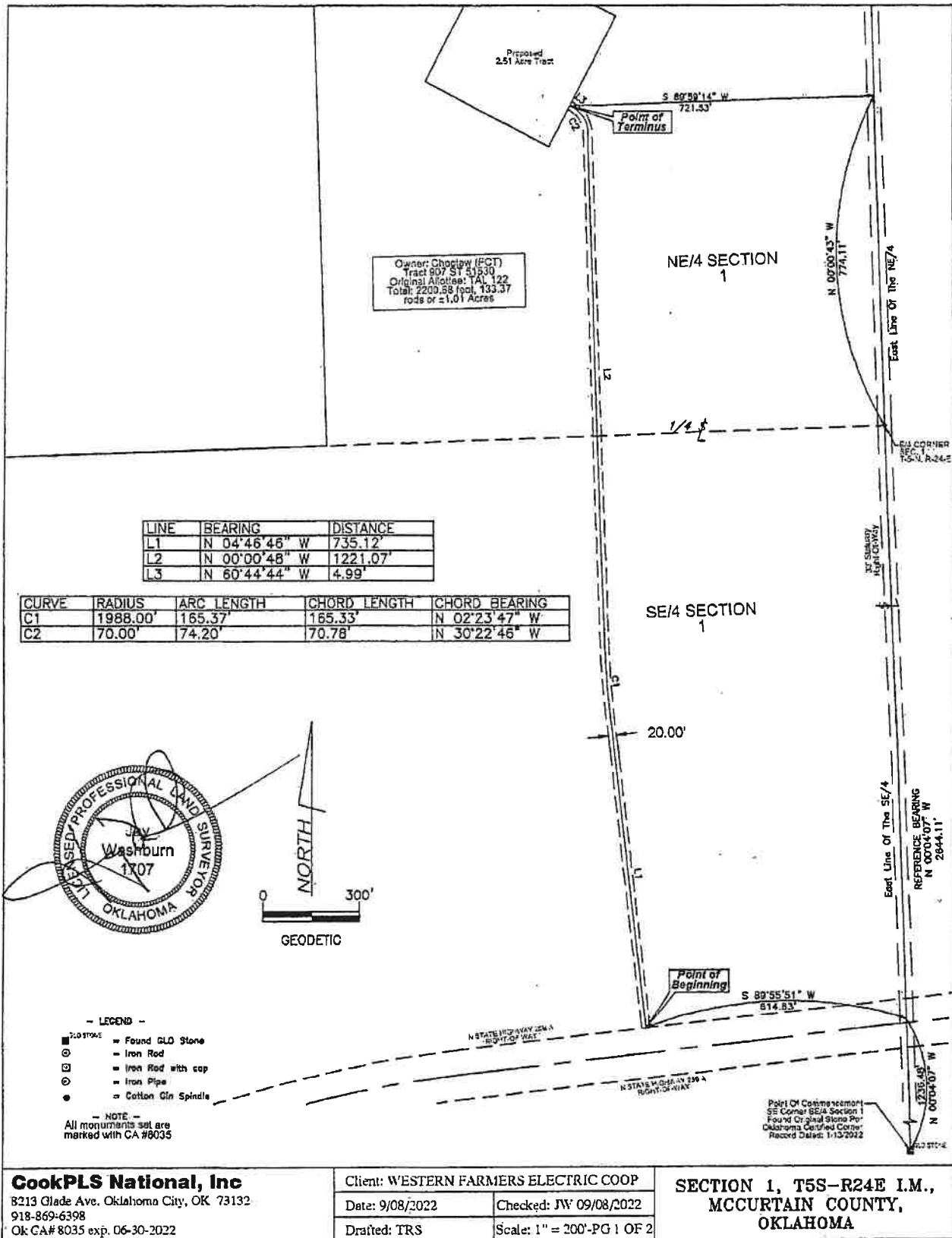


CookPLS National, Inc

8213 Glade Ave. Oklahoma City, OK 73132
405-603-5511
OK CA# 8035 exp. 06-30-2022

Client: WESTERN FARMERS ELECTRIC COOP	
Date: 04/19/2022	Checked: JW 09/08/2022
Drafted: JGW	Sheet: 1 of 2

Exhibit A



CookPLS National, Inc
 8213 Glade Ave. Oklahoma City, OK 73132
 918-869-6398
 Ok CA# 8035 exp. 06-30-2022

Client: WESTERN FARMERS ELECTRIC COOP
 Date: 9/08/2022 Checked: JW 09/08/2022
 Drafted: TRS Scale: 1" = 200'-PG 1 OF 2

