

AMENDMENT TO CB-15-17

TO AMEND CB-15-17 TO INCLUDE ADDITIONAL LANGUAGE STATING THE CHOCTAW NATION AGREES TO WAIVE THE APPRAISAL, PERFORMANCE BOND, AND COMPENSATION REVIEW FOR A WATER TOWER AND GROUND SPACE LEASE TO USCOC OF GREATER OKLAHOMA LLC ON THE CHOCTAW NATION CAPITOL GROUNDS IN TUSKAHOMA, OKLAHOMA

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING BILL

A COUNCIL BILL

TO APPROVE an Amendment to CB-15-17 regarding a Water Tower and Ground Space Lease to USCOC of Greater Oklahoma, LLC (USCOC), Lease Number G09-1889.

WHEREAS, in accordance with Article VII, Section 1 of the Constitution of the Choctaw Nation of Oklahoma, the Chief shall perform all duties pertaining to the Office of the Chief Executive. He shall sign official papers on behalf of the Nation, and

WHEREAS, the Amendment shall include the following additional language to this Bill as required by Title 25 CFR Part 162, as it pertains to Business Leases. The Choctaw Nation has determined it is in their best interest to waive the following in order to secure the lease with USCOC: (1) Waiver of Appraisal - The Choctaw Nation has negotiated compensation satisfactory to the Tribe; (2) Waiver of Performance Bond - The Choctaw Nation has declined the need for a performance bond for this lease; and (3) Waiver of Compensation Review - The Choctaw Nation has determined there will be no compensation review required, however at the beginning of the Renewal Term, if applicable, the Rent shall be increased by 10% over the previous term's Rent.

THEREFORE BE IT ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Bill be cited as approval of the proposed Amendment to CB-15-17 regarding a Water Tower and Ground Space Lease to USCOC on the Choctaw Nation Capitol Grounds (USA in Trust) in Tuskahoma, Oklahoma.

CERTIFICATION

I, the undersigned, as Speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that eleven (11) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma, on February 11, 2017. I further certify that the foregoing Council Bill CB- 59 -17 was adopted at such meeting by the affirmative vote of eleven ( 11 ) members, zero (0) negative votes, and zero ( 0 ) abstaining.

Ronald Perry, Secretary
Choctaw Nation Tribal Council

Delton Cox, Speaker
Choctaw Nation Tribal Council

Gary Patton, Chief
Choctaw Nation of Oklahoma

Date: 2-14-17

TO APPROVE A WATER TOWER AND GROUND SPACE LEASE  
TO USCOC OF GREATER OKLAHOMA LLC  
FOR WATER TOWER SPACE AND LAND ON THE CHOCTAW NATION CAPITOL GROUNDS IN  
TUSKAHOMA, OKLAHOMA FOR PLACEMENT OF CELLULAR MOBILE RADIO BASE STATION

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO APPROVE to approve a water tower and ground space lease to United States Cellular Operating Company of Greater Oklahoma, LLC ("USCOG") for water tower and ground space on land belonging to the Choctaw Nation of Oklahoma (USA in trust) at the capitol grounds in Tuskahoma, Oklahoma for placement of cellular common carrier mobile radio base station operations, including related telecommunications functions.

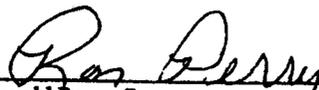
WHEREAS, in accordance with Article VII, Section 1 of the Constitution of the Choctaw Nation of Oklahoma, the Chief shall perform all duties pertaining to the Office of the Chief Executive. He shall sign official papers on behalf of the Nation, and

WHEREAS, USCOG, has proposed to execute an Option to Lease and Lease for attachment locations on the water tower located at the Nation's capitol grounds and for ground space adjacent to the water tower for placement of a radio station equipment shelter, and

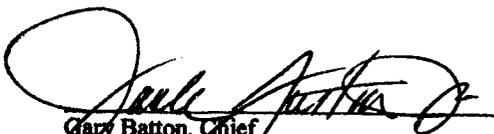
THEREFORE BE IT ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Bill be cited as approval for the proposed Option to Lease and Lease in favor of USCOC of Greater Oklahoma, LLC of water tower space and land belonging to the Choctaw Nation of Oklahoma (USA in trust) at the capitol grounds in Tuskahoma, Oklahoma.

CERTIFICATION

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that eleven (11) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on October 8, 2016. I further certify that the foregoing Council Bill CB- 15 -17 was adopted at such meeting by the affirmative vote of eleven (11) members, zero (0) negative votes, and zero (0) abstaining.

