



AGENDA
LAWTON YOUTH SPORTS TRUST AUTHORITY
REGULAR MEETING
LAWTON CITY HALL- 212 SW 9th STREET, LAWTON, OKLAHOMA
3rd FLOOR CONFERENCE ROOM
THURSDAY, MARCH 9, 2023– 2:00PM

AGENDA

I. CALL TO ORDER/ ROLL CALL

II. REPORTS:

- A. Programs Committee- Receive a report from Moini regarding the activities of the Program Committee.**
- B. Facilities Committee- Receive a report from Chairman Henry regarding the activities of the Facilities Committee.**
- C. Parks & Recreation- Receive a report from the City of Lawton Parks & Rec Division.**
- D. Eastern Sports Management- Receive a report from Eastern Sports Management.**
- E. Finance Report – Consider approving the Treasurer Report from Hatch, Croke, and Associates.**

III. BUSINESS ITEMS:

- A. Consider approving the minutes of the February 9, 2023 and February 27, 2023 meetings.**
- B. Consider approving an application for the purpose of entering into a long-term lease agreement with the Commissioners of the Land Office and authorize the Chairman to execute any necessary documents.**
- C. Consider approving a Request for Limited Support and Funding, not to exceed \$10,000, with the City of Lawton for expenses related to a potential long-term lease with the Commissioners of the Land Office.**
- D. Consider approving a Letter of Intent between the Lawton Youth Sports Authority and the Kiowa, Comanche & Apache Intertribal Land Use Committee (KCAILUC) and authorize the Chairman to execute said letter.**

"The City of Lawton encourages participation from all of its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at (580) 581-3305 at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48-hour rule if interpreters for the deaf (signing) is not the necessary accommodation."

- E. Consider approving a Letter of Engagement for Professional Services with Feller Snider Attorneys at Law related to securing a long-term lease between LYSA and the Kiowa, Comanche, & Apache Intertribal Land Use Committee (KCAILUC).**
- F. Consider approving a Request for Limited Support and Funding, not to exceed \$75,000, with the City of Lawton for expenses related to a potential long-term lease with the Kiowa, Comanche, & Apache Intertribal Land Use Committee (KCAILUC).**

IV. DISCUSSION ITEMS

V. ADJOURNMENT

"The City of Lawton encourages participation from all of its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at (580) 581-3305 at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48-hour rule if interpreters for the deaf (signing) is not the necessary accommodation."



MINUTES

LAWTON YOUTH SPORTS TRUST AUTHORITY

LAWTON CITY HALL- 212 SW 9th Street, Lawton, Oklahoma

3rd FLOOR CONFERENCE ROOM

THURSDAY, FEBRUARY 9, 2023 2:00 P.M.

Chairman Henry called the meeting to order at 2:14 p.m. in the Third Floor Conference Room in City Hall. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

I. ROLL CALL

PRESENT: Brian Henry, Albert Johnson Jr, Hossein Moini, Carey Monroe, Krista Ratliff

ABSENT: Sean Fortenbaugh, Clint Powell, Randy Warren, Steve Coleman

ALSO PRESENT: Christine James, COL Parks & Rec Director; Greg Gibson, COL Legal; Jlyn Jorgenson, COL Legal; Donalynn Blazek-Scherler, COL Sr. Deputy Clerk; Matt Elliott, Eastern Sports Management; Dani Blackburn, Hatch, Croke, and Associates; Scott Hatch, Hatch, Croke, and Associates; Kim McConnell, Lawton Constitution. Via Phone: John Wack, Eastern Sports Management; Kristina Finigan, Eastern Sports Management.

REPORTS:

1. **Programs Committee-** Receive a report from Moini regarding the activities of the Programs Committee.

No report given.

2. **Facilities Committee-** Receive a report from Chairman Henry regarding the activities of the Facilities Committee.

Chairman Henry stated about a year ago there were some landscape companies that were interested in helping with field maintenance. We are now reengaged in that conversation to see if that's something they would be interest in. We're looking at some free mowing and the cost to do some sprucing up.

3. **Parks & Recreation-** Receive a report from the City of Lawton Parks & Rec Division.

No report given.

4. **Eastern Sports Management-** Receive a report from Eastern Sports Management.

No report given.

5. **Finance Report-** Consider approving the Treasurer Report from Hatch, Croke, and Associates.

