

TO AUTHORIZE THE CHIEF TO PLACE PROPERTY IN SEBASTIAN COUNTY, ARKANSAS IN TRUST STATUS WITH THE UNITED STATES OF AMERICA

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO AUTHORIZE the Chief of the Choctaw Nation of Oklahoma (the "Nation") to request the Bureau of Indian Affairs to place this acquisition of land into trust status with the United States of America.

WHEREAS, in accordance with Article IX, Sections 4 and 6 of the Constitution of the Choctaw Nation of Oklahoma, the Choctaw Tribal Council (the "Council") shall enact rule and regulations for the general good, and for the administration and regulation of the affairs of the Choctaw Nation of Oklahoma, and shall make decisions pertaining to the acquisition, leasing, disposition and management of real property;

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;

WHEREAS, the Tribal Council of the Choctaw Nation of Oklahoma previously enacted CB-70-23, which approved the Nation's application to the Bureau of Indian Affairs to place a parcel of property in Sebastian County, Arkansas, adjacent to the Pocola casino and used as a parking lot, into trust. CB-70-23 included the legal descriptions from the four deeds where the property was purchased, but the Nation's Land & Title department has since had the property surveyed. The Bureau of Indian Affairs has requested an updated council bill so that the legal description reads as deeded and as surveyed on all documents;

WHEREAS, 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 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. § 5108, formerly 25 U.S.C. § 465, authorizes the Secretary of the Interior (the "Secretary") to acquire land in trust for Indians;

WHEREAS, the Nation has fee title to 11.93 acres of real property located in Sebastian County, Arkansas. The subject property is contiguous to trust land on the west boundary. The property is described as follows:

LEGAL DESCRIPTION:

AS DEEDED:

Part of the Northwest Quarter and part of the Southwest Quarter of Fractional Section 17, Township 7 North, Range 32 West, Greenwood District, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of Fractional Section 17; thence along the West line of Fractional Section 17, North 01 degree 04 minutes 18 seconds West, 2404.44 feet to a set rebar and the point of beginning; thence continue along the West line, North 01 degree 04 minutes 18 seconds West, 110 feet to a set rebar; thence leaving said West line, North 87 degrees 18 minutes 02 seconds East, 100.00 feet to a set rebar; thence North 01 degree 04 minutes 18 seconds West, 50.00 feet to a set rebar; thence North 87 degrees 18 minutes 02 seconds East, 75.00 feet to a set rebar; thence North 01 degree 04 minutes 18 seconds West 150.00 feet to a set rebar; thence South 87 degrees 18 minutes 02 seconds West, 175.00 feet to a set rebar on the West line of the Northwest Quarter of Fractional Section 17; thence along said West line, North 01 degree 04 minutes 18 seconds West, 273.67 feet to a set rebar on the South right-of-way line of Arkansas Interstate 540; thence leaving said West line and along said right-of-way line the following bearings and distances; North 88 degrees 43 minutes 10 seconds East, 704.91 feet to

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a right-of-way marker, South 84 degrees 25 minutes 00 seconds East, 100.09 feet to an existing iron pin; thence leaving said right-of-way line, South 01 degree 46 minutes 24 seconds East, 565.95 feet to a set rebar; thence South 88 degrees 39 minutes 35 seconds West 603.35 feet to a set rebar; thence South 87 degrees 18 minutes 02 seconds West, 208.00 feet to the point of beginning. Less and except public roads and rights-of-way. Less and except minerals and mineral rights.

And

Part of the N/2 of the Fractional SW/4 and Part of the S/2 of the Fractional NW/4 of Section 17, Township 7 North, Range 32 West, Greenwood District of Sebastian County, Arkansas, described as follows: Beginning at a point 60 feet South of the NW Corner of said Fractional SW/4; thence North 150 feet; thence East 175 feet; thence South 150 feet; thence West 175 feet to the point of beginning. Less and except public roads, easements, and rights of way. Less and except minerals and mineral rights.

And

Part of the Fraction NE/4 of the Fractional SW/4 of Fractional Section 17, Township 7 North, Range 32 West, Greenwood District of Sebastian County, Arkansas, more particularly described as follows: Commencing at the NE corner of the said Fractional NE/4 of the Fractional SW/4 of said Section 17, thence North 88°31' West, 676.2 feet; thence South 01°29' West, 600 feet to the point of beginning; thence South 01°29' West, 50.00 feet; thence North 88°31' West, 100.00 feet to a point on the Arkansas Oklahoma State line; thence North 01°29' East 50.0 feet along said South line; thence South 88°31' East, 100.0 feet to the point of beginning. Less and except public roads, easements, and rights of way. LESS AND EXCEPT MINERALS AND MINERAL RIGHTS.