  
Ronald Perry, Secretary  
Choctaw Nation Tribal Council

  
Delton Cox, Speaker  
Choctaw Nation Tribal Council

  
Gary Batton, Chief  
Choctaw Nation of Oklahoma

Date 10/08/2016

## EXHIBIT A

### Legal Description of Landlord's Property

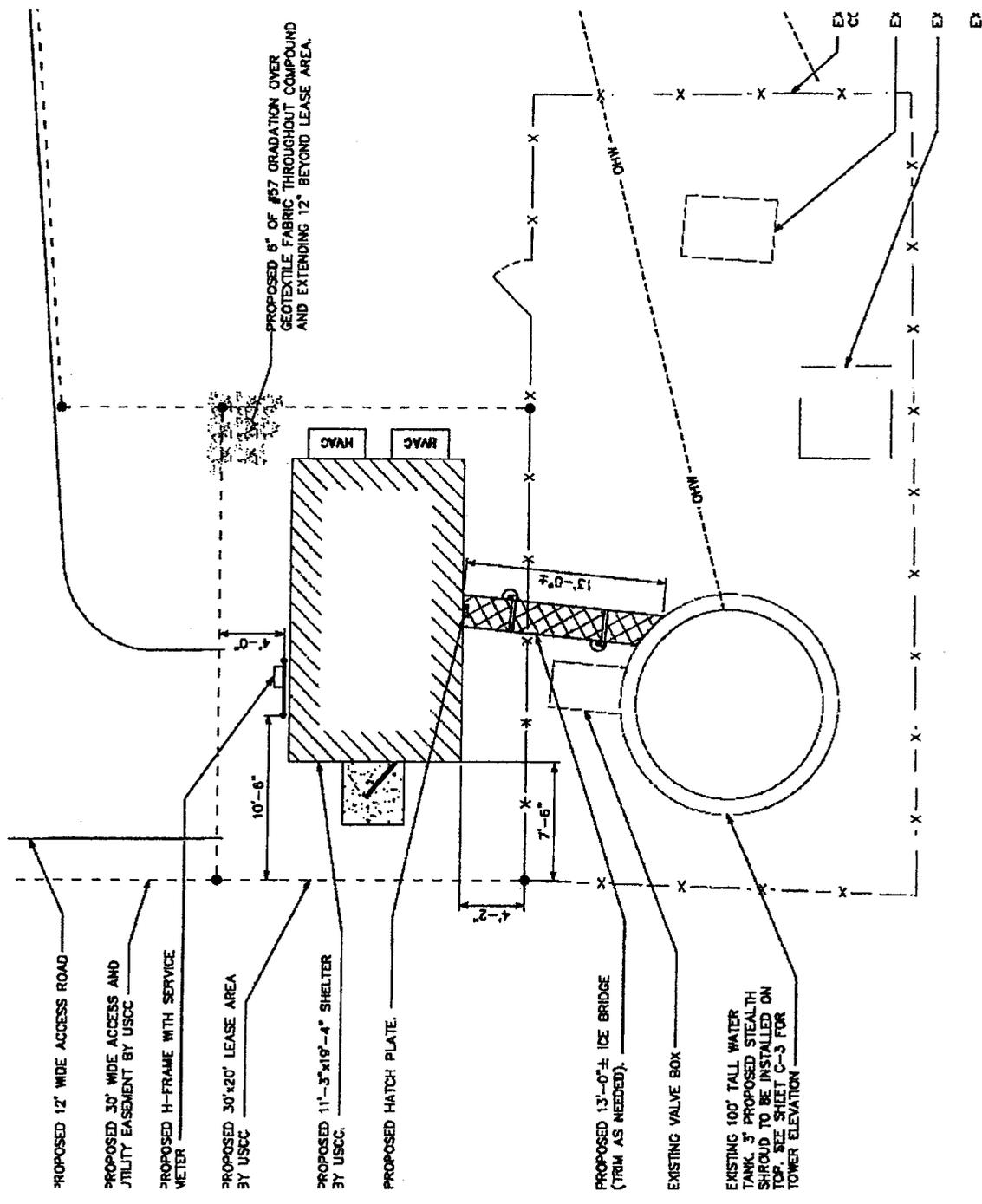
#### LEASE AREA DESCRIPTION

A TRACT OF LAND CONTAINED WITHIN THE NORTH-HALF (N/2) OF THE NORTH-HALF (N/2) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION FOURTEEN (14), TOWNSHIP TWO (2) NORTH, RANGE NINETEEN (19) EAST OF THE INDIAN BASE AND MERIDIAN, PUSHMATAHA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW/4); THENCE NORTH 1°21'06" WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (SW/4) A DISTANCE OF 2185.25 FEET; THENCE SOUTH 90°00'00" WEST A DISTANCE OF 547.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 86°00'00" WEST A DISTANCE OF 30.00 FEET; THENCE NORTH 4°00'00" EAST A DISTANCE OF 20.00 FEET; THENCE SOUTH 86°00'00" EAST A DISTANCE OF 30.00 FEET; THENCE SOUTH 4°00'00" WEST A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 600.00 SQUARE FEET, OR 0.014 ACRES, MORE OR LESS.