Hatch presented the compiled financial report through December 2022. Report is available in the City Clerk's Office.

Motion by Moini, Second by Monroe, to approve the Treasurer Report through December 2022 as presented. **AYE:** Henry, Johnson, Moini, Monroe, Ratliff **NAY:** None. ***MOTION PASSED.***

BUSINESS ITEMS:

6. **Consider approving the minutes of the December 8, 2022 meeting.**

Motion by Moini, Second by Ratliff, to approve the minutes of December 8, 2022. **AYE:** Johnson, Moini, Monroe, Ratliff, Henry **NAY:** None. ***MOTION PASSED.***

7. **Receive a report from John Wack, Eastern Sports Management President, regarding updates on Eastern Sports Management's Study Period and take appropriate action as necessary.**

Wack, Finigan, and Elliott presented ESM's Lawton Sports Study & Management Transition Report. This report is available in the City Clerk's Office.

Chairman Henry asked if the wages was figured assuming all positions were filled.

Elliott clarified that the wages are only for ESM staff or league marshals. He stated the scorekeepers, referees, etc were included under cost of goods. The number reflects a partial add of positions.

Chairman Henry stated he would like to point out that there is no maintenance in this report. The goal is to take that over as of July 1, so that number will grow.

Moini stated there were talks about creating a relationship with the folks at Fort Sill. He asked how that relationship was going and if the committee could help with that in anyway.

Elliott stated he would say there is a relationship there. We do see some level of involvement from families on Fort Sill but aren't necessarily on a Fort Sill team. As we continue to grow, we want to continue that relationship. As for the what the committee can do, Elliott stated the members can steer people towards the website and towards him.

Chairman Henry stated it may be helpful to make a more direct connection and go see them.

Ratliff stated we are happy to do that.

Moini stated the first meeting was more geared towards the facility, but now that ESM is involved, we need to introduce them.

Johnson Jr stated as he asks around, people still don't know about Play Lawton, so whatever we can do to elevate that, we will help.

Ms. Jay of the Lawton Hawks introduced herself and stated she had a meeting with Colonel Peay because of the link between the Hawks and CYS. She has a lot of the teams on Fort Sill who aren't necessarily comfortable going through the CYS program. She has been steering the director of that program towards Elliott, and he should be hearing from them soon.

Chairman Henry stated one question he has started asking when people say they don't hear stuff is where do they hear their stuff. They are on the news station, in newspaper, and on social media. How do we connect that?

Ratliff asked if they are in the schools yet. She stated she knows we don't have boosters, but what about flyers in kids' backpacks and things like that.

Elliott stated the ones we have access to, yes.

Ratliff stated the ones you don't have access to, let us know. I have three kids in three different schools, and I have not received a flyer.

Monroe asked when we evaluate increasing the price of registration.

Elliott stated we've already done that for Spring registration. It's minimal; we are moving it from \$28.75 to \$32.00 a player. We won't see a big jump until we feel like we have the infrastructure to do so. We're going to take it season by season.

Ms. Jay stated when you talk about increasing pricing, she is concerned because there are teams that are charging to be a part of the team and charging to fall under Play Lawton on top of that.

Monroe stated she just signs her kids up and they are put on a Play Lawton team instead of going through a league. She only pays the registration fee. Equity of access is very important, and there will always be an opportunity to play directly through Play Lawton.

Moini stated it may be important to some day create a committee that creates dollars for kids that can't afford to play.

Chairman Henry stated he will speak with President Wack in more depth about that type of foundation.

Moini asked if LYSA could park their money in ESM's foundation and designate it for the kids in Lawton.

Wack stated yes.

Finigan stated that could be put on the website right now and the funds would be dedicated to the Lawton market.

Chairman Henry asked how does that work.

Finigan stated we generally run scholarship windows and establish parameters. We have been able to accommodate all the applications thus far.

Monroe asked if the grant would cover the cost for teams that want to spend extra money on matching jerseys and shorts and such.

Finigan stated we try to give access to the most people possible, but it's very flexible.

Chairman Henry stated this report will be given to Council on Tuesday, and it will count as our semi-annual report. The feasibility study for the facility is targeted for February 28th to be presented to Council, but that is a huge tentative. We need to determine if we want to present before a site is selected, or should we wait until we have all the data and a site selected.

