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A FFILIATES

March 9, 2021

Margaret Wilson
Senior Assistant City Attorney
City of Scottsdale
3939 Drinkwater Boulevard
Scottsdale, Arizona 85251

RE: Contract No. 2020-138-COS

Margaret:

This letter is designed to provide the mutually-agreed upon Development Review Board Hearing Determination Letter trigger date and to seek your consent to our proposed solution related to uncertainty about the dedication of the Civic Use Site.

The Public Infrastructure Reimbursement Development Agreement (Contract No. 2020-138-COS/MCR 20200918117) sets forth a timeframe to complete dedication of the Civic Use Site to the City. The provision reads:

“In a location mutually acceptable to Axon and City located within the southwest portion of the Property identified in Exhibit “E”, Axon shall dedicate to City an approximately 4.5 acre site, not to exceed 6 acres, to accommodate civic uses, such as a fire station, a water treatment/distribution facility, and potentially a City of Scottsdale command center for civic events. *The dedication of the Civic Use Site shall occur via deed, plat or similar mutually-acceptable instrument no later than one-hundred twenty (120) days following the City of Scottsdale’s issuance of a Development Review Board hearing date determination letter for the initial building’s site plan and elevations included preliminarily as Exhibit “F” and Exhibit “G”, unless both Parties agree to extend this timeframe.* The City will construct any facilities it may require on the Site. City shall reimburse Axon for its dedication (at a price per square foot equal to that paid by Axon at the ASLD Auction) within thirty (30) days of both (a) the dedication and (b) meeting the Milestone defined in paragraph 3.19. Any extension under this provision shall not constitute an extension pursuant to paragraph 13.” *[emphasis added]*

This deadline date for the dedication of the Civic Use Site is triggered by a Development Review Board Hearing Date Determination Letter, which has not been issued in this case.

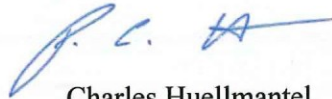
[SIGNATURE PAGE TO FOLLOW]

Based on our discussions, we mutually agree that this letter will set the Development Review Board Hearing Date Determination Letter date that begins the trigger for dedication of the Civic Use Site in the Agreement. Accordingly, the date this letter is fully executed by both the City and Axon will start the 120-day timeframe set forth in Section 8 of the Agreement.

Prior to the dedication of the site, AXON agrees to work with the City to provide for site access for city staff and consultants to allow the design of the water site as a part of the Civic Use Site.

If you have any questions or would like to discuss further, please feel free to contact me at (480) 921-2800 or via e-mail at charles@huellmantel.com.

Sincerely,





Charles Huellmantel

AGREED TO AND ACCEPTED BY:

CITY:
CITY OF SCOTTSDALE,
an Arizona Municipal Corporation

AXON:
AXON ENTERPRISE, INC.,
a Delaware corporation

By: 
Its: Alan J. Dore
Date: 3/10/21

By: 
Its: General Counsel, EVP
Date: March 9, 2021