

EXHIBIT A

Acknowledgment and Waiver of Rights: City of Atlantic Beach CMT Hearings

I, the undersigned Applicant or Authorized Agent, and Property Owner, hereby acknowledge and agree that:

- 1) Applicant and/or Property Owner has the option of deferring their case to be heard at a future date under established non-emergency procedures.
- 2) Applicant and/or Property Owner knowingly and willingly chooses to proceed to hearing under the Communications Media Technology (CMT) Quasi-Judicial Hearing Procedures for the City of Atlantic Beach.
- 3) CMT procedures are held only during a declared State of Emergency by the Governor. Such procedures may or may not comply with Florida Statutes or case law governing Quasi-Judicial, Legislative, or Administrative Hearings. CMT procedures must comply with Section 120.54(5)(b)(2), Fla. Stats.
- 4) An opportunity for persons to speak on each agenda item or case will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence by adversely affected parties, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you do not wish to be either cross-examined or sworn, your testimony will be given its due weight under Florida law. Adversely affected parties will be permitted to cross-examine witnesses and parties. However, the public may request the Board Chair or moderator to ask questions of parties or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization.
- 5) Presentation materials, documents, witness lists, photographs, exhibits and any other documentary evidence must be provided to the City Clerk's Office if the quasi-judicial meeting is occurring before the City Commission, or to the Community Development Board's Staff Secretary if the quasi-judicial meeting is occurring before the Community Development Board, no later than three (3) business days prior to the meeting to provide all applicants, staff, board members, attorneys and adversely affected parties to have the same information prior to the start of the meeting or quasi-judicial hearing.
- 6) "Adversely Affected Person" is defined in the City of Atlantic Beach Land Development Regulations as a person who is suffering or will suffer an adverse effect to an interest protected or furthered by these land development regulations or the City of Atlantic Beach Comprehensive Plan. The alleged adverse effect may be shared in common with other members of the community but must exceed in degree the general interest in community good shared by all persons in the community.
- 7) Decisions and Orders of any board or commission may be subject to challenge by private parties, government agencies, and adversely affected persons. Further, such Orders or Decisions are subject to be overturned by a court of competent jurisdiction. Applicant and/or Property Owner agree to indemnify and hold harmless the City of Atlantic Beach, its boards and commission, staff, and appointed and elected officials, for any and all claims arising out of Applicant and/or Property Owner's decision to proceed to hearing utilizing CMT procedures. Applicant and/or Property Owner agree to pay all reasonable attorneys' fees and costs incurred by the City in defending the decision or order of the board or commission utilizing CMT procedures related to your hearing.
- 8) Applicant and/or Property Owner fully understand the risks and costs of litigation and have independently assessed these risks and costs and choose to proceed with hearing of the application utilizing CMT procedures.

EXHIBIT A

Applicant or Applicant’s Agent, who represents and warrants that (s)he is authorized by the Applicant to execute this Acknowledgement and Wavier of Rights by the Applicant, and Property Owner each further acknowledges that they have had an opportunity to consult with and be represented by counsel of their choosing and is advised to do so. Each of the undersigned freely, without duress or coercion, and based on their own independent judgment wish to proceed with hearing of their application utilizing CMT hearing procedures.

PROPERTY OWNER

SIGNATURE: _____

NAME: _____

STATE OF FLORIDA
COUNTY OF DUVAL

I HEREBY CERTIFY that on this day, personally appeared before me, by means of [] physical presence or [] online notarization, _____, who is personally known to me or who has produced _____ as identification, who is the person described in and who executed the foregoing instrument and who acknowledged before me that he/she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this _____ day of _____, 2020.

Notary Public, State of Florida

APPLICANT OR APPLICANT’S AUTHORIZED AGENT

SIGNATURE: _____

NAME: _____

STATE OF FLORIDA
COUNTY OF DUVAL

I HEREBY CERTIFY that on this day, personally appeared before me, by means of [] physical presence or [] online notarization, _____, who is personally known to me or who has produced _____ as identification, who is the person described in and who executed the foregoing instrument and who acknowledged before me that he/she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this _____ day of _____, 2020.

Notary Public, State of Florida