DISCUSSION ITEMS

ADJOURNMENT

Motion by Ratliff, **Second** by Monroe, to adjourn the meeting of February 9, 2023. **AYE:** Moini, Monroe, Ratliff, Henry, Johnson **NAY:** None. ***MOTION PASSED.***

There be no further business, the meeting adjourned at 3:23 PM.



**MINUTES
LAWTON YOUTH SPORTS TRUST AUTHORITY
SPECIAL MEETING**

LAWTON CITY HALL- 212 SW 9th Street, Lawton, Oklahoma

3rd FLOOR CONFERENCE ROOM

MONDAY, FEBRUARY 27, 2023 2:00 P.M.

Chairman Henry called the meeting to order at 2:00 p.m. in the Third Floor Conference Room of City Hall. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

I. ROLL CALL

PRESENT: Brian Henry, Steve Coleman, Sean Fortenbaugh, Hossein Moini, Carey Monroe

ABSENT: Albert Johnson, Jr., Clint Powell, Krista Ratliff, Randy Warren

ALSO PRESENT: Christine James, COL Parks & Rec Director; Greg Gibson, COL Deputy City Attorney; Jlyn Jorgenson, COL Assistant City Attorney; Tammy Branstetter, COL Deputy City Clerk; Matt Elliott & John Wack, Eastern Sports Management; Kim McConnell, Lawton Constitution; Larry (Dewayne) Burk, COL Deputy City Manager; Eric Swanson, Southwest Ledger

II. BUSINESS ITEMS:

1. Receive a presentation for a feasibility study of the indoor sports facility.

Chairman Henry said a link to the full 213-page report regarding the feasibility study was sent via email to all members of the Authority. This report is available in the City Clerk's office.

John Wack with Eastern Sports Management reviewed a PowerPoint presentation that highlights the major findings of the feasibility study (see attached).

Moini asked for clarification on why the facility will be built with two floors.

Wack said the main building typically has somewhere between 40-45 feet in height, and an eave height of somewhere between 30-35 feet. If you end up having the support space within that structure and the support space is only one floor, that leaves for quite a bit of unused space above. Wack said a second floor also allows spectators a chance to get off the floor and to look down at what's going on. He said that is particularly important during tournaments. However, Wack said everything that's been programmed for a two-floor support space could be achieved with a single floor, but you would lose the ability to have upper viewing without a second floor.

Christine James asked if Lawton Public Schools is the current owner of the Grandview site.

Chairman Henry said the land on the Grandview site is owned by the State and controlled through the Commissioners of the Land Office.

Chairman Henry said he asked Wack to be conservative with numbers when it comes to the economic impact that the sports facility will have on the community as to not overshoot some of these numbers. Chairman Henry said they also scaled back the number of tournament opportunities from 45 to 35, and the number of teams has been scaled back from 120 to 96.

Moini asked if the report given today will be the same report given to the City Council tomorrow.

Wack said yes.

Chairman Henry said the full 213-page report emailed to Authority members covers the pros and cons of each potential site where the sports facility might be built. He said while the Grandview site is owned by the State, the other two proposed sites have local ownership. He said these landowners are eager to be a part of the process. Chairman Henry said that while the Grandview site is recommended by Eastern Sports Management, the Authority ultimately has the final say on where to begin. He said if the location initially chosen by the Authority is not where the Authority ends up, there are other options.

Moini asked how many additional acres would be available for Phase II and Phase III should the Authority chose the Grandview site.

Wack said the 60 acres includes Phase II and Phase III.

Moini asked how many acres are needed for the sports complex itself.

Wack said building the sports complex would require approximately 12-15 acres.

Moini asked if the Authority would ask the Commissioners of the Land Office for the entire 60 acres should the Grandview site be selected.

Chairman Henry said the reason why the Authority would need only 60 acres is that there's an assumption of improving the existing four fields located on the Grandview site. Chairman Henry said LPS is not currently using these four fields, and they would be okay with the Authority taking them over. Chairman Henry said if one of the other potential sites are selected, approximately 80 acres would be required. Chairman Henry said there are 231 acres available at the Grandview site, but some of the terrain closer to Gore Boulevard is rugged and might prove challenging to develop.

