

TO APPROVE A WATER LINE EASEMENT (PARCEL 5A), IN FAVOR OF MCCURTAIN COUNTY RURAL WATER DISTRICT #5, 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 water line easement (Parcel 5A), in favor of McCurtain County Rural Water District #5, on land held by the United States of America 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, McCurtain County Rural Water District #5 ("RWD #5") has agreed to relocate their utility line due to the widening of SH-259 in Hochatown, located in the NE¼ of Section 12, Township 5 South, Range 24 East, McCurtain County, Oklahoma, and will contain 0.22 acres. See Exhibit A for Survey Plat and legal description (Parcel 5A);

WHEREAS, the payment will be \$0.00 since the services are being relocated due to the widening of SH-259, which will benefit the surrounding community by providing a safer intersection and easier access to the Choctaw Landing site;

WHEREAS, the easement 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 approve and grant the water line easement in favor of McCurtain County Rural Water District #5, and to waive the requirements for an appraisal, 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 water line easement (Parcel 5A) described as being in Section 12, Township 5 South, Range 24 East, McCurtain County, OK, in favor of McCurtain County Rural Water District #5, on land held by the USA in Trust for the Choctaw Nation of Oklahoma.

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 for a perpetual term, so long as the easement is used for its intended purpose, and to waive the requirements for an appraisal, bond, insurance, and payment.

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 WATER LINE EASEMENT (PARCEL 5A), IN FAVOR OF MCCURTAIN COUNTY
RURAL WATER DISTRICT #5, 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 March 11, 2023. I further certify that the foregoing Council Bill CB- 58 -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 WATER LINE EASEMENT (PARCEL 5A), IN FAVOR OF MCCURTAIN COUNTY RURAL WATER DISTRICT #5, 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 Water Line Easement, in favor of McCurtain County Rural Water District #5, on land held by the USA in Trust for the Choctaw Nation of Oklahoma, located in Hochatown in Section 12, Township 5 South, Range 24 East, McCurtain County, OK, containing 0.22 acres. Please see attached Survey Plat and Legal Description (Parcel 5A), Right-of-Way application, and location map in the attached Exhibit A. This legislation will allow the Nation to meet its strategic goals of strengthening financial growth and economic stability and strengthening local economies by allowing for the continued construction of the Choctaw Landing development at Hochatown.

Title of Council Bill: TO APPROVE A WATER LINE EASEMENT (PARCEL 5A), IN FAVOR OF MCCURTAIN COUNTY RURAL WATER DISTRICT #5, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN MCCURTAIN COUNTY, OKLAHOMA

Grantee: McCurtain County Rural Water District #5

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"

PARCEL NO. _____ 5A
COUNTY _____ McCURTAIN

**WATER LINE EASEMENT
CHOCTAW NATION
TAAMS TRACT ID NUMBER: 907 ST 51530
LEGAL DESCRIPTION/PARCEL MAP**

Prepared By:



NATIVE PLAINS
Surveying & Mapping, LLC
A Native American Owned Business
5807 South Garnett Road, Suite K, Tulsa, Oklahoma, 74146
Telephone: 918.234.7596, Fax: 918.893.5552

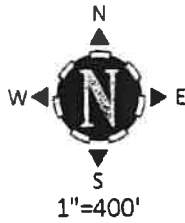
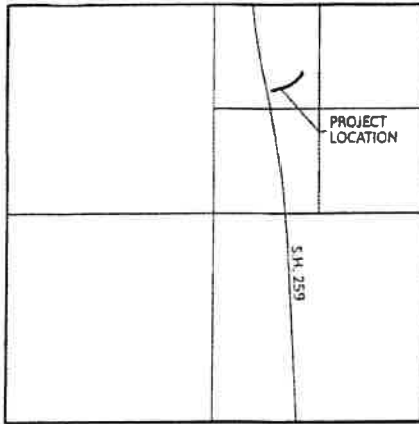
REVISION RECORD

Date
12/08/2022

By
JLN

Description of Revision
Creation of Exhibit, Legal and Closure Report

EXHIBIT "A"

