

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 3108

By: Caldwell

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5
6 AS INTRODUCED

7 An Act relating to state government property;
8 authorizing the Office of Management and Enterprise
9 Services to enter into certain lease agreement;
10 providing terms of lease agreement; specifying legal
11 description of property subject to lease agreement;
12 providing for codification; providing an effective
13 date; and declaring an emergency.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1406.1 of Title 10, unless there
17 is created a duplication in numbering, reads as follows:

18 A. The Office of Management and Enterprise Services shall enter
19 into a lease agreement with the Enid Regional Development Alliance
20 (ERDA) for a term of ninety-nine (99) years with respect to a
21 portion of the real property and improvements constituting the
22 former Northern Oklahoma Resource Center, as more particularly
23 described by subsection C of this section.

24 B. The lease agreement described in subsection A of this
section:

1 1. Shall allow the ERDA to enter into agreements regarding the
2 property described in subsection C of this section with third
3 parties without the express consent of the Office of Management and
4 Enterprise Services, including the right to sublease all or any part
5 of the real property described in subsection C of this section;

6 2. Shall provide for the unrestricted access, use, and
7 development of the real property described in subsection C of this
8 section by the ERDA in order for the ERDA to fulfill its purposes
9 according to the terms of its trust indenture, including, but not
10 limited to, the right of the ERDA to construct capital improvements
11 on, above or under the property to fulfill the purposes stated in
12 the indenture of the ERDA. The lease shall provide that the ERDA
13 owns and maintains capital improvements constructed upon the real
14 property with the funds of the ERDA;

15 3. Shall provide for the conveyance by the Office of Management
16 and Enterprise Services to the ERDA, by quit claim deed or by such
17 other instrument of conveyance as the Office of Management and
18 Enterprise Services and the ERDA may mutually agree, for not more
19 than a payment by the ERDA to the Department of a nominal
20 consideration not to exceed Ten Dollars (\$10.00), of any parcel of
21 real property described by the ERDA and certified, by a majority of
22 the trustees of the ERDA, to be necessary for a complete development
23 of the property described in subsection C of this section and
24 necessary for the ERDA to fulfill any purpose specified in its trust

1 indenture. A rebuttable presumption shall exist that any conveyance
2 made pursuant to the provisions of this paragraph shall be
3 considered to have been made for the general economic benefit of the
4 residents of the beneficiary of the ERDA and that the disposition of
5 the parcel by the ERDA is in furtherance of an essential
6 governmental function by making a productive use of the parcel.
7 After conveyance of a parcel of real property to the ERDA pursuant
8 to this paragraph, the ERDA shall have the exclusive right to
9 exercise all powers, rights and privileges with respect to the
10 parcel as authorized by law to the owner of any real property,
11 including, but not limited to, the right to sell the parcel as
12 provided by paragraph 4 of this subsection;

13 4. Shall provide for the conveyance by the ERDA to another
14 legal entity, by quit claim deed or by such other instrument of
15 conveyance as the ERDA and the other legal entity may mutually
16 agree, of any parcel of real property described by the ERDA, the
17 proposed conveyance of which to be certified, by a majority of the
18 trustees of the ERDA, as necessary for a complete development of the
19 property described in subsection C of this section and necessary for
20 the ERDA to fulfill any purpose specified in its trust indenture. A
21 rebuttable presumption shall exist that any conveyance made pursuant
22 to the provisions of this paragraph shall be considered to have been
23 made for the general economic benefit of the residents of the
24 beneficiary of the ERDA and that the disposition of the parcel by

1 the ERDA is in furtherance of an essential governmental function by
2 making a productive use of the parcel;

3 5. Shall not require the payment of rent by the ERDA in excess
4 of One Dollar (\$1.00) per year;

5 6. Shall not require a purchase price for any option granted to
6 the ERDA to acquire any parcel of the property described by
7 subsection C of this section in excess of Ten Dollars (\$10.00);

8 7. Shall not require the Office of Management and Enterprise
9 Services to consent to a sublease of the property described by
10 subsection C of this section by the ERDA to any other legal entity;
11 and

12 8. Shall not impose the expense of maintenance or repair of the
13 real property or improvements located on the property described by
14 subsection C of this section upon the ERDA, except as otherwise
15 provided by paragraph 5 of this subsection.

16 C. The real property and improvements which shall be leased by
17 the Office of Management and Enterprise Services to the ERDA as
18 required by subsection A of this section are described as follows:

19 1. North Half (N 1/2) and the Southwest Quarter (SW 1/4) of
20 Section 33, Township 23 North, Range 6 West of the Indian Meridian,
21 Garfield County, Oklahoma; and

22 2. Together with all the appurtenances thereto belonging to
23 such property.

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1 D. The ERDA shall have the right to access, ingress, egress,
2 and use and enjoyment of the roads existing on the property
3 described by subsection C of this section as of July 1, 2015.

4 E. With respect to the real property and improvements described
5 in subsection C of this section and the lease agreement required by
6 subsection A of this section, or any transfer of the property to the
7 ERDA, the Office of Management and Enterprise Services shall not be
8 subject to the requirements of:

- 9 1. Section 387 of Title 60 of the Oklahoma Statutes;
- 10 2. Section 232 of Title 61 of the Oklahoma Statutes;
- 11 3. Section 327 of Title 61 of the Oklahoma Statutes; or
- 12 4. Section 1056 of Title 64 of the Oklahoma Statutes.

13 F. With respect to the lease or sale of any part or all of the
14 real property or improvements described in subsection C of this
15 section, the ERDA shall not be subject to the requirements of:

- 16 1. Section 387 of Title 60 of the Oklahoma Statutes;
- 17 2. Section 327 of Title 61 of the Oklahoma Statutes; or
- 18 3. Section 1056 of Title 64 of the Oklahoma Statutes.

19 SECTION 2. This act shall become effective July 1, 2016.

20 SECTION 3. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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