Chairman Henry said there is currently a lease on the Grandview land. He said he's had early discussion with the State as to how that would pan out. Chairman Henry said he's notified the

Commissioners of the Land Office as to what the Authority would use the land for, and they're currently reviewing the plans to make sure there would be no issue with the proposed use. Additional steps would need to be taken with Commissioners of the Land Office should the Authority select the Grandview site.

Moini asked if the Grandview land is currently being used for farming.

Chairman Henry said yes – there is currently an agricultural lease on the property. He said with regards to the Commissioners of the Land Office, they generally have either commercial leases or agricultural leases.

Coleman asked what factors are included with the projection of a \$384,000.00 revenue during year one with regards to tournaments.

Wack said there are three different types of tournaments that will be ran – in-house tournaments, tournaments put on through partnerships and tournaments booked through straight rentals.

Coleman asked if registration fees include admission fees paid by parents and spectators.

Wack said admission fees are covered under ticketing fees.

Coleman asked if parents that come to watch their kids play in games each Saturday will have to purchase tickets separately for each sporting event.

Wack said it depends on the sport, but most court related sports will charge. However, any local league or practice activity will not require ticketing. Wack said ticketing is only for events.

Chairman Henry said common price points for surrounding communities with regards to tickets are \$10 a day or \$20 for a weekend pass.

Coleman inquired about seating for tournaments.

Wack said there will be a total of 64 portable bleachers available. Each of these bleachers have three rows for seating. Wack said in his experience, this is adequate seating for all types of events. However, the facility will have bay doors that can be open to bring in additional bleachers if more are needed.

Moini asked what the next steps in the process are.

Chairman Henry asked that Authority members thoroughly review the 213-page report that was emailed to them before the next Lawton Youth Sports Trust Authority meeting on March 9, 2023. He said at the March 9th meeting, the Authority will need to decide whether to move forward with Eastern Sports Management's recommendation of the Grandview site. Chairman Henry said the full report will help members make this decision, as it includes pros and cons for

each site. Chairman Henry said the facilities committee has started the groundwork on all three potential sites.

Moini mentioned that moving forward, there are deadlines the Authority should keep in mind with regards to funding and accessibility to various grants.

Chairman Henry said many of these grants require shovel-ready projects.

Wack noted that a futsal league is currently being comprised. He said this league will serve as an advantage to the new building, as approximately 20 teams that will play in the new sports complex. Wack said Matt Elliott is creating a series of tournaments in other types of sports to start momentum within the community before the facility is built.

Chairman Henry said asking the Commissioners of the Land Office for all 60 acres up front if the Grandview site is selected is an option. With this option, the Authority would have to start making payments immediately. Chairman Henry said another option would be to ask up front only for the acreage that it takes to build the complex and sign a futures contract for the remaining acreage. He said the futures contract would involve deadlines regarding future development of the land, but extensions could be granted if necessary.

Moini asked if a commercial business can be placed on State-owned land.

Chairman Henry said yes.

Moini said that might be one reason for asking for the full 60 acres up front – to avoid any unwanted commercial businesses from building nearby.

Chairman Henry stressed that the topography of the land close to Gore Boulevard would require extensive work to develop.

Monroe asked if the feasibility study discusses other sports that the area would support.

Wack said yes.

James asked what the duration of a lease is with the Commissioners of the Land Office.

Chairman Henry said they do 55-year leases.

James asked if the Authority would save any money by buying the property out right verses taking out a lease.

Chairman Henry said it would really depend on what the terms of the lease look like in comparison to purchasing the property out right.

Moini asked if property leased from the Commissioners of the Land Office can be subleased.

Chairman Henry said yes, but you must declare at the very beginning what the property will be used for.

James asked if the rest of 52nd Street will be widened soon.

Fortenbaugh said widening 52nd Street all the way to Lee Boulevard is currently being discussed.

Chairman Henry noted that the road that loops around the back of Eisenhower and leads to 52nd Street is currently owned by LPS, and it's in poor shape.

III. ADJOURNMENT

Motion by Moini, **Second** by Monroe, to adjourn the meeting of February 27, 2023. **AYE:** Moini, Monroe, Henry, Coleman, Fortenbaugh **NAY:** None. ***Motion Passed.***

There be no further business, the meeting adjourned at 2:51 PM.



