

# BAL HARBOUR

- V I L L A G E -

## Phased Permit Hold Harmless

Job Address:		Unit No.
Issued Permit Number:	Folio:	
Date Received:	Building Official Signature and Date of Acceptance:	

**WHEREAS**, \_\_\_\_\_ (Property Owner), in accordance with the Florida Building Code, 2017 ed., Section 105.13 entitled "Phased Permit Approval", wishes to commence construction at \_\_\_\_\_, hereinafter "the Project"; and Address

**WHEREAS**, the Building Official is willing to issue approval to start work before the permit issuance (the "Approval"), subject to the Written Procedures governing the work, the receipt of which is hereby acknowledged by the Owner and Contractor; and

**WHEREAS**, a National Pollutant and Discharge Elimination System (NPDES) permit may be required. Storm water, erosion and sediment control during construction, demolition, or related activities that impact one-half (1/2) acre or more, shall be in accordance with the Village's Municipal Separate Storm Sewer System (MS4) permit; and

**WHEREAS**, separate permits from the Village of Bal Harbour Public Works Department are required prior to work in the public right of way and in easements dedicated to the Village; and

**NOW THEREFORE**, in consideration of the above premises, and other good and valuable consideration, the receipt and sufficiency of which is acknowledge, Owner hereby agrees as follows:

1. In accordance with the Florida Building Code, 2017 ed., Sec. 105.13, Owner agrees to indemnify and hold harmless and release and discharge the Village of Bal Harbour (hereinafter "Village"), including its employees, from any and all liability arising out of, or in connection with the issuance of said Phased Permit.
2. Owner agrees that this Approval shall proceed at the holder's own risk with the building operation and without any assurance that a building permit for the structure will be granted. Owner further agrees that corrections may be required at the time of the issuance of the building permit to meet the requirements of the technical codes as well as the Land Development Regulations of the Village Code.
3. Owner agrees that if any structural demolition occurs on the Property, the Approval shall be automatically revoked by the Building Official without further notice to the Property Owner and Contractor and all construction shall immediately stop.
4. Owner agrees that if construction occurs on or over public property or a Village easement, all encroachments shall be demolished, with proper permits, prior to the building permit being issued for the entire structure.
5. Owner agrees that the Approval does not imply review of or compliance with the Florida Fire Prevention Code and that any work requiring a Fire Permit is not included in this Approval and therefore cannot commence without said permit. Any required Fire Permit cannot be issued without an approved design document as prescribed in Florida Statutes.
6. The obligations of the Owner under this Agreement shall become operative and effective only upon the issuance to Owner of an Approval for construction.
7. Owner acknowledges that the acceptance of the Approval is a complete waiver and estoppel as to any rights, real, apparent or otherwise, to challenge the validity of any conditions hereof.
8. Owner acknowledges that any construction activity in violation of the above may require correction or removal to come into compliance with Village Code and other applicable laws and regulations, at no cost to the Village.

**IN WITNESS, WHEREOF**, \_\_\_\_\_ and \_\_\_\_\_ do hereunto set their hand and seal on date and year as indicated below

**SIGNATURE PAGE FOLLOWS**

**SIGNATURE PAGE**

\_\_\_\_\_  
**Printed Name of Owner**

\_\_\_\_\_  
**Owners Signature**

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

Sworn and Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ ,  
20\_\_\_\_\_. By \_\_\_\_\_ who  
 is personally known, or  produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Florida

\_\_\_\_\_  
**Printed Name of Contractor**

\_\_\_\_\_  
**Contractor's Signature**

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

Sworn and Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ ,  
20\_\_\_\_\_. By \_\_\_\_\_ who  
 is personally known, or  produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Florida