**SECTION 1, T5S-R24E I.M.,
 MCCURTAIN COUNTY,
 OKLAHOMA**

Exhibit A

**SECTION 1, T5S-R24E I.M.,
MCCURTAIN COUNTY,
OKLAHOMA**

CENTERLINE DESCRIPTION: (20.00 FOOT WIDE ACCESS EASEMENT IN THE E/2 OF SECTION 1)

A Proposed 20.00 Foot Wide Access Easement located in a part of the East Half (E/2) of Section One (1), Township Five (5) South, Range Twenty-Four (24) East of the Indian Meridian, McCurtain County, Oklahoma being 10.00 feet on either side of the following described centerline:

Commencing at a found GLO Stone for the Southeast Corner of the Southeast Quarter (SE/4) of said Section 1; THENCE N 00°04'07" W, on said East line of the Southeast Quarter (SE/4), a distance of 1236.48 feet;

THENCE S 89°55'51" W, perpendicular to said East line of the SE/4, a distance of 614.83 feet to a point on the North Right-of-Way line of State Highway 259A, said point being the POINT OF BEGINNING;

THENCE N 04°46'46" W, a distance of 735.12 feet to the beginning of a curve to the right; Said curve having a radius of 1988.00 feet, an arc length of 165.37 feet, a chord that bears N 02°23'47" W, a distance of 165.33 feet .

THENCE N 00°00'48" W, a distance of 1221.07 feet to the beginning of a curve to the left; Said curve having a radius of 70.00 feet, an arc length of 74.20 feet, a chord that bears N 30°22'46" W, a distance of 70.78 feet; THENCE N 60°44'44" W, a distance of 4.99 feet to and ending at a point on the easterly line of a Proposed 2.61 Acre Tract of land, said point being N 00°00'43" W, on the East line of the Northeast Quarter (NE/4) of said Section 1, a distance of 774.11 and S 89°59'14" W, perpendicular to said East line of the NE/4, a distance of 721.53 feet from the calculated Southeast Corner of the Northeast Quarter being witnessed by a GLO Stone 13.20 feet south.

Said Access Road Easement contains 2200.68 linear feet, 133.37 rods or 1.01 acres more or less.

Basis of Bearing:

Per above description, the Basis of Bearing is Geodetic, U.S. Feet.
The Reference Bearing is the East line of the SE/4 of said Section 1, taken to bear N 00°04'07" W as shown on sheet 1 of 2, attached hereto and made a part thereof.

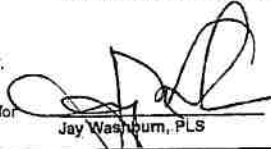
Owner's Certificate:

That the undersigned as representative for Western Farmers Electric Coop., do hereby certify that the above shown survey route represents a correct survey of the existing transmission line crossing the captioned property.

Western Farmers Electric Coop.

Surveyor's Certificate:

I, Jay Washburn, Oklahoma Licensed Professional Land Surveyor, No. 1707, do hereby certify that this plat of survey meets the Oklahoma Minimum Standards for the practice of land surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.


Jay Washburn, PLS Date: 8/08/2022



Notarization:

Subscribed and sworn to before me this 8th day of September, My Commission expires: 6/01/2026
Brian Daniel Notary Public # 18005484