LAWTON FIELD HOUSE

OKLAHOMA'S PREMIER YOUTH SPORTS DESTINATION

FINAL REPORT FEBRUARY 27, 2023

REPORT SUMMARY

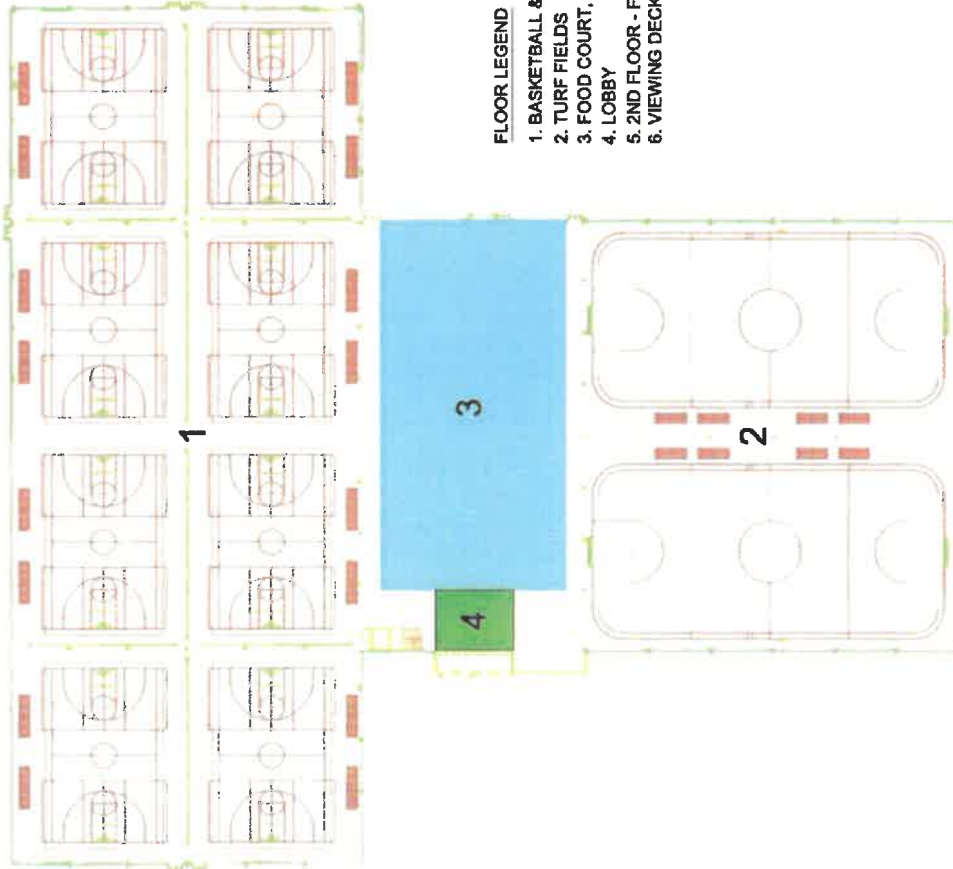
- Market Analysis
- Conceptual Facility Design
- Site Selection Report
- Business Plan
- Economic Impact Report

MARKET ANALYSIS

- ESM Partnered with Pinnacle Sports to perform the Market Analysis.
- Pinnacle interviewed representatives from local, state and regional organizations, and determined that unmet facility demand exists in Lawton.
- Indoor multipurpose courts (for both local use and regional sports tourism purposes)
- Indoor synthetic turf (for local use only)

CONCEPTUAL FACILITY DESIGN

- Market Study and Customer/Stakeholder Interviews Drive Facility Asset Recommendation
- Used existing plans for other facilities
- Asset Recommendation:
 - Approximately 146,000 SF of indoor space
 - 8 basketball courts convertible to 16 volleyball courts
 - 2 indoor artificial turf fields measuring 90' x 180'
 - Concessions, Esports, Fitness, Multi-Purpose Rooms



First Floor
130,000 sf

FLOOR LEGEND

1. BASKETBALL & VOLLEYBALL COURTS
2. TURF FIELDS
3. FOOD COURT, RESTROOMS, MEETING SPACE
4. LOBBY
5. 2ND FLOOR - FITNESS, RESTROOMS
6. VIEWING DECK



Second Floor
16,000 sf



LAWTON FIELD HOUSE

SITE SELECTION REPORT

- ESM utilized local realtors and Pinnacle Sports for survey of available sites
- ESM compiled a list of 10 sites which was narrowed to three.
- Pinnacle analysis included Acreage, Geometry, Topography, Existing Conditions, Utilities, and SWM, Ease of Access, and Proximity to Dining and Lodging, and Probable Development Timeline.
- ESM recommends the site adjacent to the Grandview Field Complex

