

**ELECTION TO PROCEED, RELEASE, INDEMNIFICATION AND HOLD HARMLESS
IN CONNECTION WITH VIRTUAL OR CMT QUASI-JUDICIAL HEARING(S)**

The undersigned Applicant/Property Owner ("**Applicant/Property Owner**") hereby acknowledge(s) and agree(s) to the following in favor of the City of Tampa ("**City**"):

1. **Background Information.** The Applicant/Property Owner agree(s) and acknowledge(s):
 - (a) The Applicant/Property Owner have applied for a _____ from the City of Tampa (the "**City**") under City Application or File No. _____ for property located at _____ in the City of Tampa, Florida (the "**Application**"). The Application requires one or more quasi-judicial hearings before Tampa City Council ("**Hearing(s)**").
 - (b) Because of health concerns related to the COVID-19 pandemic, Tampa City Council cancelled all in-person City Council meetings effective July 21, 2020 through October 1, 2020. However, City Council also declared that persons may elect to proceed with quasi-judicial hearings utilizing virtual technology (through video-conferencing), which is defined as "communications media technology" or "**CMT**" by Florida Statutes.
 - (c) The Applicant/Property Owner, however, have been advised that the conduct of the Hearing(s) in this manner with the use of CMT may or may not be consistent with federal and/or state law concerning the notice and/or procedure required to be utilized in the conduct of quasi-judicial hearings.

2. **Election to Proceed & Assumption of Risk.**
 - (a) Notwithstanding the potential notice and/or procedural errors that may occur from the holding of the Hearing(s) with the use of CMT, the Applicant/Property Owner knowingly and willingly elect(s) to proceed with the Hearing(s) with the use of CMT.
 - (b) Applicant/Property Owner also expressly assume(s) any and all risks that the decisions or orders of Tampa City Council on the Application may be subject to legal challenge or being overturned by a court of competent jurisdiction based on the notice or procedure used in connection with the Hearing(s) on the Application with the use of CMT.

3. **Release & Waiver.** Applicant/Property Owner expressly release, waive, covenant not to sue or challenge, the City in connection with any and all claims, suits, appeals, damages, and costs (including, without limitation, court costs and attorney's fees), based on or arising from the notice, procedure and/or conduct of the Hearing(s) on the Application virtually with the use of CMT.

4. **Indemnification/Hold Harmless.** Applicant/Property Owner hereby agree(s) to indemnify and hold harmless the City against any and all claims, suits, appeals, damages, and costs (including, without limitation, court costs and attorney's fees), based on or arising from the notice, procedure and/or conduct of the Hearing(s) on the Application virtually with the use of CMT.

5. **General Provisions.** The Applicant/Property Owner also agree(s) as follows:
 - (a) The terms of this instrument are severable, such that the invalidation of any provision

in this instrument by a court of competent jurisdiction will not affect any other provision, which will remain in full force and effect.

- (b) The undersigned person(s) confirm that they are duly authorized to execute this instrument on behalf of the Applicant/Property Owner.
- (c) The section or paragraph headings are for convenience, only, and shall not be construed as limiting or defining the contents contained in each paragraph or section.
- (d) The Applicant/Property Owner may sign and transmit an electronic signature and electronic notarization of this document (whether by facsimile, PDF, or other email transmission), which signature and notarization shall be binding and have the same effect as an original signature. This document may also be executed in counterparts.

EXECUTED ON THIS __ DAY OF _____, 2020, BY THE APPLICANT/PROPERTY OWNER:

APPLICANT:

PROPERTY OWNER:

Name: _____
(Print or Type Name)

Name: _____
(Print or Type Name)

STATE OF FLORIDA
COUNTY OF _____

THE FOREGOING INSTRUMENT was acknowledge before me, by means of physical presence or online notarization, on this __, day of _____, 2020 by, _____ who is/are personally known to me or who has/have produced _____ as identification

[AFFIX NOTARY SEAL/STAMP]

Print Name: _____
Notary Public, State of Florida