

**TITLE 300. GRAND RIVER DAM AUTHORITY
CHAPTER 25. LICENSE TO ENCROACH**

SUBCHAPTER 1. PURPOSE AND DEFINITIONS

300:25-1-1. Purpose

This Chapter establishes procedures for obtaining a license to encroach on Grand River Dam Authority ("GRDA") real property as authorized by 82 O.S.Supp.2005, § 874.2. The procedure outlined herein applies to only residential property.

300:25-1-2. Definitions

The following words or terms when used in this Chapter shall have the following meaning unless the context indicates otherwise.

"**Adjacent Property**" means that property which is immediately contiguous and appurtenant to the GRDA property upon which the improvement is built.

"**Board**" means the Board of Directors of the Grand River Dam Authority.

"**Fair market value**" means the price in cash a willing but not obligated tenant would pay, and a willing but not obligated landlord would charge for the same or similar lands for the highest and best legal use of the property. The values for separate properties may be used to determine a standardized fair market value.

"**GRDA land(s)**" means that real property owned by the Grand River Dam Authority.

"**Improvements**" means buildings, retaining walls, or other permanent or temporary structures or developments located on or attached to GRDA lands.

SUBCHAPTER 3. POLICY, ISSUANCE, TERMINATION AND TRANSFER

300:25-3-1. License to encroach policy

While reserving the right to refuse any or all applications for a License to encroach upon GRDA lands, the Board may issue licenses to encroach for improvements built prior to the date set forth in 82 O.S. 2005, § 874.2 upon GRDA lands to assist landowners with title and marketability issues. No License will be issued for improvements built subsequent to the date set forth in 82 O.S. 2005, § 874.2.

300:25-3-2. Licenses in writing

All Licenses to encroach shall be in writing and shall be upon such terms and conditions and at such rate as may be determined by the Board. All such Licenses shall be upon the form furnished by the Board. All Licenses shall contain the proper legal description, including section, township, range and county and be suitable for filing in the appropriate County Clerk's Office.

300:25-3-3. Issuance and termination of license to encroach

(a) An appraisal from an Oklahoma licensed appraiser may be presented to the Board of Directors for review and approval or an Applicant may agree to a standard cost per square foot set by the Board of Directors.

- (b) Applications for a License to Encroach shall state the number of years for which the Applicant is seeking the License. For instance, the Applicant may request that the License is sought for any number of years up to and including ninety-nine (99) years.
- (c) A License to encroach shall not be issued until such time as the Board has determined the value of the encroachment and all costs associated with the License, including but not limited to third party survey fees, application fees, or appraisal fees shall have been paid by the Applicant.
- (d) All Licenses to encroach shall automatically terminate upon destruction or removal of the improvement on GRDA land. An improvement may be maintained, but it may not be rebuilt if destroyed.
- (e) All Licenses to encroach shall terminate upon default of a holder of a license to pay any monies due.
- (f) The term (number of years) of a License to encroach shall be at the sole discretion of the Board but may not exceed a maximum of ninety-nine (99) years.
- (g) At the end of the term, GRDA may require that the property be returned to its original condition.
- (h) Current Licenses in effect may be extended without further Board action upon request and payment of application fee to ninety-nine (99) years from the original date the license was issued.

300:25-3-4. Transfer of title upon death of holder

The heir(s) or devisee(s) of a deceased holder of a License to encroach shall succeed to the interest and have all rights of the holder under the License.

SUBCHAPTER 5. MISCELLANEOUS

300:25-5-1. Public access

Pursuant to 82 O.S. § 872, GRDA may not prevent free public use of its lands for recreation purposes. Therefore, a License to encroach may not impede public use of GRDA lands.

300:25-5-2. Improvements on GRDA lands

No improvements shall be placed upon GRDA lands without written consent of the Board.

300:25-5-3. License violations

Violation of any of the terms and conditions of a License to encroach or failure to pay any amounts due related to the License shall subject the holder of the License to legal or administrative action or both at the option of the Board to collect rent or damages or any other remedy as provided by law.

300:25-5-4. Determination of value

- (a) An Applicant may obtain a separate appraisal prepared by an Oklahoma licensed land appraiser.
- (b) Appraisals will be made in accordance with Uniform Standards of Professional Appraisal Practices.
- (c) The appraisers shall determine the "fair market value" of the land without any improvement. For purposes of this section, fair market value is the price in cash a willing but not

obligated tenant would pay, and a willing but not obligated landlord would charge for the same or similar lands for the highest and best legal use of the property. In determining fair market value, the appraisers shall consider the following:

- (1) Present land use;
 - (2) Amount of GRDA land upon which the improvement sits;
 - (3) Cash rental price of comparable land; and
 - (4) The term (number of years) of the License
- (d) Appraisals are public record under the Open Records Act.
- (e) In lieu of appraisals for each property, the Board of Directors may determine a standard value per square foot for all encroachments subject to Title 300, Chapter 25. This standard value may be used for each encroachment or the Applicant may submit their own appraisal for review by the Board.

300:25-5-5. Assignment of license

In the event the adjacent property is sold and upon approval of the Board, and payment of all amounts due, a holder of a License to encroach may assign the license to a subsequent adjacent property owner by completing forms provided by GRDA.

300:25-5-6. Taxes

Unless the holder is otherwise exempt by law, ad valorem property taxes shall be paid on any improvements which would be subject to ad valorem property taxes if constructed on privately owned land.