

**BUILD-TO-SUIT
LEASE AGREEMENT**

**CHEROKEE NATION PROPERTY MANAGEMENT, L.L.C.
(LANDLORD)**

AND

**JL & JW ENTERPRISES, LLC D/B/A NEWK'S EATERY
(TENANT)**

**CHEROKEE SPRINGS PLAZA
TAHLEQUAH, OKLAHOMA**

**EXHIBIT C
TO
LEASE AGREEMENT**

Newk's Eatery Description of Landlord's Work

Landlord to complete at Landlord's expense

HVAC

- A minimum of **three (3)** new Trane High Efficiency gas-fired roof top units capable of supplying a total of one ton of cooling/heating per 130 square feet and 20 percent outside air. Locations of units and actual tonnage to be as per Tenant's Final Construction Drawings. Units to be sleeved into Tenant space (and to include any fire rated enclosure required by code), and delivered to Tenant in operational condition including all required plumbing and electrical connections, as well as all required roof curbs, penetrations, and patching **or an allowance of \$50,000 in lieu of Landlord providing.**
- Thermostats per code (Trane TCONT802): minimum one (1) for each unit with remote temperature and humidity sensors to be located according to Tenant's Final Construction Drawings.
- Landlord to provide common exterior access to roof for all HVAC systems (including but not limited to: hood exhaust and make-up air ducting, water heater flues, toilet exhaust, and fresh air intake) required by Tenant. All chases and/or access pathways to meet all applicable codes and to be installed per Tenant's Final Construction Drawings. Hood exhaust must be black iron or rated for combustible grease containment and fire wrapped per local code.

ELECTRICAL

ELECTRICAL SERVICE

- **600** amp service 120/208 volt, 3 phase, 4 wire electrical service conduit stubbed to premises and furnished with meter and disconnect as required by code. Location per Tenant's construction documents.

ELECTRICAL MISCELLANEOUS

- (2) - 1" conduit with pull wire stubbed into the space from master telephone panel. Location per Tenant's construction documents.
- 1" minimum conduit stubbed into the Leased Premises from base building fire alarm system with pull wire. Base building fire alarm system to have enough capacity to ensure that Tenant's fire alarm system will meet all applicable codes. Location of conduit stub per Tenant's construction documents. *Per building contractor, Tahlequah Code does not require the building to have a fire alarm system. Tenant would have the ability to add its own stand-alone fire alarm system for the Leased Premises.*
- Site and Security lighting as required by code and as required to maintain the Leased Premises in a safe and secure manner.

PLUMBING

- Minimum 2" dedicated domestic cold water line and all associated metering (including any and all "tap" fees & "meter" fees), valved and capped inside of demising line of the Leased Premises. Location per Tenant's construction documents. Maximum 65 PSI (minimum 55 PSI after any metering and backflow prevention devices). If Landlord cannot provide a dedicated line then a booster pump must be provided or an allowance of \$5,000 must be reimbursed to Tenant.
- 4" sanitary sewer line inside the Leased Premises and below floor (minimum depth of 36", or capable of handling the increased flow of Tenant's operations, installed as required for flow).
- Grease trap(s) as required by local codes and sized according to the local municipality's calculations based on Tenant's floor plan or fixture count. Per Tenant's construction drawings, Landlord to stub 4" grease waste line from interceptor into the Leased Premises, minimum depth of 36". Landlord shall be responsible for the payment of any imposition charged by applicable governmental jurisdictions or utility providers which are commonly referred to under one of the following names, which list is included for illustrative purposes only and is not intended to be exhaustive: connection charges, availability fees, tie-in fees, meter fees or charges, "tap-in" or tap fees or impact charges.
- Sanitary vent (capped) sized per code stubbed above nominal ceiling height inside the Leased Premises. Locations per Tenant construction documents.
- 2" gas service (minimum 2 PSI / 7"-12" W.C. and 1500 MBHNG) and all associated metering valved and capped inside the Leased Premises. Location per Tenant's Final Construction Drawings.

FIRE PROTECTION

- Sprinkler coverage (drops and heads if existing) distributed throughout the Leased Premises per code requirements and Tenant's plans and specifications. Main sprinkler line to be no lower than 14'-6" A.F.F. and have a functioning flow switch if required by code.

DEMISING WALLS

- Demising wall framed with 6" 20 gauge studs - 16" o.c. insulated (R-19).
- Demising wall sheet rocked with gypsum wallboard (thickness and type per code), fire taped from 12'-6" A.F.F. to the underside of roof structure. Seal all penetrations, gaps, existing holes, etc. with fire-rated sealant.
- Perimeter walls to be framed with 2-1/2" 20 gauge metal studs and sheet rocked with gypsum wall board (thickness and type per code), fire taped from 12'-6" A.F.F. to the underside of roof structure. Seal all penetrations, gaps, existing holes, etc. with fire-rated sealant.

STRUCTURAL, EXTERIOR, STOREFRONT & ENTRY DOORS

- Structural system (including but not limited to: roof system, floor system, load bearing walls, and structural columns) capable of handling all loads required by code and Tenant's construction. If the Leased Premises are new construction, Landlord agrees to construct a clear span structural system with no columns within the Leased Premises.

- All entrances to be at street or walkway level per federal, state and local handicapped accessibility codes including all applicable clear space, radius landings, railings, and required door hardware.
- New exterior glazing system including aluminum brake metal frames, glazing, and aluminum brake metal-framed glass door. Location and design per Tenant's construction documents. All exterior glass to be double pane, 1" insulated, low "E" rated whether new or existing. In Florida, wind resistant glass must be used.
- Parking lot with adequate parking per all applicable codes for a restaurant occupancy (minimum 80 spaces).
- Dumpster enclosure per Tenant's construction documents and all applicable codes. If an existing common use dumpster is all that is available then the enclosure must accommodate a dedicated 10yd dumpster or 6yd trash and 6yd recycle.

DEMOLITION, FLOORS, & CEILINGS

- Provide broom clean floor with all interior partition walls, fixtures, floor finishes, ceiling system including soffits, plumbing lines, mechanical ductwork, electrical fixtures and conduits, wiring, and all other debris removed except sprinkler piping system.
- Concrete Slab and Floor Requirements: Min live load of 100 PSF. Floor area must be level within 1/8" per 12'-0", with a maximum difference between high and low points of 1/4". In first generation spaces, a slab leave out is acceptable with a \$12/ sq ft allowance provided by Landlord.
- All asbestos and other hazardous materials removed and properly disposed of by a licensed asbestos/hazardous material removal company. All asbestos and other hazardous materials to be removed from the Leased Premises and any other location where Tenant's work will be performed. Landlord to certify that the Leased Premises are free of any asbestos or other hazardous material.
- Prior tenant's improvements and fixtures to be removed in their entirety.