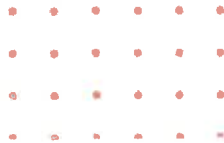


GRAND VIEW PARK

60 AC +/-

BUSINESS PLAN

- Project Mission
- Operating Company Information
- Market Research
- Service Line (Products)
- Marketing and Sales
- Accounting and Expense Control
- Staffing Organization
- Financial Projections



- Price Points
 - \$80/Court Tournament Rental
 - \$25/Court Local Rental
 - \$60 League Price Point
- Tournament Capacity 70% at Year Three
- 83% COGS on Tournaments
- 40% COGS on Leagues

Lawton Sports Center

3-Year Revenue and Expense

	Year 1	Year 2	Year 3
Revenue			
Leagues	\$246,000	\$291,000	\$338,400
Concessions	\$401,126	\$495,445	\$591,108
Tournaments	\$384,000	\$460,800	\$537,600
Tickets	\$576,000	\$691,200	\$806,400
Rentals	\$105,240	\$119,210	\$127,980
Youth Programming	\$270,119	\$252,143	\$302,571
Sponsorship	\$140,000	\$160,000	\$180,000
Esports	\$150,000	\$250,000	\$350,000
Total Revenue	\$2,212,485	\$2,719,797	\$3,234,060
COGS			
Leagues	\$98,400	\$116,400	\$135,360
Concessions	\$200,563	\$247,722	\$295,554
Tournaments	\$15,360	\$18,432	\$21,504
Tickets	\$460,800	\$552,960	\$645,120
Sponsorship	\$7,000	\$8,000	\$9,000
Youth Programming	\$31,518	\$37,821	\$45,386
Esports	\$75,000	\$125,000	\$175,000
Total COGS	\$988,641	\$1,106,336	\$1,326,924
Expense			
Administrative	\$140,135	\$173,347	\$207,115
Facility	\$211,700	\$218,051	\$224,593
Insurance	\$38,718	\$47,596	\$56,596
Marketing	\$28,762	\$35,357	\$42,043
Wages	\$530,996	\$652,751	\$776,174
Taxes	\$88,499	\$108,792	\$129,362
Utilities	\$146,000	\$150,380	\$154,891
Management	\$240,000	\$247,200	\$254,616
Total Expense	\$1,424,811	\$1,633,475	\$1,845,391
Net Operating Income	-\$100,967	-\$20,013	\$61,745



ECONOMIC IMPACT REPORT

- Local Economy
 - \$19,077,966 in Concessions
 - \$74,018,810 in Lodging
 - \$182,013,468 in Taxable Spending
 - \$275,110,244 Total Impact
- City Revenues
 - \$11,982,696 in Sales Tax
 - \$17,543 in Utility Franchise Fees
 - \$5,181,317 in Hotel/Motel Taxes
 - \$42,472 Miscellaneous
 - \$17,266,499 Total

KIOWA, COMANCHE & APACHE
INTERTRIBAL LAND USE COMMITTEE
P.O. BOX 885 610 E. GORE BOULEVARD
LAWTON, OKLAHOMA 73502
PHONE: 580-699-4088



March 2, 2023

Brian Henry
Senior Vice President
Liberty National Bank
Lawton Youth Sports Authority
212 SW 9th Street
Lawton, OK 73501
(580) 695-8462

**Re: Letter of Intent regarding Lawton Sports Complex Development
On KCAILUC Trust Land near Thomas Elmer Park in Lawton**

Dear Mr. Henry:

This letter of intent ("LOI") confirms our understanding regarding the plan to develop a sports complex on the Kiowa Comanche Apache Intertribal Land Use Committee ("KCAILUC") lands near Cache Road and Interstate 44 (the ["Planned Development"]). The Lawton Youth Sports Authority ("LYSA") and the KCAILUC will be the parties to the LOI. Such Planned Development and the other matters described in this LOI are referred to as the "Proposed Transactions." We have agreed to proceed as follows:

Transaction Elements and Structure. The Proposed Transactions will include the following components:

The Planned Development will include a long term federal lease of 80 acres of the KCAILUC federal trust property North of Elmer Thomas Park at Cache Road in Lawton. The Planned Development would include a 55 year lease of certain property from the KCAILUC to the LYSA for a nominal annual rental of \$1 a year. LYSA would have the option to renew for a successive term.

