Date: March 6, 2025
To: Bryan Pack
From: Mike Scott
Re: Grandstand Memorandum of Understanding for PGA and LPGA at BDR

I would like to replace #1, #2, and #3 in the proposed Memorandum of Understanding that Black Desert Resort prepared with numbers 1 through 7 below. My changes clarify what the MOU is specifically addressing, simplifies the agreement, separates topics clearly, and provide protections for both BDR and the City (for example, my #3 extension of deadlines protects BDR more than any of the wording in their proposed MOU).

Although my proposed changes are more specific and limiting on timing and structure height, I believe I have written in the flexibility BDR needs for those items should they be problematic.

1. **Applicability**: This Agreement applies to the grandstand located between holes 16 and 17 and to any other grandstand or viewing platform constructed within 350 feet of any Ivins residence. All terms and conditions outlined below shall apply to these structures to minimize impacts on nearby residents.
2. **Grandstand Construction, Use, and Removal Timing**: Black Desert agrees to limit the total duration of construction, use, and removal of grandstands to: 90 days total for the PGA Championship and 60 days total for the LPGA Championship.
3. **Extension of Deadlines**: If delays occur due to unforeseen circumstances or city inspection delays, reasonable extensions may be granted with the approval of the Ivins City Manager. Such extensions shall not be unreasonably withheld if BDR demonstrates a good-faith effort to meet the agreed-upon schedule.
4. **Construction and Removal Priority**: To minimize the impact on nearby residents, Black Desert will schedule construction of that Grandstand near the end of the overall grandstand construction process and will prioritize its removal early in the disassembly process.
5. **Time of Day for Construction and Removal of Grandstand:** Construction and removal will take place Monday - Saturday, 8:00 A.M. to dusk, subject to weather conditions and required inspections.
6. **Grandstand Height Restrictions**: The grandstand for the PGA Championship shall be a maximum 2 stories, 25 feet, unless a greater height (up to 35 feet) is required by the PGA. Any request to exceed 25 feet must be justified based on specific PGA requirements and reviewed in consultation with an Ivins City representative before approval. The grandstand for the LPGA Championship shall be a maximum 1 story, 15 feet, unless a greater height is required by the LPGA under similar conditions.
7. **Grandstand Footprint Adjustments:** Black Desert may propose adjustments to the footprint of the Grandstand within the approved height limits to meet engineering and PGA/LPGA requirements. Any such adjustments are subject to review and approval by the Ivins City Manager to ensure compliance with city regulations and to minimize impacts on nearby residents.