

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1384

By: Long

AS INTRODUCED

An Act relating to the Hissom Memorial Treatment Center; amending Section 1, Chapter 292, O.S.L. 1997 (74 O.S. Supp. 1999, Section 6201), which relates to the lease agreement with the Greater Sand Springs Trust Authority; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY Section 1, Chapter 292, O.S.L. 1997 (74 O.S. Supp. 1999, Section 6201), is amended to read as follows:

Section 6201. A. The Department of Central Services shall enter into a lease agreement with the Greater Sand Springs Trust Authority for a term of ninety-nine (99) years with respect to the real property and improvements constituting the former Hissom Memorial Treatment Center, as ~~more particularly~~ described by subsection C of this section.

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

1. Shall allow the Greater Sand Springs Trust Authority to enter into agreements regarding the property described in subsection C of this section with third parties without the express consent of the Department of Central Services, including the right of the Authority to sublease all or any part of the real property described in subsection C of this section;

2. Shall provide for the unrestricted access, use and development of the real property described in subsection C of this

section by the Greater Sand Springs Trust Authority in order for the Authority to fulfill its purposes according to the terms of its trust indenture, including, but not limited to, the right of the Authority to construct capital improvements on, above or under the property to fulfill the purposes stated in the indenture of the Authority. The lease shall provide that the Authority owns and maintains capital improvements constructed upon the real property with the funds of the Authority;

3. Shall provide for the conveyance by the Department of Central Services to the Greater Sand Springs Trust Authority, by quit claim deed or by such other instrument of conveyance as the Department of Central Services and the Authority may mutually agree, for not more than a payment by the Authority to the Department of a nominal consideration not to exceed Ten Dollars (\$10.00), of any parcel of real property described by the Authority and certified, by a majority of the trustees of the Authority, to be necessary for a complete development of the property described in subsection C of this section and necessary for the Authority to fulfill any purpose specified in its trust indenture. A rebuttable presumption shall exist that any conveyance made pursuant to the provisions of this paragraph shall be considered to have been made for the general economic benefit of the residents of the beneficiary of the Greater Sand Springs Trust Authority and that the disposition of the parcel by the Authority is in furtherance of an essential governmental function by making a productive use of the parcel. After conveyance of a parcel of real property to the Authority pursuant to this paragraph, the Authority shall have the exclusive right to exercise all powers, rights and privileges with respect to the parcel as authorized by law to the owner of any real property, including, but not limited to, the right to sell the parcel as provided by paragraph 4 of this subsection;

4. Shall provide for the conveyance by the Authority to another legal entity, by quit claim deed or by such other instrument of conveyance as the Authority and the other legal entity may mutually agree, of any parcel of real property described by the Authority the proposed conveyance of which to be certified, by a majority of the trustees of the Authority, as necessary for a complete development of the property described in subsection C of this section and necessary for the Authority to fulfill any purpose specified in its trust indenture. A rebuttable presumption shall exist that any conveyance made pursuant to the provisions of this paragraph shall be considered to have been made for the general economic benefit of the residents of the beneficiary of the Greater Sand Springs Trust Authority and that the disposition of the parcel by the Authority is in furtherance of an essential governmental function by making a productive use of the parcel. If the Authority sells any part or all of the real property or improvements described in subsection C of this section subsequent to the conveyance to the Authority by the Department of Central Services, the Authority shall determine the value of the real property sold separate and apart from the value of the improvements, if any. The Authority shall determine its direct and indirect costs for acquisition, maintenance, improvement, marketing and sale of any parcel of real property conveyed to a legal entity pursuant to this paragraph. The Authority shall pay to the Department of Central Services the amount of consideration received by the Authority from the sale of the real property in excess of the direct and indirect costs incurred by the Authority. The Department of Central Services shall remit the amount for deposit to the credit of the Hissom Memorial Treatment Center Surplus Fund for appropriation pursuant to law;

5. Shall provide that the Authority shall reserve, for the purposes of a sublease granted by the Authority, a parcel consisting of at least forty (40) acres of the real property described in

subsection C of this section for use and occupancy by a nonprofit organization, the principal purpose of which is to establish a comprehensive, multifaceted approach to Alzheimer's disease and other dementia, including but not limited to components for medical, environmental and behavioral research, education and training of family members, care givers and other health care professionals, the assessment and diagnosis of the disease, and treatment at various stages of the disease in order to maintain and restore functioning to the extent possible. The lease shall also provide that:

- a. the real property described by paragraph 6 of this subsection shall be subleased by the Authority for a rent not to exceed One Dollar (\$1.00) per year, and
- b. any purchase price for the real property described by paragraph 6 of this subsection in a transaction between the Authority and the nonprofit organization shall not exceed the sum of Ten Dollars (\$10.00);