On federal trust land the state and local governments have no jurisdiction to assess or collect property, sales or other taxes. However, the KCAILUC and LYSA agree that that the City of Lawton may assess, collect and receive all sales taxes exclusively from the Planned Development regardless of whether sales are made to Native Americans or non-Indians.

KIOWA, COMANCHE & APACHE
INTERTRIBAL LAND USE COMMITTEE
P.O. BOX 885 610 E. GORE BOULEVARD
LAWTON, OKLAHOMA 73502
PHONE: 580-699-4088



These revenues shall be known as the Planned Development Sales Tax. No other taxes may be assessed, collected or remitted the State or local governments. The KCAILUC and its member tribes agree not to assess or collect taxes within the Planned Development during the terms of Definitive Agreements. The LYSA shall consummate an agreement that the City of Lawton for the City of Lawton to remit promptly all tax collections from the Planned Development with the purpose of funding the operations and expansion of the Planned Development for a period of five (5) years. The LYSA shall have the sole discretion for the use such revenue within those purposes during the term. The KCAILUC and the LYSA shall negotiate every five years regarding the use the Planned Development tax collections.

KCAILUC shall have naming rights to any sports facilities and fields. LYSA will finance the Planned Development from grants, bonds, Planned Development Sales Tax revenue, and other sources. These and other elements of the Planned Development are subject to negotiation resulting in Definitive Agreements.

The KCAILUC and the LYSA agree to arbitration to resolve any disputes.

Definitive Agreements. The parties intend to incorporate the terms and conditions expressed in this LOI into one or more mutually acceptable definitive agreements to be entered into among the parties (the "Definitive Agreements"). The Definitive Agreements will describe the Proposed Transactions and will also include customary indemnities relating to liabilities arising from the operation of the Planned Development following the Closing Date.

Non-Confidentiality. The terms of this LOI and the fact of the parties' discussions concerning the Proposed Transactions may be made public.

Limited Binding Effect. The parties understand and agree that (a) this LOI sets forth the parties' current understanding which may be set out in a binding fashion in the Definitive Agreements to be executed at a later date, and (b) this LOI does not create, and is not intended to create, a binding and enforceable contract among the parties or a duty on the part of any party to negotiate in good faith towards a binding contract, and may not be relied upon by any party as the basis for a contract by estoppel or otherwise, but rather evidences a non-binding expression of understanding to endeavor, without obligation, to negotiate mutually acceptable Definitive Agreements. This LOI sets forth the entire understanding among the parties hereto as of the date hereof with respect to the subject matter of this LOI.

KIOWA, COMANCHE & APACHE
INTERTRIBAL LAND USE COMMITTEE
P.O. BOX 885 610 E. GORE BOULEVARD
LAWTON, OKLAHOMA 73502
PHONE: 580-699-4088



Termination. This LOI shall terminate upon (a) the execution of the Definitive Agreements by the parties or (b) delivery of written termination from any of the parties to the other parties.

Governing Law. This LOI will be governed by and construed in accordance with the laws of the State of Oklahoma, and federal law without regard to any conflict of law provisions that would render the law of another jurisdiction applicable.

Counterparts. This LOI may be executed in one or more counterparts (including by means of executed counterparts transmitted by electronic methods), each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Expiration. This LOI is valid if countersigned by LYSA and returned to KCAILUC prior to 5:00 p.m. Central Time on Monday, April 3, 2023.

KIOWA, COMANCHE & APACHE
INTERTRIBAL LAND USE COMMITTEE
P.O. BOX 885 610 E. GORE BOULEVARD
LAWTON, OKLAHOMA 73502
PHONE: 580-699-4088



If the terms and conditions of this LOI reflect our mutual understanding and intentions, please sign and return a counterpart of this LOI. We look forward to completing the Proposed Transactions as expeditiously and efficiently as possible.

