

*Tom Coburn*  
S.L.C.  
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A  
5-9-13

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide for the disposition of certain Federal land originally purchased for a lake that never materialized located in Texas County, Oklahoma.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

**S. 601**

To	<b>AMENDMENT N<sup>o</sup></b>	<b>0858</b>	water
	By <i>Coburn</i>		of the
	To:		ements
	<i>S. 601</i>		nd for
Re			and
	<i>7</i>		
	<b>Page(s)</b>		

GPO: 2012 77-320 (mac)

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1 At the end of title V, add the following:
- 2 **SEC. 5** \_\_\_\_\_. **LAND CONVEYANCE AT OPTIMA LAKE, TEXAS**
- 3 **COUNTY, OKLAHOMA.**
- 4 (a) DEFINITIONS.—In this section:
- 5 (1) FAIR MARKET VALUE.—The term “fair
- 6 market value” means the amount for which a willing
- 7 buyer would purchase and a willing seller would sell
- 8 a parcel of land, as determined by a qualified, inde-
- 9 pendent land appraiser.

1           (2) PREVIOUS OWNER OF LAND.—The term  
2           “previous owner of land” means a person (including  
3           a corporation) that conveyed, or a direct descendant  
4           of an individual who conveyed, land to the Corps of  
5           Engineers for use in the Optima Lake project in  
6           Texas County, Oklahoma.

7           (b) DEAUTHORIZATION OF PROJECT.—The Corps of  
8           Engineers project relating to Optima Lake in Texas Coun-  
9           ty, Oklahoma is deauthorized, including any operation,  
10          maintenance, or other activities relating to the project that  
11          are ongoing as of the date of enactment of this Act.

12          (c) CONVEYANCES.—

13               (1) IN GENERAL.—The Secretary shall convey  
14               all right, title, and interest of the United States in  
15               and to the land acquired by the United States for  
16               the Optima Lake project in Texas County, Okla-  
17               homa in accordance with this subsection.

18               (2) FIRST PURCHASE OPTIONS.—

19                       (A) STATE OF OKLAHOMA.—The Secretary  
20                       shall give the State of Oklahoma through an  
21                       Act passed by the legislature of that State and  
22                       signed by the Governor of that State the first  
23                       option to purchase the land described in para-  
24                       graph (1).

25                       (B) PREVIOUS OWNERS OF LAND.—

1 (i) IN GENERAL.—If the State of  
2 Oklahoma has not acted to purchase the  
3 land by the date that is 1 year after the  
4 date of enactment of this Act, the Sec-  
5 retary shall give a previous owner of land  
6 the option to purchase the land described  
7 in paragraph (1).

8 (ii) APPLICATION.—

9 (I) IN GENERAL.—Not later than  
10 180 days after the official date of no-  
11 tice to the previous owner of land  
12 under paragraph (5), a previous  
13 owner of land who desires to purchase  
14 the land described in paragraph (1)  
15 that was owned by that previous  
16 owner of land, or by the individual  
17 from whom the previous owner of land  
18 is descended, shall file an application  
19 to purchase the land with the Sec-  
20 retary.

21 (II) FIRST TO FILE HAS FIRST  
22 OPTION.—If more than 1 application  
23 is filed to purchase a parcel of land  
24 described in paragraph (1), the first  
25 option to purchase the parcel of land

1 shall be determined based on the  
2 order in which applications for the  
3 parcel of land were filed.

4 (iii) IDENTIFICATION OF PREVIOUS  
5 OWNERS OF LAND.—If the State of Okla-  
6 homa has failed to purchase the land with-  
7 in the period described in clause (i), the  
8 Secretary shall, not later than 90 days  
9 after that date, identify each previous  
10 owner of the land described in paragraph  
11 (1).

12 (iv) CONSIDERATION.—Consideration  
13 for land conveyed under this section shall  
14 be an amount equal to the fair market  
15 value of the land.

16 (3) DISPOSAL.—Any land described in para-  
17 graph (1) that is not purchased under paragraph (2)  
18 within the applicable time period shall be disposed of  
19 in accordance with applicable Federal law.

20 (4) EXTINGUISHMENT OF EASEMENTS.—All  
21 flowage easements acquired by the United States for  
22 use in the Optima Lake project in Texas County,  
23 Oklahoma, are extinguished.

24 (5) NOTICE.—

1 (A) IN GENERAL.—If the State of Okla-  
2 homa has failed to purchase the land within the  
3 period described in paragraph (2)(B)(i), the  
4 Secretary shall notify of the conveyance under  
5 this section—

6 (i) by United States mail, each person  
7 identified as a previous owner of land  
8 under paragraph (2)(B)(iii) by not later  
9 than 90 days after the date of identifica-  
10 tion; and

11 (ii) by publication in the Federal Reg-  
12 ister, the general public by not later than  
13 90 days after the date that is 1 year after  
14 the date of enactment of this Act.

15 (B) CONTENTS OF NOTICE.—Notice under  
16 this subsection shall include—

17 (i) a copy of this section;

18 (ii) information sufficient to sepa-  
19 rately identify each parcel of land subject  
20 to this section; and

21 (iii) specification of the fair market  
22 value of each parcel of land subject to this  
23 section.

1                   (C) OFFICIAL DATE OF NOTICE.—The offi-  
2                   cial date of notice under this section shall be  
3                   the later of—

4                   (i) the date on which actual notice is  
5                   mailed; or

6                   (ii) the date of publication of the no-  
7                   tice in the Federal Register.

8           (d) FLOOD CONTROL GATES.—Prior to the convey-  
9           ance of any land under this section, the Secretary shall  
10           disable or remove, whichever option is most cost-effective,  
11           any flood control gate on the dam constructed by the  
12           Corps of Engineers in carrying out the Optima Lake  
13           project.

14           (e) RESTRICTION.—The Secretary shall carry out  
15           this section, including all land conveyances under this sec-  
16           tion, not later than 3 years after the date of enactment  
17           of this Act.

18           (f) EFFECT OF ACT.—Nothing in this section affects  
19           the jurisdiction of the State of Oklahoma (including local-  
20           ities) over any existing road or rights-of-way on the land  
21           described in subsection (c)(1).

22           (g) OFFSET.—An amount that equals the amount  
23           necessary to offset, in the aggregate, any net increase in  
24           spending and foregone revenues resulting from the imple-

1 mentation of this section shall be derived from the pro-  
2 ceeds of the sale of the land described in subsection (e)(1).