

**BREVARD COUNTY
PLANNING AND DEVELOPMENT DEPARTMENT
OWNER/ APPLICANT ACKNOWLEDGMENT AND WAIVER AGREEMENT**

Owner/Applicant: 4090 Aurora Pines LLC

Property Address: 4090 Aurora Rd. Melbourne, FL. 32934

Tax Account: 2702879

Future Land Use Request: _____

Zoning Hearing Date: _____

1. Owner/ Applicant hereby acknowledges the recent amendment by Chapter 2021-195, Laws of Florida, to add Section 163.3177(6)(i), Florida Statutes, in order to require Brevard County to adopt and to include a property rights element in the Brevard County Comprehensive Plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021 or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes.
2. Owner/ Applicant further acknowledges that Owner/Applicant has requested a Small Scale Comprehensive Plan Amendment for the above-described property and that Owner/ Applicant understands that as of the date of the Zoning Hearing listed above, Brevard County has not adopted a property rights element pursuant to Section 163.3177(6)(i), Florida Statutes.
3. At this time and being fully apprised of the fact Brevard County has not adopted a property rights element, Owner/Applicant still desires to proceed forward with Owner/Applicant's application and requests that the Brevard County Board of County Commissioners hear and make a decision regarding Owner/Applicant's application for a Small Scale Comprehensive Plan Amendment for the above-described property and by signing this Acknowledgement and Waiver Agreement hereby agrees to the following:

Owner/Applicant has requested the adoption of the above Small Scale Comprehensive Plan Amendment for the above-described property and hereby voluntarily assumes all risk of the same and releases, covenants not to sue, discharges, indemnifies and holds harmless Brevard County, Florida, its officers, employees, representatives, agents and assigns, of and from any and all claims, including all liabilities, actions, damages costs or expenses of any kind arising out of or relating to the Owner/Applicant's requested Small Scale Comprehensive Plan Amendment and further agrees to defend Brevard County in any legal challenge, including any trial and/or appeal, relating to or out of the Owner/Applicant's application and/or Brevard County's adoption of the Owner/Applicant's Small Scale Comprehensive Plan Amendment and Owner/Applicant agrees to pay any costs or

fees incurred by Brevard County as a result of any legal challenge, including trial and/or appeal, for the Owner/Applicant's Small Scale Comprehensive Plan Amendment.

I represent and warrant that I have carefully read and fully understand all of the provisions of this Acknowledgment and Waiver Agreement and hereby voluntarily assume the risk and execute this Acknowledgement and Waiver Agreement on the date contained below.

Owner/Applicant Signature: 

Owner/Applicant Printed Name: Michael Gray

Date: 07/31/2021

Tina Scarisbrick  07/31/2021

Scott Schuetz  07/31/2021