#### ACCESS AND UTILITY EASEMENT DESCRIPTION

A TRACT OF LAND BEING 30.00 FEET IN WIDTH CONTAINED WITHIN THE NORTH-HALF (N/2) OF THE NORTH-HALF (N/2) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION FOURTEEN (14), TOWNSHIP TWO (2) NORTH, RANGE NINETEEN (19) EAST OF THE INDIAN BASE AND MERIDIAN, PUSHMATAHA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, THE CENTERLINE OF SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW/4); THENCE NORTH 1°21'06" WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (SW/4) A DISTANCE OF 2366.56 FEET TO THE POINT OF BEGINNING, SAID POINT BEING WITHIN COUNTY ROAD NO. 4335; THENCE NORTH 81°00'00" WEST A DISTANCE OF 203.27 FEET; THENCE NORTH 85°00'00" WEST A DISTANCE OF 170.00 FEET; THENCE SOUTH 16°00'00" WEST A DISTANCE OF 75.00 FEET; THENCE SOUTH 3°00'00" WEST A DISTANCE OF 110.00 FEET; THENCE SOUTH 90°00'00" WEST A DISTANCE OF 158.00 FEET; THENCE SOUTH 4°00'00" WEST A DISTANCE OF 25.00 FEET TO THE POINT OF TERMINATION, SAID POINT BEING ON THE NORTH LINE OF LEASE AREA DESCRIBED ABOVE. CONTAINING 22238.00 SQUARE FEET OR 0.511 ACRES, MORE OR LESS. THE SIDELINES OF SAID TRACT TO BE SHORTENED OR EXTENDED AS REQUIRED AS TO CREATE A CONTIGUOUS BOUNDARY AT THE POINT OF BEGINNING.





**WAIVER OF APPRAISAL**

The undersigned landowner hereby acknowledges and expressly waives and declines the need for a Surface appraisal for Business Lease No. G09-1889, on the following property:

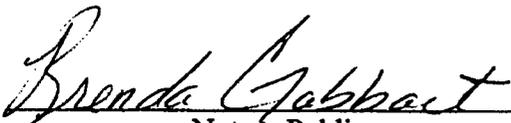
**In part of the N/2 N/2 SW/4 of Section 14, Township 2 North, Range 19 East, Pushmataha County, Oklahoma, containing 0.014 acres, more or less. Please see attached Exhibit A for complete description and Exhibit C for Survey Plat.**

Dated this 21<sup>st</sup> day of October, 2016.

SIGNED:

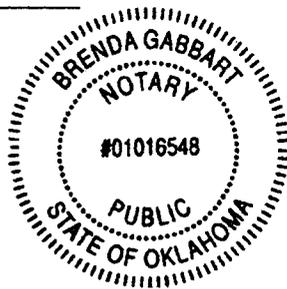
  
\_\_\_\_\_  
Gary Patton, Chief  
Choctaw Nation of Oklahoma

SUBSCRIBED AND SWORN to before me this 21 day of Oct, 2016.

  
\_\_\_\_\_  
Notary Public

My commission expires:

11.14.17



**WAIVER OF PERFORMANCE BOND REQUIREMENT**

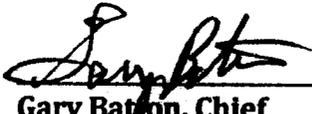
Business Lease No. G09-1889  
Land USA in Trust for the Choctaw Nation

The undersigned landowner hereby acknowledges and expressly waives and declines the need for a performance bond on the following property:

In part of the N/2 N/2 SW¼ of Section 14, Township 2 North, Range 19 East, Pushmataha County, Oklahoma, containing 0.014 acres, more or less. Please see attached Exhibit A for complete description and Exhibit C for Survey Plat.

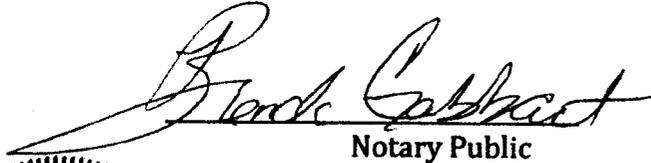
Dated this 6<sup>th</sup> day of December, 2016.

SIGNED:



\_\_\_\_\_  
Gary Batton, Chief  
Choctaw Nation of Oklahoma

SUBSCRIBED AND SWORN to before me this 6 day of December, 2016.

  
\_\_\_\_\_  
Notary Public

My commission expires:

11.14.17

