

Exhibit A

LETTER OF NO OBJECTION AND AUTHORIZATION OF OWNER

I, James V. Chisholm, as City Manager of The City of Daytona Beach, a Florida municipal corporation (the "City"), hereby state on behalf of the City, as fee simple owner of Parcel No. 5304-01-02-0090 (hereinafter the "Property"), that, *subject to the conditions below*: (i) The City shall join in the application of Avista Properties VII, LLC ("Avista"), the contract purchaser of City Property approved for sale pursuant to City Resolution No. 17-407, for the vacation of the northerly one-half (1/2) of Harvey Avenue right-of-way lying east of Ocean Avenue; and (ii) The City as the adjacent real property owner of the northern edge of the Harvey Avenue right-of-way agrees to and authorizes Avista Properties, LLC to request the vacation of said right-of-way and to appear before the County of Volusia at public hearing to accomplish same.

The conditions of this letter and authorization are as follows:

a) Avista must obtain City approval of a Planned District ("PD") rezoning for the development of a mixed use hotel project for the properties above, consistent with Avista's response to City Request for Proposals ("RFP") No. 0217-2150, including the extension of the public boardwalk from the south end of Breaker's Oceanfront Park southward along the entire ocean frontage of Avista's project, within the deadline provided in the real property purchase and sale agreement as approved by City Resolution No. 17-407, as it may be amended from time to time.

b) Avista, its successors or assigns, shall obtain a building permit within 18 months after the effective date of the PD agreement to be entered into with the City pursuant to the PD zoning approval referenced above to construct all of the improvements contemplated therein and the same shall be approved by the City and open for business no later than five (5) years from the effective date of the PD.

c) That Avista, its successors or assigns, after the City's approval of the PD rezoning, shall, as required by the County of Volusia, improve the remainder of the Harvey Avenue beach approach.

d) That if Avista fails to complete the requirements and deadlines set out herein or established by the County, the County shall have the right to require Avista to re-convey the portion of the Harvey Avenue beach approach being vacated, back to public ownership for use as public right-of-way/beach approach.

THE CITY OF DAYTONA BEACH

By: _____
James V. Chisholm, City Manager

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by James V. Chisholm, as City Manager of the City of Daytona Beach, a Florida municipal corporation, who is [] personally known to me or [] who has produced _____ as identification and who did not take an oath.

NOTARY PUBLIC