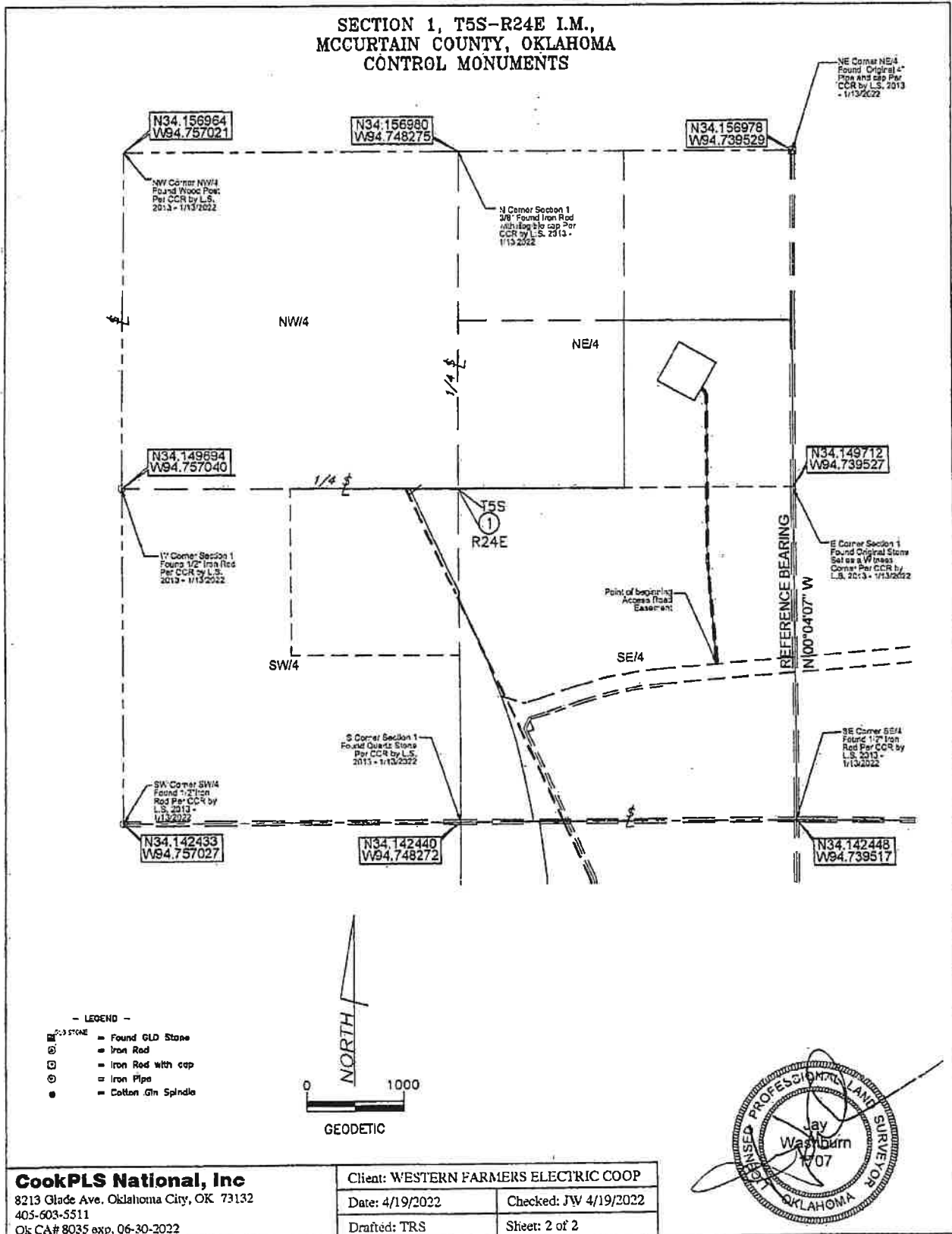


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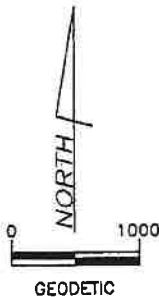
Client: WESTERN FARMERS ELECTRIC COOP	
Date: 9/08/2022	Checked: JW 09/08/2022
Drafted: TRS	Scale: 1" = 300'-PG 2 OF 2

Exhibit A

SECTION 1, T5S-R24E I.M.,
MCCURTAIN COUNTY, OKLAHOMA
CONTROL MONUMENTS



- LEGEND -
- FOUND STONE = Found GLD Stone
 - ⊙ = Iron Rod
 - ⊠ = Iron Rod with cap
 - ⊙ = Iron Pipe
 - = Cotton Gin Spindle



CookPLS National, Inc
8213 Glade Ave. Oklahoma City, OK 73132
405-603-5511
Ok CA# 8035 exp. 06-30-2022

Client: WESTERN FARMERS ELECTRIC COOP	
Date: 4/19/2022	Checked: JW 4/19/2022
Drafted: TRS	Sheet: 2 of 2

Exhibit B

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

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

1. Applicant Name and Address: Western Farmers Electric Cooperative, P.O. Box 429
Anadarko, OK 73005
2. Tract(s) or parcel(s) affected by the right-of-way: Tal 122, 907-ST 51530
3. General location (easement description): Substation location containing 2.61 acres
and access road containing 1.01 acres in a portion of Sec. 1, T 5N, R 24E I.M.,
McCurtain County, Ok, as shown on attached maps.
4. Purpose: Substation and access road easement
5. Term (Renewal, if applicable): Perpetual
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:

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: Courtney Harvey, ROW Contractor

Address: P.O. Box 36, Lookeba

State: OK Zip: 73053

Phone: (405) 457-6455 Fax: (405) 457-6456

Signature of Authority to Execute: 

Printed Name of Authority to Execute: Vaughn Salamy

Date: July 20, 2022



EXHIBIT C