

TO APPROVE A SERVICE LINE AGREEMENT, IN FAVOR OF THE PUBLIC SERVICE COMPANY OF OKLAHOMA, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN PITTSBURG COUNTY, OKLAHOMA

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION
RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO APPROVE a Service Line Agreement, in favor of Public Service Company of Oklahoma, on land held by the United States of America in Trust for the Choctaw Nation of Oklahoma in Pittsburg 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, Public Service Company of Oklahoma ("PSO") has proposed a 10-foot wide underground electric easement to extend electric service to the Choctaw Nation Health Clinic in McAlester, located in the NW Corner of Lot 92 of Townsite Addition #4 in the SE¼ of Sections 18 and 19, Township 5 North, Range 15 East, Pittsburg County, Oklahoma. See Exhibit A for Service Line Agreement with property description, the Survey Plat and centerline easement description;

WHEREAS, the payment will be \$0.00 since the services are being extended due to the clinic expansion project and will be for the benefit of the Choctaw Nation of Oklahoma (the "Nation");

WHEREAS, the Service Line Agreement shall be for a perpetual term, so long as it is used for its intended purpose;

WHEREAS, this Bill furthers the Nation's strategic goal of supporting service delivery to tribal members by allowing for expanded electric service to the Choctaw Nation Health Clinic in McAlester, Pittsburg County, Oklahoma; and

WHEREAS, the Tribal Council has determined it is in the best interest of the Choctaw Nation of Oklahoma to approve and grant the electric line Service Line Agreement in favor of Public Service Company of Oklahoma.

THEREFORE BE IT ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Bill be cited as approval of the proposed electric line Service Line Agreement described as being in Sections 18 and 19, Township 5 North, Range 15 East, Pittsburg County, OK, in favor of the Public Service Company of Oklahoma, on land held by the USA in Trust for the Choctaw Nation of Oklahoma. See Exhibit A.

BE IT FURTHER ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Bill be cited as approval for the payment of \$0.00 for a perpetual term, so long as the Service Line Agreement 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.

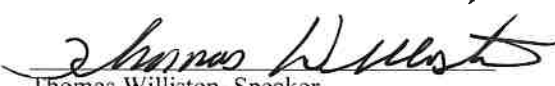
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CERTIFICATION

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 March 11, 2023. I further certify that the foregoing Council Bill CB- 52 -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 3-15-23

TO APPROVE A SERVICE LINE AGREEMENT, IN FAVOR OF THE PUBLIC SERVICE COMPANY OF OKLAHOMA, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN PITTSBURG COUNTY, OKLAHOMA

Purpose/Need of Council Bill: To approve an electric line 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, located in McAlester, Oklahoma, in Sections 18 and 19, Township 5 North, Range 15 East, Pittsburg County, Oklahoma. Please see attached Exhibit A Service Line Agreement, Survey Plat, Centerline Easement Description, and location map. This council bill furthers the Nation's strategic goal of supporting service delivery to tribal members by allowing for expanded electric service to the Choctaw Nation Health Clinic in McAlester, Pittsburg County, Oklahoma.

Title of Council Bill: TO APPROVE A SERVICE LINE AGREEMENT, IN FAVOR OF THE PUBLIC SERVICE COMPANY OF OKLAHOMA, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN PITTSBURG COUNTY, OKLAHOMA

Grantee: Public Service Company of Oklahoma

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"

PSO
P.O. Box 201
Tulsa, OK 74102

Agent: M. Payton/S. Schlueter - OK223____
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 Pittsburg, 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 _____, 20____.

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

Exhibit "A" Page 1 of 1

A tract of land in Lots 68 and 92, Townsite Addition No. 4, and in the NE1/4 NW1/4 NE1/4 of section 19, township 5 north, range 15 east of the Indian Base and Meridian, Pittsburg County, State of Oklahoma, and further described as follows:

Beginning at the southwest corner of Lot 68;

Thence North 01° 10' 56" West along the west line of Lot 68 a distance of 180.99 feet to the southwest corner of The Springs First Addition;

Thence North 88° 46' 23" East along The Springs First Addition a distance of 659.99 feet to the southeast corner of The Springs First Addition and the east line of Lot 68;

Thence South 01° 11' 49" East along said east line a distance of 182.39 feet to the northeast corner of Lot 92;

Thence South 01° 11' 49" East along the east line of Lot 92 a distance of 1228.05 feet to the north right-of-way line of Highway 69;

Thence South 67° 51' 52" West along said right-of-way line a distance of 353.29 feet;

Thence North 01° 11' 49" West a distance of 1293.33 feet;

Thence South 88° 53' 36" West and parallel to the north line of Lot 92 a distance of 329.95 feet to the west line of Lot 92;

