STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 546 By: Anderson

AS INTRODUCED

An Act relating to State Government property; authorizing the Office of Management and Enterprise Services to enter into certain lease agreement; providing terms of lease agreement; specifying legal description of property subject to lease agreement; providing for codification; providing an effective date; and declaring an emergency.

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

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

A. The Office of Management and Enterprise Services shall enter into a lease agreement with the Enid Regional Development Alliance (ERDA) for a term of ninety-nine (99) years with respect to a portion of the real property and improvements constituting the former Northern Oklahoma Resource 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 ERDA to enter into agreements regarding the property described in subsection C of this section with third parties without the express consent of the Office of Management and Enterprise 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 ERDA in order for the ERDA to fulfill its purposes according to the terms of its trust indenture, including, but not limited to, the right of the ERDA to construct capital improvements on, above or under the property to fulfill the purposes stated in the indenture of the ERDA. The lease shall provide that the ERDA owns and maintains capital improvements constructed upon the real property with the funds of the ERDA;

3. Shall provide for the conveyance by the Office of Management and Enterprise Services to the ERDA, by quit claim deed or by such other instrument of conveyance as the Office of Management and Enterprise Services and the ERDA may mutually agree, for not more than a payment by the ERDA to the Department of a nominal consideration not to exceed Ten Dollars ($10.00), of any parcel of real property described by the ERDA and certified, by a majority of the trustees of the ERDA, to be necessary for a complete development of the property described in subsection C of this section and

necessary for the ERDA 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 ERDA and that the disposition of the parcel by the ERDA 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 ERDA pursuant to this paragraph, the ERDA 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 ERDA to another legal entity, by quit claim deed or by such other instrument of conveyance as the ERDA and the other legal entity may mutually agree, of any parcel of real property described by the ERDA, the proposed conveyance of which to be certified, by a majority of the trustees of the ERDA, as necessary for a complete development of the property described in subsection C of this section and necessary for the ERDA 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 ERDA and that the disposition of the parcel by the ERDA is in furtherance of an essential governmental function by making a productive use of the parcel;

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

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

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

8. 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 ERDA, except as otherwise provided by paragraph 5 of this subsection.

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

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

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

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

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 ERDA, the Office of Management and Enterprise Services shall not be subject to the requirements of:

1. Section 387 of Title 60 of the Oklahoma Statutes;

2. Section 1056 of Title 64 of the Oklahoma Statutes;

3. Section 126.2 of Title 10 of the Oklahoma Statutes;

4. Section 129.4 of Title 10 of the Oklahoma Statutes; or

5. Section 456.7 Title 10 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 ERDA shall not be subject to the requirements of:

1. Section 387 of Title 60 of the Oklahoma Statutes;

2. Section 1056 of Title 64 of the Oklahoma Statutes;

3. Section 129.4 of Title 10 of the Oklahoma Statutes; or

4. Section 456.7 of Title 10 of the Oklahoma Statutes.

SECTION 2. This act shall become effective July 1, 2015.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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