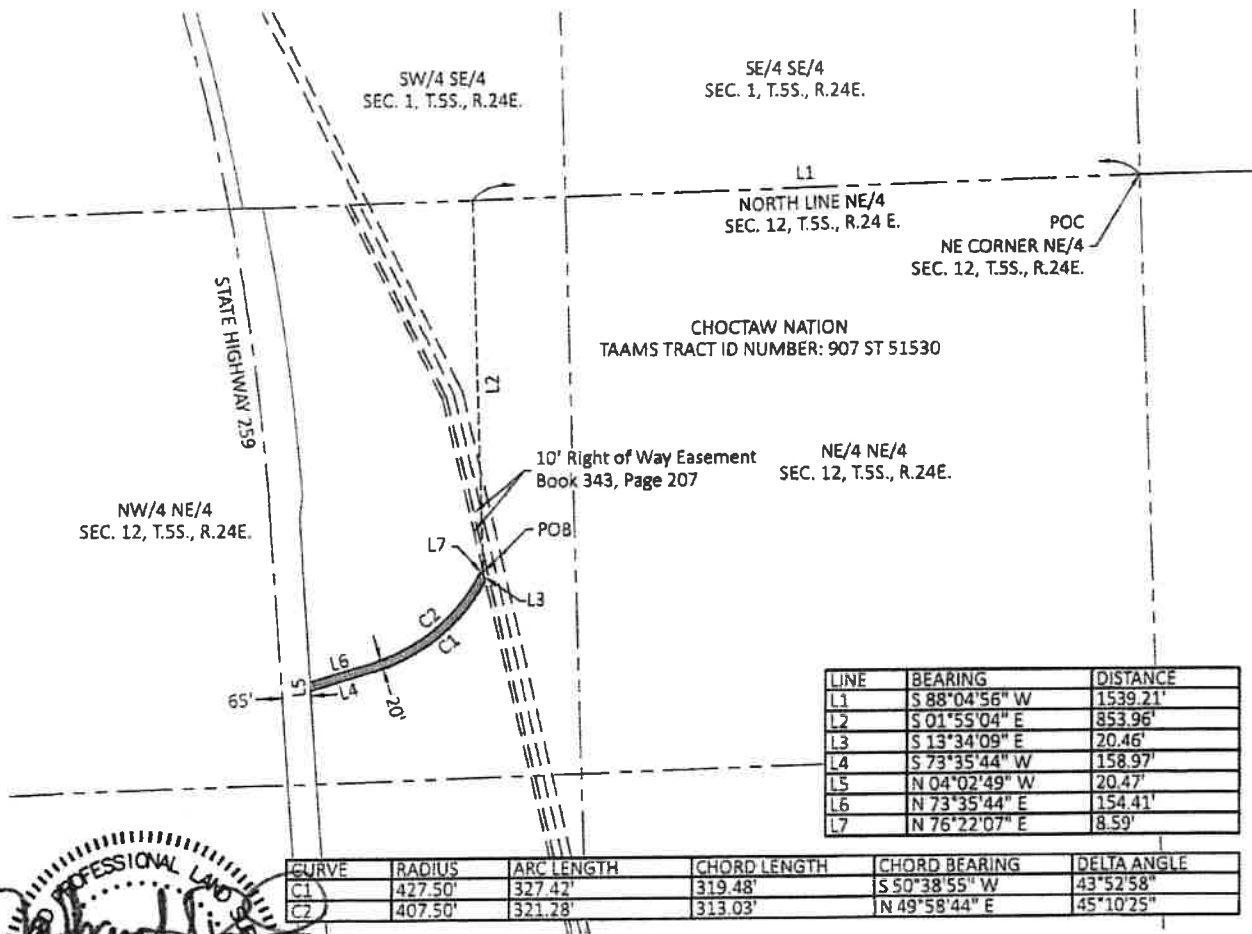


PARCEL NO. 5A
 COUNTY McCURTAIN
 PAGE 1 of 2

LEGAL DESCRIPTION: A tract of land in the NE/4
of Section 12, Township 5 South, Range 24 East,
McCurtain County, State of Oklahoma