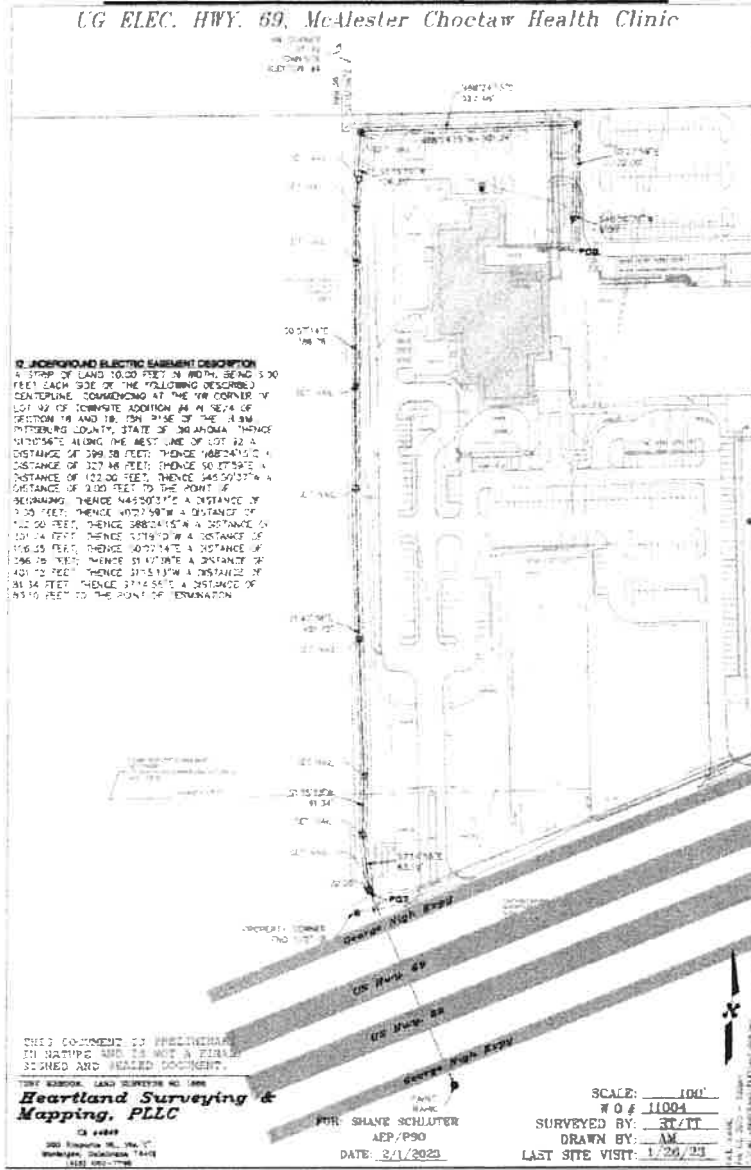
Thence North 01° 10' 56" West along the west line of Lot 92 a distance of 61.4 feet to the POINT OF BEGINNING.

PSO
P.O. Box 201
Tulsa, OK 74102

Section 19, T5N, R15E

Exhibit "B" – Centerline description – Page 1 of 2

UG ELEC. HWY. 69, McAlester Choctaw Health Clinic



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

Gary Batton, Chief Date _____

APPLICANT **Public Service Company of Oklahoma**

Mark F Payton III, ROW Agent Date _____

PSO
P.O. Box 201
Tulsa, OK 74102

Section 19, T5N, R15E

Exhibit "B" – Centerline description – Page 2 of 2

10' UNDERGROUND ELECTRIC EASEMENT DESCRIPTION

A STRIP OF LAND 10.00 FEET IN WIDTH, BEING 5.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE NW CORNER OF LOT 92 OF TOWNSITE ADDITION #4 IN SE/4 OF SECTION 18 AND 19, T5N, R15E OF THE I.B.&M., PITTSBURG COUNTY, STATE OF OKLAHOMA, THENCE S1°10'56"E ALONG THE WEST LINE OF LOT 92 A DISTANCE OF 399.38 FEET; THENCE N88°24'15"E A DISTANCE OF 327.48 FEET; THENCE S0°27'59"E A DISTANCE OF 122.00 FEET; THENCE S45°50'37"W A DISTANCE OF 9.00 FEET TO THE POINT OF BEGINNING; THENCE N45°50'37"E A DISTANCE OF 9.00 FEET; THENCE N0°27'59"W A DISTANCE OF 122.00 FEET; THENCE S88°24'15"W A DISTANCE OF 301.24 FEET; THENCE S3°19'10"W A DISTANCE OF 106.35 FEET; THENCE S0°07'14"E A DISTANCE OF 386.76 FEET; THENCE S1°47'38"E A DISTANCE OF 401.72 FEET; THENCE S1°15'13"W A DISTANCE OF 81.34 FEET; THENCE S7°14'55"E A DISTANCE OF 83.10 FEET TO THE POINT OF TERMINATION.

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

Gary Batton, Chief Date _____

APPLICANT: **Public Service Company of Oklahoma**

Mark F Payton III, ROW Agent Date _____