6. Shall provide that the parcel reserved for the nonprofit organization pursuant to paragraph 5 of this subsection be described as a tract of land containing forty-one (41) acres, more or less, and beginning at the SE corner of the SE pillar of Residence Building Number 18, going West approximately 25 feet along the North Property Line; thence South along the West Property Line approximately 920 feet to the South chain-link fence; thence going in a Southeasterly direction along the South Property Line approximately 1619 feet; thence going North along the East Property Line approximately 1531 feet; thence going West along the above described North Property Line approximately 1381 feet to the SE corner of the SE pillar of Residence Building Number 18 to the point of beginning. As used in this paragraph:

- a. "North Property Line" means a line running East and West along the exact South edge of the South row of pillars of the Residence Buildings Number 17 and 18,

- b. "South Property Line" means a line of the chain-link fence that runs East to West along the entire South side of the Hissom property. This fence runs parallel to the railroad track and Highway 51 bordering the South side of the property,
- c. "East Property Line" means an approximate North/South line that is exactly 35.3 feet East of the East curb of the North/South road that is located on the East side of the parking lot on the East side of the Infirmary Building Number 1 and parallel with the North/South road located on the East side of the parking lot on the East side of the Infirmary Building Number 1, and
- d. "West Property Line" means an approximate North/South line that is exactly 50 feet West of the West curb of the parking lot located just West of the Activities Building and running parallel with the West Curb;

7. Shall provide that, in order to qualify for the use and occupancy of the parcel described by paragraph 6 of this subsection, the organization eligible to enter into the sublease agreement shall:

- a. have been incorporated in the State of Oklahoma,
- b. have the principal purpose of demonstrating a comprehensive approach to the treatment of Alzheimer's disease and other dementia,
- c. have a board of directors consisting of not more than thirteen (13) members having the following qualifications:
 - (1) two medical researchers in the field or fields of Alzheimer's disease and related dementia prevention, treatment or diagnosis; neuropathology with emphasis on Alzheimer's

disease and other dementia; gerontological medicine; or other closely related field to Alzheimer's disease or other dementia. One of the researchers shall be associated with the Oklahoma State University College of Osteopathic Medicine. One of the researchers shall be associated with the University of Oklahoma College of Medicine,

- (2) two health care professional educators with experience in training direct care staff to work with patients with Alzheimer's disease or other dementia. One educator shall specialize in training health care professionals for employment at the baccalaureate level or higher. One educator shall specialize in training health care professionals for employment at a level below the baccalaureate level, including certificate and associate degree programs,
- (3) two professional health care providers with experience treating patients with Alzheimer's disease or other dementia and working with their families. One provider shall have experience in the field of long-term care, such as nursing facility and residential care. One provider shall have experience in community-based treatment, such as adult day services and home health,
- (4) two private health care practitioners, not engaged in research, with specialties in geriatrics, gerontology, Alzheimer's disease or other dementia or related categories. One practitioner shall be a family practice or

internal medicine doctor or a nurse practitioner.
One practitioner shall be a licensed clinical
social worker, a licensed psychologist or a
registered nurse,

(5) two persons who are family members or relatives
of someone who has or has had Alzheimer's disease
or related dementia and are recommended by the
Tulsa Green Country or Central Oklahoma Chapters
of the Alzheimer's Disease and Related Disorders
Association, Incorporated,

(6) one senior citizen over the age of sixty-five
(65), and

(7) two other individuals, and

d. either:

(1) make use of the parcel described in paragraph 6
of this subsection:

(a) within five (5) years from the date as of
which the organization enters into a lease
or other agreement regarding use or
occupancy of the parcel with the Authority
if such lease is executed within ninety (90)
days after the effective date of this act,
or

(b) within five (5) years from the effective
date of this act if the lease between the
Authority and the organization is not
executed within ninety (90) days after the
effective date of this act, or

(2) release to the Authority all right, title,
interest or claim to the parcel if the nonprofit
organization determines prior to the expiration

of the five-year period that no use of the parcel will be made;

8. Shall provide that the qualified organization described in paragraph 7 of this subsection shall have the right, pursuant to the terms of the lease, to enter the premises and construct such capital improvements as may be required in order to make the parcel suitable for the purposes described in the instrument organizing the entity or in the bylaws of the entity. The nonprofit organization shall maintain capital improvements constructed by the organization on the parcel described by paragraph 6 of this subsection. The Authority, pursuant to the terms of the sublease agreement with the qualified nonprofit organization, shall provide for the conveyance of the parcel described in the sublease agreement from the Department of Central Services to the Authority at the appropriate time and under the circumstances pursuant to which title to this parcel is required to be held by the nonprofit organization;