Very truly yours,

Durell Cooper
Chairman of the KCAILUC
Chairman of the Apache Tribe

AGREED AND ACCEPTED by resolution of the Lawton Sports Authority this 2nd day of March, 2023:

Brian Henry
Lawton Youth Sports Authority

5286105.v2



Klint A. Cowan
Shareholder/Director
(405) 239-7238 (direct)
KCowan@FellersSnider.com

December 12, 2022

VIA EMAIL TO: legal@lawtonok.gov

City of Lawton
Lawton City Hall
212 SW 9th Street
Lawton, Oklahoma 73501-3944

RE: Representation on long-term lease with KCA Intertribal Land-use
Committee

Dear City of Lawton:

We are pleased to formally acknowledge the engagement of this firm for work relating to the securing of a long-term lease for the City of Lawton with the KCA Intertribal Land-use Committee. This letter represents the terms of our engagement and constitutes an agreement between us (the "Agreement"). We will take direction from the City Council, or from the City Attorney on a day-to-day to basis.

1. **Fees.** Services for this and any other representation requested by you will be rendered at our standard hourly rates at the time services are rendered. Our hourly rates currently range from \$190.00 for certain associates to \$425.00 for our most experienced attorneys, and \$155.00 for interns and legal assistants. Currently, my personal rate for this representation is \$280.00 per hour.

2. **Charges.** In addition to fees for professional and staff time, you are also responsible for all charges and expenses incurred on your behalf (including computerized research, printing and photocopying, travel, transcripts, filing fees, long distance charges, experts and other consultants retained on your behalf). Where significant or unusual third-party payments are required (e.g., co-counsel fees, expert fees, special studies, extensive transcripts or filing fees), we will normally forward the charge to you for direct payment or obtain advance funds from you to cover the charge.

3. ***Retainer.*** Normally, the Firm requires a retainer before we begin work, but in this case we will waive the need for a retainer.

4. ***Billing Statements; Carrying Charges on Unpaid Balances.*** Except as otherwise agreed, we will bill you on a monthly basis, and you agree to pay on receipt any balance due. We do not extend credit to our clients. If fees are not promptly paid, we reserve the right to cease work on your file and withdraw as counsel.

5. ***Termination.*** You may terminate our services at any time upon written notice, and we also may terminate our services upon written notice. Our representation will end at the earliest of (a) your termination of our representation, (b) our withdrawal from representation, or (c) the substantial completion of our work.

6. ***Records and Files Retention.*** It is our current policy not to retain hard copies of any documents or files relating to a matter other than for certain original documents such as adoptions, wills, trusts and specific closing documents. Upon your written request, we will return records previously provided by you and other documents relating to your matter, otherwise, they will be scanned and maintained electronically while the hard copies will be destroyed upon conclusion of the matter. You may wish to maintain your own files for reference or make a written request to us for your file at the conclusion of a matter. Files generated by the Firm will not be returned until all outstanding payments are made to the Firm after termination of this engagement.

7. ***No Guarantee of Success.*** It is impossible to provide any promise or guarantee about the outcome of your matter. Nothing in this Agreement or any statements by our staff or our attorneys constitutes a promise or guarantee. Any comments about the outcome of this matter are expressions of opinion only.

8. ***Default Provisions.*** While we believe it is very unlikely to occur, in the event this firm is forced to initiate any action or proceeding to recover amounts unpaid for legal services rendered by the firm, the costs and expenses of such action or proceeding (including attorney fees, expert fees and other costs incurred by the firm) shall be borne by you.

9. ***Conflicts of Interest.*** We are not aware of any existing matters involving conflicts of interest between the City of Lawton and the Firm or other clients of the Firm. We do not anticipate accepting future representation adverse to your interest. In the event we see any such conflict, we will notify you of the conflict in writing and our representation may thereafter be terminated by you or by the Firm unless you and the other client, who is the subject of the conflict, agree to waive the conflict. The Firm reserves the right to represent any other client in any matter which is not substantially related to the Firm's representation of you and

also reserves the right to withdraw from representation of you in any matter which has been referred to us if our withdrawal is necessary to resolve a conflict of interest. The Firm will be entitled to make the final determination of whether a matter is substantially related to the Firm's representation of another client and of whether withdrawal from representation of you in a particular matter is necessary to resolve a conflict of interest.

If this engagement letter meets with your approval, please sign and return an acknowledgment copy of this Agreement at your earliest convenience. We appreciate the opportunity to be of assistance and look forward to working with you.

Very truly yours,



Klint A. Cowan
For the Firm

KAC:sah
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Accepted and agreed to this ____ day of December, 2022.

By: