

TO APPROVE A WATERLINE EASEMENT, IN FAVOR OF THE CITY OF BROKEN BOW, 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 the installation of a waterline easement, in favor of the City of Broken Bow, 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, the City of Broken Bow is proposing a waterline easement located in the SE¼ of Section 1, Township 5 South, Range 24 East of the Indian Meridian, McCurtain County, Oklahoma. See Exhibit A for the Survey Plat and legal description;

WHEREAS, the payment will be \$0.00 because The Choctaw Nation is partnering with the City of Broken Bow for this waterline and has granted them ARPA funds in the amount of Two Million Dollars (\$2,000,000.00). The City of Broken Bow has agreed to leave a valve open for the Choctaw Nation's use should the need arise in the future;

WHEREAS, the easement shall be for a perpetual term; and

WHEREAS, the Tribal Council has determined it is in the best interest of the Choctaw Nation of Oklahoma to approve and grant this waterline easement in favor of the City of Broken Bow, 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 waterline easement described as being in the SE¼ of Section 1, Township 5 South, Range 24 East of the Indian Meridian, McCurtain County, OK, in favor of the City of Broken Bow, 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 perpetual 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 approval that the water line easement be a partnership between the Choctaw Nation and the City of Broken Bow in which the Choctaw Nation has granted the City of Broken Bow ARPA funds in the amount of Two Million Dollars (\$2,000,000.00), and the City of Broken Bow has agreed to leave a valve open for the Choctaw Nation's use should the need arise in the future. See Exhibit B

BE IT FURTHER ENACTED by the Tribal Council 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

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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.

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 July 13, 2024. I further certify that the foregoing Council Bill CB-84-24 was adopted at such meeting by the affirmative vote of Twelve (12) members, zero (0) negative votes, and zero (0) abstaining.

Ronald Perry
Ronald Perry, Secretary
Choctaw Nation Tribal Council

Thomas Williston
Thomas Williston, Speaker
Choctaw Nation Tribal Council

Gary Patton
Gary Patton, Chief
Choctaw Nation of Oklahoma

Date 7/19/24

TO APPROVE A WATERLINE EASEMENT, IN FAVOR OF THE CITY OF BROKEN BOW, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN MCCURTAIN COUNTY, OKLAHOMA

Purpose of Council Bill: To approve the installation of a waterline easement, in favor of the City of Broken Bow, on land held by the USA in Trust for the Choctaw Nation of Oklahoma, located in Hochatown in the SE¼ of Section 1, Township 5 South, Range 24 East of the Indian Meridian, McCurtain County, Oklahoma. This is a partnership between the Choctaw Nation and the City of Broken Bow using ARPA funds. The City of Broken Bow will leave a valve open for the Choctaw Nation's use should the need arise in the future, therefore payment for the easement is being waived with no need for an appraisal. 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 bill will further the Nation's strategic goal of strengthening financial growth and economic stability.

Title of Council Bill: TO APPROVE A WATERLINE EASEMENT, IN FAVOR OF THE CITY OF BROKEN BOW, ON LAND HELD BY THE USA IN TRUST FOR THE CHOCTAW NATION OF OKLAHOMA IN MCCURTAIN COUNTY, OKLAHOMA

Grantee: City of Broken Bow

Duration: Perpetual

Payment: \$0.00 per year

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

Suggested Legislative Committee Review: Finance Committee and Commerce Committee

LEMKE LAND SURVEYING

LEGAL DESCRIPTIONTown of Broken Bow
Easement

A tract of land located in the Southeast Quarter (SE/4) of Section One (1), Township Five (5) South, Range Twenty-Four (24) East of the Indian Meridian, McCurtain County, State of Oklahoma, according to the United States Government Survey thereof, and being more particularly described as follows:

COMMENCING at the Southeast Corner of said SE/4; thence North 00° 04' 16" West and along the East line of said SE/4, for a distance of 1,287.20 feet to a point on the North right-of-way of State Highway 259A; thence South 85° 12' 31" West and along said right-of-way, for a distance of 70.80 feet to the POINT OF BEGINNING; thence continuing South 85° 12' 31" West and along said right-of-way, for a distance of 30.00 feet; thence North 64° 47' 29" West, for a distance of 110.00 feet; thence South 85° 12' 31" West and parallel with said right-of-way, for a distance of 522.50 feet; thence North 89° 04' 28" West, for a distance of 150.58 feet; thence South 85° 12' 34" West, for a distance of 452.23 feet; thence South 70° 16' 13" West, for a distance of 185.41 feet to a point of curve; thence along a curve to the left, being parallel with said right-of-way, with a radius of 2979.80 feet, a chord bearing of South 74° 27' 18" West, a chord distance of 233.58 feet, for an arc distance of 233.64 feet; thence South 72° 12' 32" West and parallel with said right-of-way, for a distance of 398.50 feet; thence South 18° 16' 39" East, for a distance of 228.95 feet; thence South 71° 43' 21" West, for a distance of 50.00 feet; thence North 18° 16' 39" West, for a distance of 229.37 feet; thence South 72° 12' 32" West and parallel with said right-of-way, for a distance of 79.11 feet to a point on said right-of-way; thence North 72° 56' 44" West and along said right-of-way, for a distance of 26.25 feet; thence North 72° 12' 32" East and parallel with said right-of-way, for a distance of 549.15 feet to a point of curve; thence along a curve to the right, being parallel with said right-of-way, with a radius of 2994.80 feet, a chord bearing of North 74° 26' 49" East, for a chord distance of 233.91 feet, for an arc distance of 233.97 feet; thence North 70° 16' 13" East, for a distance of 186.54 feet; thence North 85° 12' 34" East, for a distance of 454.95 feet; thence South 89° 04' 28" East, for a distance of 150.58 feet; thence North 85° 12' 31" East and parallel with said right-of-way, for a distance of 525.77 feet; thence South 64° 47' 29" East, for a distance of 140.00 feet to the POINT OF BEGINNING.

Containing 44,630 square feet or 1.025 acres, more or less.

Basis of Bearings: The bearings shown hereon are based upon True North being calculated from a mean grid convergence angle of 01°50'54".

Legal Description prepared by Steven K. Lemke, OK PLS #1349 on June 27, 2024, and is based upon a Legal Description (Choctaw Nation – TAAMS Tract ID Number: 907 ST 51530 – 30' Easement Line Easement) prepared by PLS #1744 with Native Plains Surveying & Mapping, LLC, on April 30, 2023. This Legal Description was prepared without benefit of a field survey by Steven K. Lemke.



Broken Bow 15 ft Easement



EXHIBIT A



Date Created: 11/20/2018
Created By: Matthew Miller, GIS Department
Contact: matt@choctawnation.com

File: 2 - Broken Bow 15 ft Easement GIS

Project: Broken Bow 15 ft Easement

Summary: This map displays the 15-foot easement area for the Broken Bow project. The easement is shown in blue and is located along the perimeter of the property. The map also shows the property boundaries and the location of the Broken Bow project. The map is intended for informational purposes only and should not be used for legal or engineering purposes. The map is subject to change without notice and is not guaranteed to be accurate. The map is provided as a service to the Choctaw Nation and is not intended to be used for any other purpose. The map is the property of the Choctaw Nation and is not to be reproduced or distributed without the written consent of the Choctaw Nation. The map is provided as a service to the Choctaw Nation and is not intended to be used for any other purpose. The map is the property of the Choctaw Nation and is not to be reproduced or distributed without the written consent of the Choctaw Nation.



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

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

1. Applicant Name and Address: City of Broken Bow, 210 North Broadway, Broken Bow, OK 74728
2. Tract(s) or parcel(s) affected by the right-of-way: 907 ST 51530
3. General location (easement description): SE¼ of Section 1, Township 5 South, Range 24 East in McCurtain County, Oklahoma.
4. Purpose: This is a partnership between the Choctaw Nation and the City of Broken Bow using ARPA funds. The City of Broken Bow will leave a valve open for the Choctaw Nation's use should the need arise in the future.
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: Vickie Patterson
Address: 210 North Broadway
City: Broken Bow State: OK Zip: 74728
Phone: 580-584-2282 Fax: _____
Email: citymgr@pine-net.com

Date: _____

Applicant
Signature: _____

Applicant
Printed Name: _____

EXHIBIT C

Regulatory Land Base

Find by C:\arcgis\workspace\GIS



Find address or place



Scale bar

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