

City of Concord Limitations on City's Liability and Certifications, Assurances and Warranties

(Must be completed by all applicants)

a. WAIVER AND RELEASE OF LIABILITY AND AGREEMENT TO INDEMNIFY THE CITY OF CONCORD

The applicant and all owners, operators, and agents hereby waive and release the City from any and all liability for monetary damages related to or arising from the application submittal, the issuance of the a license or permit, or the enforcement of the conditions. The applicant certifies that under no circumstances shall the applicant cause any cause of action for monetary damages against the City of Concord, the permitting official or any City employee or agent as a result of this application, the issuance or the enforcement of the conditions of the license or permit.

b. RELEASE CITY OF CONCORD FROM LIABILITY FOR ISSUING THE APPLICANT A LICENSE OR PERMIT

By applying for license or permit pursuant to the City of Concord City of Concord Commercial Cannabis Business Competitive Selection Application program and by accepting a license or permit from the City of Concord Administrative Offices acting as the City of Concord Local Permitting Authority, the applicant/permittee, owners and operators, agents, and each of them, waives and releases City of Concord, and its elected officials, employees, agents, insurers and attorneys, and each of them, from any liability for injuries, damages, costs and expenses of any nature whatsoever that result or relate to the investigation, arrest or prosecution of business owners, operators, employees; clients or customers of the applicant/permittee for a violation of state or federal laws, rules or regulations relating to cannabis activities. The applicant is aware of the statutory language of Civil Code Section 1542, which reads as follows, and expressly elects to waive the benefits of any and all rights any of them may have pursuant to this section:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

c. AGREEMENT TO INDEMNIFY CITY OF CONCORD

By applying for a license or permit pursuant to the City of Concord City of Concord Commercial Cannabis Business Competitive Selection Application program and by accepting a license or permit from the City of Concord Administrative Offices acting as the City of Concord Local Permitting Authority, the applicant/permittee, owners and operators, and each of them, jointly and severally if more than one, agrees to indemnify, defend and hold harmless City of Concord, and its elected officials, employees, agents, insurers and attorneys, and each of them, against all liability, claims and demands, of any nature whatsoever, including, but not limited to, those arising from bodily injury, sickness, disease, death, property loss and property damage, arising out of or in any manner related to the operation of the commercial cannabis business that is the subject of the license or permit,

except as such liability is caused by the active negligence, sole negligence or willful misconduct of City, its officers, officials, agents and employees.

d. CERTIFICATION OF LIVE SCAN/BACKGROUND CHECK

The applicant, commercial cannabis business manager, and anyone with an ownership interest in the business referenced herein represents and certifies they have submitted to a background check and/or background check no earlier than 45 days prior to the date of this application.

e. PERMIT RENEWAL CERTIFICATION

For renewals, the applicant represents and certifies that they continue to hold in good standing any permit/license required by the State of California where applicable for a commercial cannabis business operation.

f. PROSECUTION UNDER FEDERAL LAW

The applicant understands that operators, employees and members of the commercial cannabis business may be subject to prosecution under Federal Laws.

g. AUTHORIZED TO SIGN

The person whose signature appears below is authorized to sign this application on behalf of the business and has submitted this information and all attachments as required by the application process to obtain a commercial cannabis permit from the City of Concord.

I declare under penalty of perjury that the information provided on this form is true and correct and do hereby apply for a permit pursuant to City of Concord Municipal Code Chapter 5.80 and all other applicable sections of this Ordinance.

Applicant Signature

Printed Name and Title

Date

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

City of _____

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20____, by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(Seal) Signature _____