9. Shall provide that the Authority and the nonprofit organization described in paragraph 7 of this subsection shall have equal rights of access, ingress, egress, use, burden and other rights of use and enjoyment with respect to utilities and other improvements located upon the real property described in subsection C of this section. The nonprofit organization described in paragraph 7 of this subsection shall pay its proportionate share of utilities used. If the Authority acquires title to any parcel of real property from the Department of Central Services containing all or any part of utilities or other improvements during the term of the sublease agreement with the nonprofit organization and the tract of real property described by paragraph 6 of this subsection contains any part or all of such utilities or improvements, the Authority and the nonprofit organization shall incorporate into the sublease agreement between the Authority and the nonprofit organization the identical requirements regarding equal rights of

access, ingress, egress, use, burden and other rights of use and enjoyment applicable to the lease between the Department of Central Services and the Authority;

10. Shall provide that the Department of Central Services shall maintain the real property and the improvements located on the real property described in subsection C of this section in a manner conducive to the preservation of existing economic value of the real property and improvements, subject to the ordinary depreciation of the improvements, until such time as the Authority acquires ownership of a parcel whereupon the Authority and the Department of Central Services, by mutual written agreement, shall amend the lease to provide for proportionately diminished maintenance expenses to be incurred by the Department of Central Services or some other legal entity;

11. Shall not require the payment of rent by the Greater Sand Springs Trust Authority in excess of One Dollar (\$1.00) per year;

12. Shall not require a purchase price for any option granted to the Greater Sand Springs Trust Authority to acquire any parcel of the property described by subsection C of this section in excess of Ten Dollars (\$10.00);

13. Shall not require the Department of Central Services to consent to a sublease of the property described by subsection C of this section by the Authority to any other legal entity; and

14. Shall not impose the expense of maintenance or repair of the real property or improvements located on the property described by subsection C of this section upon the Greater Sand Springs Trust Authority, except as otherwise provided by paragraph 10 of this subsection.

C. The real property and improvements which shall be leased by the Department of Central Services to the Greater Sand Springs Trust Authority as required by subsection A of this section are described as follows:

1. "Tract 2" identified as:

- a. a part of the North Half (N 1/2) of Section 16 and Part of the South Half (S 1/2) of Section 9, Township 19 North, Range 11 East of Indian Meridian, Tulsa County, Oklahoma, more particularly described as follows: beginning at a point that is 430.00 feet east and 330.00 feet south of the northwest corner of the northeast quarter (NE 1/4) of Section 16, said point is 20.00 feet east of the east edge of an existing road; thence south and 20.00 feet east of the east edge of an existing road and said line extended south to a point on the northerly right-of-way line of the Burlington North Railroad right-of-way (formerly the S.L. & S.F. Railroad right-of-way); thence northwesterly on the northerly right-of-way line of said railroad right-of-way to a point on the west line of the northeast quarter (NE 1/4), said point being approximately 880.00 feet north from the center of Section 16; thence north on the west line of the northeast quarter (NE 1/4) to a point that is approximately 935.00 feet north of the center of Section 16 and said point is also on the northerly right-of-way line of said railroad right-of-way; thence northwesterly on said northerly right-of-way line of a point that is south 71 degrees 00' 59" east and 376.44 feet from the westerly line of Section 16; thence north 01 degrees 13' 03" west for a distance of 691.51 feet; thence south 88 degrees 57' 23" west for a distance of 353.00 feet to a point on the west line of said Section 16; thence north a distance of 85.00 feet on the west line of Section 16 to the northwest corner of Section 16; thence east on the north line of

said Section 16 to the northeast corner of the northwest quarter (NW 1/4) of the northwest quarter (NW 1/4) of Section 16, same being the southwest corner of the southeast quarter (SE 1/4) of the southwest quarter (SW 1/4) of Section 9, Township 19 North, Range 11 East of I.M.; thence north on the west line of government lots 7 and 5 to the south bank (Meander Line of Right Bank) of the Arkansas River; thence southeasterly on the south bank (Meander Line of Right Bank) of the Arkansas River thru government lots 4, 7 & 8 in Section 9 to the south line of Section 9; thence continuing southeasterly south bank (Meander Line of Right Bank) of Arkansas River and along the northeasterly line of government lot 2 (Meander Line of Right Bank) of Arkansas River and into the northeast quarter (NE 1/4) of Section 16 to a point that is 330.00 feet south of the north line of Section 16; thence west and parallel to the north line of a point that is 430.00 feet east and 330.00 feet south of the northwest corner of Section 16 to the point or place of beginning, and

- b. together with all the improvements thereon and the appurtenances thereto belonging to such property; and

2. "Tract A" identified as:

- a. a part of the northeast quarter (NE 1/4) of Section 16, Township 19 North, Range 11 East of Indian Meridian, Tulsa County, Oklahoma, more particularly described as follows: beginning at a point 430.00 feet east and 330.00 feet south of the northwest corner of the northeast quarter (NE 1/4); thence east and parallel to the north line of said northeast quarter (NE 1/4) to the south bank (Meander Line of

Right Bank) of the Arkansas River; thence southeasterly on said south bank (Meander Line of Right Bank) of the Arkansas River to a point that is 20.00 feet northerly of an existing concrete channel; thence southwesterly parallel with and 20.00 feet northerly of said concrete channel for a distance of approximately 370.00 feet; thence west on a line that is 1100.00 feet south of the north line of said northeast quarter (NE 1/4) to a point that is 20.00 feet east of the east edge of an existing road, said point also being 430.00 feet east of the west line of said northeast quarter (NE 1/4); thence northerly and 20 feet east of the east edge of said road to the point or place of beginning, and

- b. together with all the improvements thereon and the appurtenances thereto belonging to such property.

D. The Authority shall have the right to access, ingress, egress, use and enjoyment of the roads existing on the property described by subsection C of this section as of the effective date of this act, subject to the following requirements:

1. Except as provided by this subsection, the Authority shall have full rights with respect to access, ingress, egress, use and enjoyment of:

- a. the existing gated entrance to the real property described in subsection C of this section,
- b. the existing access road extending north from State Highway 51,
- c. the continuation of the entrance road west across the parcel described by paragraph 6 of subsection A of this section,

- d. the continuation of the entrance road east across the parcel described by paragraph 6 of subsection A of this section, and
- e. the road extending north along the east boundary of the real property described by subsection C of this section;

2. If the nonprofit organization described by paragraph 7 of subsection B of this section begins to conduct activities related to the functions described by paragraph 5 of subsection B of this section, the rights of the Authority provided for by paragraph 1 of this subsection for use of the existing roads located on the parcel described by paragraph 6 of subsection B of this section shall be limited so that the vehicular traffic, use or enjoyment of the access roads does not interfere with the activities or functions of the nonprofit organization. After the nonprofit organization begins to conduct the activities described by paragraph 5 of subsection B of this section, the access road abutting the east boundary of the real property described by subsection C of this section shall be reserved for use by the nonprofit organization, its invitees, licensees, successors or assigns;

3. The Authority shall use its best efforts to obtain, by donation or a reasonable price therefor, such permission, consent, license or other right of use as may be required to construct an access road at a location west of the western boundary of the tract described by paragraph 6 of subsection B of this section and to construct such an access road for use by the Authority, its successors, assigns, grantees, invitees or licensees;

4. If the Authority cannot obtain the consent required to construct the access road described by paragraph 3 of this subsection, then the Authority shall have the express power and right to cause an access road to serve all remaining portions of the real property described in subsection C of this section which shall

be constructed in a location parallel to the existing State Highway 51 in a direction permitting vehicular access to the area of the real property described in subsection C of this section via such roadway being located west of the west boundary of the tract of real property described in paragraph 6 of subsection B of this section. The Authority shall maintain any road constructed pursuant to this paragraph. The Authority shall have full right of access, ingress, egress or such use of the existing gated entrance to the real property described in subsection C of this section as required in order to construct the access road described by this paragraph; and

5. The Authority and the nonprofit organization shall enter into such agreements or make such conveyances as may be authorized by law or by the instruments pursuant to which the entities are legally organized to provide for access, ingress, egress, use and enjoyment of roads as may be conducive to the proper development of the respective tracts owned or occupied by the entities, subject to the requirement that no such access, ingress, egress, use or enjoyment unduly interfere with the existing or proposed uses of the respective tracts as the entities may mutually agree.

E. With respect to the real property and improvements described in subsection C of this section and the lease agreement required by subsection A of this section, or any transfer of the property to the Authority, the Department of Central Services shall not be subject to the requirements of:

1. Section 387 of Title 60 of the Oklahoma Statutes;
2. Section 241 of Title 64 of the Oklahoma Statutes;
3. Section 126.2 of Title 74 of the Oklahoma Statutes;
4. Section 129.4 of Title 74 of the Oklahoma Statutes; or
5. Section 456.7 of Title 74 of the Oklahoma Statutes.

F. With respect to the lease or sale of any part or all of the real property or improvements described in subsection C of this

section, the Greater Sand Springs Trust Authority shall not be subject to the requirements of:

1. Section 387 of Title 60 of the Oklahoma Statutes;
2. Section 241 of Title 64 of the Oklahoma Statutes;
3. Section 129.4 of Title 74 of the Oklahoma Statutes; or
4. Section 456.7 of Title 74 of the Oklahoma Statutes.

SECTION 2. This act shall become effective November 1, 2000.

47-2-2445

SJ

6/12/2015 1:41:37 AM