HOLD HARMLESS LETTER

WHEREAS, Alexander Guerrero the "Owner"), is the owner of the property legally described in Exhibit A, and located at 3100 North Bay Road Miami Beach, FL 33140 in the City of Miami Beach, Florida (the "Property"); and

WHEREAS, the Owner has submitted an application for approval from the Planning Board (the "Board") pursuant to File No. DRB23-0973 (the "Application"); and

WHEREAS, on March 12, 2020, the City Manager declared a State of Emergency for the City of Miami Beach, as COVID-19 poses a health risk to the City's residents, particularly elderly residents and those who are immunosuppressed or otherwise have high risk of medical conditions, and the findings of which are hereby incorporated by reference (the "State of Emergency"); and

WHEREAS, in response to the threats posed by COVID-19 to the health, safety and welfare of the City's residents, since March 12, 2020, the City Manager has imposed a number of temporary emergency measures to limit the inflow of leisure guests to the City and require the closure of, and limit crowds in, public facilities, public property, and places of public assemblage, as well as other restrictions on travel and gatherings of any number of people, including imposition of a general curfew throughout the City, in order to reduce community spread, relieve pressure on hospitals and healthcare personnel, protect workers, and maintain social order; and

WHEREAS, on March 20, 2020, Governor Ron DeSantis issued Executive Order 20-69, (i) suspending any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place, and (ii) permitting local government bodies to utilize communications media technology, such as telephonic and video conferencing, as provided in section 120.54(5)(b)2., Florida Statutes; and

WHEREAS, Section 120.54(5)(b)2., Florida Statutes, defines "communications media technology" as "the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available"; and

WHEREAS, public and private gatherings during this State of Emergency, such as at local government meetings, pose a risk to the health, safety, and welfare of the people of the City of Miami Beach; and

WHEREAS, Chapter 2 of the City Code, at Article VIII, establishes procedural

requirements for the conduct of quasi-judicial hearings, all of which may be observed during meetings conducted using communications media technology; and

WHEREAS, the City of Miami Beach (the "City") intends to make available communication media technology facilities at a physical location for applicants and members of the public who do not otherwise have access to a computer; and

WHEREAS, the City will accept written comments from the public at the physical location where communications media technology facilities are made available; and the City has additionally provided a means to submit comments electronically, all of which will become part of the public record; and

WHEREAS, social distancing guidelines imposed or recommended in order to curb the spread of COVID-19 will likely remain in place for an indefinite period of time; and

WHEREAS, until such guidelines are revised or lifted, the City has elected to provide applicants with a voluntary opportunity to present quasi-judicial applications filed pursuant to the Land Development Regulations, using communications media technology, so long as a physical location is provided for applicants and members of the public who do not have access to a computer.

NOW THEREFORE; in consideration of the above premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner hereby agrees as follows:

1. Owner, for itself, its heirs, personal representatives, successors, and assigns voluntarily agrees to release, waive, discharge, relinquish, indemnify, and hold harmless the City of Miami Beach, Florida, from and against all claims, suits, causes of action, liability, damages, or losses, including the costs of any suits, attorney's fees, and other expenses in connection therewith, including trial and appeals therefrom, any of which may arise out of, or in connection with, the following: (i) Owner's voluntary decision to present the Application to the Board using communications media technology pursuant to Executive Order 20-69, as may be amended; (ii) the Board's use of communications media technology to approve, approve with conditions, deny, or continue the Application (including, without limitation, a procedural due process claim, claim of defective notice, or any other claim arising from the format, legal sufficiency, or technological specifications of the communications media technology used to conduct the Board meeting); (iii) the inability of the Board to conduct an in-person meeting while social distancing guidelines remain in place; or (iv) any third-party claim, challenge, appeal, or other suit arising from any of the events described in subsections (i) through (iii) (the "Covered Events").

2. Owner specifically understands that Owner hereby releases, discharges, and waives any claims or actions that Owner may have presently or in the future arising out of the Covered Events. Owner hereby agrees that under no circumstances will Owner, or anyone claiming through Owner, prosecute or present any claims against the City of Miami Beach, Florida, arising out of, or in connection with, the Covered Events.

3. The individual signing below represents that he or she has authority to bind the Owner, as set forth herein.

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

_____ _____

City Attorney Date

_____ _____

City Planning Director Date

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the Owner does hereunto set its hand and seal this 17th day of October 2023

Witnesses:

Signature

Yury Morejon
Print Name

Signature

Laszlo Fazekas
Print Name

3100 NORTH BAY ROAD LLC
(Name of Limited Liability Company)

Signature (owner or authorized representative)

By Alexander Guerrero
Print Name/Title

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me, Alexander Guerrero by means of physical presence

physical presence or _____ online notarization, sworn to (or affirmed) and subscribed before me, this 17th day of October, 2023

Notary seal or stamp -
My commission expires:

YURY MOREJON
Notary Public - State of Florida
Commission # HH 114626
My Comm. Expires Apr 6, 2025
Bonded through National Notary Assn.

Yury Morejon
Notary public print name

Notary public signature