

TO APPROVE AN ELECTRIC LINE EASEMENT, IN FAVOR OF CHOCTAW ELECTRIC COOPERATIVE, INC., 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 proposed electric line easement for the installation of a primary electrical circuit parallel to a secondary electrical circuit, in favor of Choctaw Electric Cooperative, Inc., 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, Choctaw Electric Cooperative, Inc. ("CEC") is proposing an electric line easement for the purpose of installing a primary electrical circuit parallel to a secondary electrical circuit located in the E½ of Section 1, Township 5 South, Range 24 East, McCurtain County, Oklahoma. See Exhibit A for Survey Plat and legal description;

WHEREAS, the payment will be \$0.00 because the primary purpose of this line will be to provide power to the rural area around Hochatown and the Broken Bow water treatment plant. However, it is also in the best interest of the Choctaw Nation by reducing the utilization fees we would pay to Western Farmers Electric Cooperative for the Chahta Substation;

WHEREAS, the easement shall be for a 20-year term; 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 easement in favor of Choctaw Electric Cooperative, Inc., 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 electric line easement for the purpose of installing a primary electrical circuit parallel to a secondary electrical circuit. The location of the proposed electric line easement is described as being in the E½ of Section 1, Township 5 South, Range 24 East, McCurtain County, OK, in favor of Choctaw Electric Cooperative, Inc., 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 as approval of the payment of \$0.00 for a 20-year term 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 acknowledgment 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.

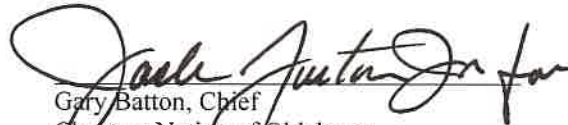
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CERTIFICATION

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 April 13, 2024. I further certify that the foregoing Council Bill CB-58 -24 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.


Thomas Williston, Speaker
Choctaw Nation Tribal Council


Ronald Perry, Secretary
Choctaw Nation Tribal Council


Gary Batton, Chief
Choctaw Nation of Oklahoma

Date 4-17-24

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Purpose/Need of Council Bill: To approve a proposed electric line easement for the installation of a primary electrical circuit parallel to a secondary electrical circuit, in favor of Choctaw Electric Cooperative, Inc., on land held by the USA in Trust for the Choctaw Nation of Oklahoma, located in Hochatown in the E½ of Section 1, Township 5 South, Range 24 East, McCurtain County, Oklahoma. Please see the attached Survey Plat and Legal Description labeled Exhibit A, the Right-of-Way application labeled Exhibit B, and the location map labeled Exhibit C. This legislation will meet the Nation's strategic goal of strengthening financial growth and economic stability.

Title of Council Bill: TO APPROVE AN ELECTRIC LINE EASEMENT, IN FAVOR OF CHOCTAW ELECTRIC COOPERATIVE, INC., ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN MCCURTAIN COUNTY, OKLAHOMA

Grantee: Choctaw Electric Cooperative, Inc.

Duration: 20 years

Payment: \$0.00 per year

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

EXHIBIT A



BEARINGS ARE STATE PLANE
SOUTH ZONE NAD 1988

LEGEND	
⊙	Exst. #3 Rebar
⊗	GLO Stone in place
○	Nothing set
⊗	Set 60d Nail/ID Washer
●	Set #4 Rebar/Cap CA#2268
⊖	Power Pole
●	Electrical Vault/Manhole
⊗	Wire Fence

LEGAL DESCRIPTION (EASEMENT)

An easement, for installation of and maintenance of Electrical Utilities, situated in the E1/2 of Section 1, Township 5 South, Range 24 East, IBM, McCurtain County, Oklahoma, further described as:
Commence at the Northeast corner of said Section 1, thence S23°02'25"W, 1928.19 feet, to the POINT OF BEGINNING; thence S62°16'05"E, 39.20 feet; thence S38°13'40"E, 85.07 feet; thence S44°30'56"E, 85.07 feet; thence S44°30'56"E, 23.23 feet; thence S08°48'01"E, 35.77 feet; thence S31°05'54"E, 31.87 feet; thence S08°17'41"E, 54.91 feet; thence S01°38'38"E, 360.73 feet; thence S01°35'47"E, 514.46 feet; thence S03°41'48"E, 455.17 feet; thence S07°45'40"E, 167.73 feet, to the North Right-of-Way of U.S. Highway 259; thence S82°49'29"W, along said Right-of-Way, 77.99 feet; thence N04°03'10"W, 258.72 feet; thence N00°56'13"W, 244.05 feet; thence N05°42'16"W, 131.26 feet; thence N00°31'43"W, 241.48 feet; thence N03°08'58"W, 151.98 feet; thence N01°10'09"W, 503.05 feet; thence N02°32'42"W, 112.66 feet; thence N00°56'38"W, 95.42 feet; thence N05°20'07"W, 355.97 feet; thence N15°13'32"W, 147.73, to the Point of Beginning, containing 3.33 acres.



CERTIFICATE OF SURVEY
I, Donald L. Pollard, a Licensed Land Surveyor, hereby certify that a careful survey was made under my supervision of the above described parcel. This is a true and correct plat thereof and that this survey meets or exceeds the Oklahoma Minimum Standards For The Practice of Land Surveying adopted by the Oklahoma State Board of Registration of Licensure for Professional Engineers and Land Surveyors.

Donald L. Pollard 1-21-2024
Donald L. Pollard PLS #961

POLLARD SURVEYING, LLC CA #2266 2034 Pollard Road, Neworth, OK 74740 580.245.1574 Donald L. Pollard #961 R.D. Pollard #1859 Licensed Land Surveyors			
FILE NAME	SURVEY DATE		
2034 P. TRV	1-21-2024		
SCALE	DRAWN DATE	DRAWN BY	
1/8" = 1'	1-21-2024	DLP	
JOB/CUSTOMER	REVISION	SHEET #P	
Checker Elec.	#1 1-18-2023	8C PG DC	

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

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

1. Applicant Name and Address: Choctaw Electric Cooperative, Inc.
2. Tract(s) or parcel(s) affected by the right-of-way: 907 ST 51530 Choctaw Nation
3. General location (easement description): A tract of land in the E½ of Section 1, Township 5 South, Range 24 East, McCurtain County.
4. Purpose: Installation of a primary electrical circuit parallel to a secondary electrical circuit.
5. Term (Renewal, if applicable): 20 years
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: Choctaw Electric Cooperative, Inc.
Address: P.O. Box 758
City: Hugo State: Oklahoma Zip: 74743
Phone: (580) 326-6486 Fax: _____
Email: _____

Date: _____

Applicant
Signature: _____

Applicant
Printed Name: _____

EXHIBIT C

Regulatory Land Base