And

Part of the Fractional SW/4 of Section 17, Township 7 North, Range 32 West, Greenwood District of Sebastian County, Arkansas, being more particularly described as follows: Commencing at the SW corner of said SW/4; thence North 01°03'48" West 695.34 feet; thence North 0°45'49" West, 1320.18 feet; thence North 01°04'18" West, 140.88 feet to the point of beginning; thence North 87°18'02" East, 208.0 feet; thence North 01°04'18" West 250.0 feet; thence South 87°18'02" West 208.0 feet to the West line of said SW/4; thence South 01°04'18" East along said West line, 250.0 feet to the point of beginning. Less and except public roads, easements, and rights of way. Less and except minerals and mineral rights.

ALSO KNOWN BY SURVEYED LEGAL DESCRIPTION AS FOLLOWS:

Part of the Fractional Northwest Quarter (NW/4) and Part of the Fractional Southwest Quarter (SW/4), Section 17, Township 07 North, Range 32 West, Sebastian County, Arkansas, being more particularly described as follows: Commencing at an existing Rebar w/yellow cap marking the Southwest corner of said Section 17, thence N 03°13'27" E, 2153.89 feet along the West line of said Section 17 to an existing p/k nail in Dixon Lane, being the Point of Beginning; thence N 02°54'58" E, 833.47 feet along said Dixon Lane to an existing p/k nail in asphalt on the Southerly right of way line of Old Highway 271; thence S 87°05'29" E, 706.87 feet along said right of way line to an existing Arkansas Highway Transportation Department (AHTD) monument; thence S 80°10'51" E, 100.53 feet along said right of way line to a set cotton spindle; thence S 02°27'15" W, 566.21 feet to an existing rebar; thence N 87°87'19" W, 603.74 feet to an existing rebar w/cap 147; thence S 03°04'41" W, 249.84 feet to an existing rebar; thence N 88°28'56" W 206.85 feet to the point of beginning, containing 6.06 acres in the Fractional Northwest Quarter (NW/4) of Section 17 and 5.87 acres in the Fractional Quarter of Section 17 in Aggregate containing 11.93 acres, more or less; being subject to public road rights of way and any easements of record. According to survey by Brixey Engineering and Land Surveying, Inc., in Job No. 23-0193, dated May 16, 2023.

WHEREAS, the Nation has determined the need for additional trust land to its land base for accommodating an increase in governmental services to tribal members to promote tribal self-determination and sovereignty, self-sufficiency and economic independence. The Nation has approximately 200,000 enrolled members, approximately 47,649 living in the tribal service area. See BIA, American Indian Population and Labor Force Report, (2010). The

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Nation expects tribal membership to increase along with tribal services. This growth is expected to continue, and this acquisition will address the Nation's need for additional land;

WHEREAS, the subject property is located in Arkansas on the Oklahoma/Arkansas border, adjacent to trust land in Pocola, Oklahoma. There are no structures on the property. It is paved and partially used for overflow parking for the Choctaw Hotel. The Nation plans to continue utilizing the property for the same purposes. The remainder of the property is vacant and undeveloped land. There will be no change in usage;

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

WHEREAS, the Council has determined it is in the best interest of the Nation to place the above-named property in Sebastian County, Arkansas in trust status with the United States of America.

THEREFORE, BE IT ENACTED that the 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 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.

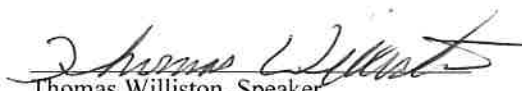
BE IT FURTHER ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Bill be cited as an acknowledgment that the Chief of the Nation, or his designee, is authorized to prepare, execute, deliver, and file any all agreements, certificates, instruments, and documents in such form and with such terms and provisions as the Chief of the Nation, or his designee, may approve and 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 March 9, 2024. I further certify that the foregoing Council Bill CB-46 -24 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 3-14-24

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Purpose/Need of Council Bill: This council bill authorizes and approves the Chief of the Choctaw Nation of Oklahoma, or his designee, to make a request to the Secretary of the U.S. Department of the Interior, to place property in Sebastian County, Arkansas, into trust status in accordance with the Bureau of Indian Affairs policy and procedure for the acquisition of land. This council bill furthers the Nation's strategic goal to protect and promote Choctaw culture and exercise sovereignty.

Title of Council Bill: **TO AUTHORIZE THE CHIEF TO PLACE PROPERTY IN SEBASTIAN COUNTY, ARKANSAS IN TRUST STATUS WITH THE UNITED STATES OF AMERICA**

Agency: Choctaw Nation Land & Title

Budget: N/A

Match Required: N/A

Request By/Project Director: Donna Loper, Executive Director Land Title & Natural Resources; Kelly KcKaughan, SEO Integrated Services