

The Wichita and Affiliated Tribes

Amber Silverhorn-Wolfe
President

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Vice President

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WT-25-40

RESOLUTION

Approving a Business Site Lease with Sugar Creek Casino Huddle House, LLC

- WHEREAS,** the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, and Tawakoni) (the "Tribe") possesses substantial inherent sovereign powers and has exercised those powers since time immemorial; and
- WHEREAS,** the Tribe has a duly established Tribal Government recognized by the Secretary of the Interior; and
- WHEREAS,** Article V of the Wichita Governing Resolution authorizes and empowers the Wichita Executive Committee of the Wichita and Affiliated Tribes to act in all matters of business on behalf of the Tribe; and
- WHEREAS,** pursuant to its Article V authority, on December 3, 2013, the Executive Committee adopted the Wichita and Affiliated Tribes Business Site Leasing Ordinance (the "Ordinance"), prepared in accordance with the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (Pub. L. 112-151, 126 Stat. 1150), which was subsequently approved by the Assistant Secretary – Indian Affairs, U.S. Department of the Interior, on April 8, 2014; and
- WHEREAS,** the Ordinance, in promoting tribal self-determination, encouraging economic self-sufficiency, and increasing business activity and employment on the Tribe's lands, permits the Tribe to issue, review, approve, and enforce certain business site leases; and
- WHEREAS,** Sugar Creek Casino Huddle House, LLC ("Lessee"), a franchisee or prospective franchisee of Huddle House and Perkins Restaurant & Bakery brands, has offered to enter into a lease covering retail space, fixtures, restaurant equipment, and smallwares at the Sugar Creek Casino for the purpose of operating a franchised restaurant; and
- WHEREAS,** on June 4, 2024, the Tribe and Lessee entered into a Letter of Intent expressing each parties' desire that a business site lease, pursuant to the Ordinance, be drafted, negotiated, and approved; and
- WHEREAS,** upon drafting and negotiating, a mutually agreeable proposed business site lease, numbered B-24-01, has been reached and is now presented to the Executive Committee for review; and

- WHEREAS,** pursuant to Section 3.6(a) of the Ordinance, in order to determine the per-square-foot Fair Annual Lease Value for Lease B-24-01, the Executive Committee has determined that it is in the best interest of the Tribe to utilize the following methodology: divide the most recent insurance valuation of Sugar Creek Casino by the building's square footage; and
- WHEREAS,** pursuant to Section 3.7(a)(iii) of the Ordinance, the Executive Committee has determined that it is in the best interest of the Tribe to waive the Ordinance's requirement for a present Fair Market Lease value; and
- WHEREAS,** pursuant to Sections 3.8 and 7.2(b) of the Ordinance, the site of the proposed business site lease is a space within the footprint of an existing site for which an Environmental Review Process was already conducted; therefore, any Leasing Decision concerning the space is exempt from the Ordinance's Environmental Review Process; and
- WHEREAS,** other than any insurance requirements set out in Lease B-24-01, pursuant to Section 3.9(d) of the Ordinance, the Executive Committee has determined that it is in the best interest of the Tribe to waive any other insurance requirements of the Ordinance; and
- WHEREAS,** other than the performance bond requirements set out in Lease B-24-01, pursuant to Section 3.10(a) of the Ordinance, the Executive Committee has determined that it is in the best interest of the Tribe to waive any other satisfactory performance bond requirements of the Ordinance; and
- WHEREAS,** the Executive Committee has determined that it is in the best interest of the Tribe to approve Lease B-24-01 between the Tribe and Lessee and, pursuant to the Ordinance, provide any and all necessary waivers, determinations, or authorizations under the Ordinance.

NOW THEREFORE BE IT RESOLVED, that the Executive Committee of the Wichita and Affiliated Tribes hereby adopts the above-mentioned methodology for determining Fair Annual Lease Value and determines the Fair Annual Lease Value for Lease B-24-01 to be \$147.83 per square-foot.

BE IT FURTHER RESOLVED, that the Executive Committee of the Wichita and Affiliated Tribes hereby designates the Executive Committee as the Environmental Reviewer of Lease B-24-01 and, as the Environmental Reviewer, determines that Lease B-24-01 is exempt from the Ordinance's Environmental Review Process.

BE IT FURTHER RESOLVED, that the Executive Committee of the Wichita and Affiliated Tribes hereby waives, to the extent necessary, the Ordinance's insurance requirements with respect to Lease B-24-01.

BE IT FURTHER RESOLVED, that the Executive Committee of the Wichita and Affiliated Tribes hereby waives, to the extent necessary, the Ordinance's satisfactory performance bond requirements with respect to Lease B-24-01.

BE IT FURTHER RESOLVED, that the Executive Committee of the Wichita and Affiliated Tribes hereby approves Lease B-24-01 between the Tribe and Lessee.

BE IT FURTHER RESOLVED, that Executive Committee of the Wichita and Affiliated Tribes hereby authorizes and directs President Amber Silverhorn-Wolfe to execute and deliver on behalf of the Tribe any and all papers, instruments, and other documents, and to do and cause to be done any

and all acts and things necessary and proper to fulfill the Tribe's obligations under Lease B-24-01, the Ordinance, and the intent and purpose of this resolution.

CERTIFICATION

The foregoing resolution was adopted by the Executive Committee of the Wichita and Affiliated Tribes of Oklahoma on **November 14, 2024** in Anadarko, Oklahoma, by a vote of 4 for, 1 against, 1 abstentions, a quorum being present.

Attest:



Starr Chavez
Secretary

Approved:



Amber Silverhorn-Wolfe
President