SEC 12 T 5 S R 24 E

PERMANENT EASEMENT _____ 9,708.56 SF _____ 0.22 ACRES



LINE	BEARING	DISTANCE
L1	S 88°04'56" W	1539.21'
L2	S 01°55'04" E	853.96'
L3	S 13°34'09" E	20.46'
L4	S 73°35'44" W	158.97'
L5	N 04°02'49" W	20.47'
L6	N 73°35'44" E	154.41'
L7	N 76°22'07" E	8.59'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	427.50'	327.42'	319.48'	S 50°38'55" W	43°52'58"
C2	407.50'	321.28'	313.03'	N 49°58'44" E	45°10'25"



LEGEND
 POB Point of Beginning
 POC Point of Commencement

EXHIBIT "A"

PARCEL NO. _____ 5A
COUNTY McCURTAIN
PAGE _____ 2 of 2

LEGAL DESCRIPTION

Choctaw Nation
TAAMS Tract ID Number: 907 ST 51530
20' Water Line Easement

A tract of land located in the Northeast Quarter (NE/4) of Section Twelve (12), Township Five (5) South, Range Twenty-Four (24) East of the Indian Base and Meridian, McCurtain County, State of Oklahoma, according to the United States Government Survey thereof, and being more particularly described as follows:

COMMENCING at the Northeast corner of said NE/4; thence South 88°04'56" West and along the North line of said NE/4, for a distance of 1539.21 feet; thence South 01°55'04" East and perpendicular to said North line, for a distance of 853.96 feet to a point on the West line of an Existing 10 foot right of way easement (Book 343, Page 207) same being the POINT OF BEGINNING; thence South 13°34'09" East and along said West line, for a distance of 20.46 feet to a point of curve; thence along a curve to the right with a radius of 427.50 feet, a chord bearing of South 50°38'55" West, a chord distance of 319.48 feet, for an arc distance of 327.42 feet; thence South 73°35'44" West, for a distance of 158.97 feet to a point on the East right of way line of State Highway 259; thence North 04°02'49" West and along said right of way, for a distance of 20.47 feet; thence North 73°35'44" East, for a distance of 154.41 feet to a point of curve; thence along a curve to the left, with a radius of 407.50 feet, a chord bearing of North 49°58'44" East, a chord distance of 313.03 feet, for an arc distance of 321.28 feet; thence North 76°22'07" East, for a distance of 8.59 feet to the POINT OF BEGINNING.

Containing 9,708.56 square feet or 0.22 acres, more or less.

Basis of Bearings: Based on Oklahoma State Plane Coordinate System, South Zone (3502) NAD 83 (1993).

REAL PROPERTY CERTIFICATION:

I, Nathaniel J. Reed, certify that the attached legal description closes in accord with existing records, is a true representation of the real property as described, and meets the minimum technical standards for land surveying of the State of Oklahoma.



Nathaniel J. Reed

Date of Signature 12-15-2022



 **NATIVE PLAINS**
Surveying † Mapping, LLC
A Native American Owned Business
5107 South Clarett Road, Suite K, Tulsa, Oklahoma, 74128
Telephone: 918.234.7596, Fax: 918.437.5551
Certificate of Authorization No. 4916 Expires June 30, 2019

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: McCurtain County RWD #5, 9180 N US Hwy 259, Broken Bow, OK 74728
2. Tract(s) or parcel(s) affected by the right-of-way: 907 ST 51530
3. General location (easement description): A tract of land in the NE¼ of Section 12, Township 5 South, Range 24 East, McCurtain County, OK.
4. Purpose: Relocation of existing waterline due to site and highway improvements.
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.

EXHIBIT "B"

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: Rodney Pratt
Address: 9180 N. US Hwy 259
City: Broken Bow State: OK Zip: 74728
Phone: 580-494-16283 Fax: 580-494-16284
Email: hochatownwater@gmail.com

Date: 2/28/2023

Applicant Signature: Rodney Pratt

Applicant Printed Name: Rodney Pratt

