ADD2013-00180 Lee County ePlan

February 6, 2014

DeLisi Fitzgerald, Inc.
Planning – Engineering – Project Management

Tony Palermo
1500 Monroe Street
P.O. Box 398
Fort Myers, Fl. 33902-0398

RECEIVED
FEB 06 2014
COMMUNITY DEVELOPMENT

Re: Red Roof Inn Lot Split
ADD2013-00180

To Whom It May Concern:

In response to correspondence received on January 2, 2014 in regard to the above referenced project, please find the following responses in order as received:

LEGAL

Comment 1
Legal and sketch of overall parcel.
Legal and sketch of each individual parcel being split. Each legal and sealed sketch must be identified as to which it belongs to.

Response 1
Please see attached legal documents and sketches for each parcel and the parent tract.

In addition, please see attached revised boundary survey updated with current title.

DEVELOPMENT SERVICES

Comment 1
The proposed lot split would result in one of the new parcels not having sufficient parking. No parking agreement has been provided as a part of this submittal. Staff cannot approve a lot split that would result in insufficient parking on one of the lots.

Response 1
Please see attached draft parking agreement.

ENVIRONMENTAL

Comment 1
Please provide a separate open space diagram.

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Response 1
Please see attached open space diagram as part of the revised site plan.
Comment 2
Please revise the site plan to label the 50' natural waterway buffer and revise the deviation request to ask for a reduced width as demonstrated on the site plan instead of simply requesting 10'. The minimum required would be as shown on the site plan which has a varying width.

Response 2
Please see attached revised site plan and deviation request.

In addition, please find updated title and an updated boundary survey for the existing property.

If you should require any additional information, please contact our office.

Sincerely,
DeLisi Fitzgerald, Inc.

Andrew D. Fitzgerald, P.E.
President

ADF/cw

Project No.: 21287

cc: Phil Fischler with attachments

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SKETCH AND DESCRIPTION
OF A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

(PARENT PARCEL)

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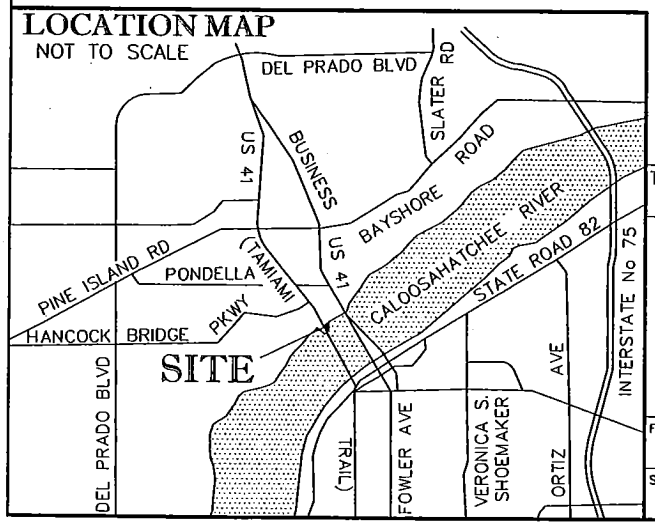
BY: _____
DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

DATE SIGNED: 1/13/14



*** THIS IS NOT A SURVEY ***

*** SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION ***

TITLE: **LEGAL DESCRIPTION**

METRON
SURVEYING & MAPPING
LAND SURVEYORS·PLANNERS
LB# 7071

10970 SOUTH CLEVELAND AVENUE, UNIT #605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
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11/21/13	BUD	1"= 120'	DJO	11-44-24

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BY: _____
DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

DATE SIGNED: 1/13/14

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LOCATION MAP
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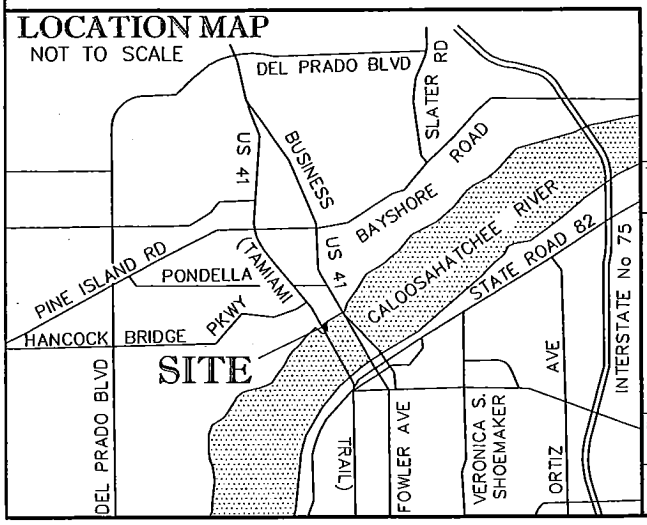

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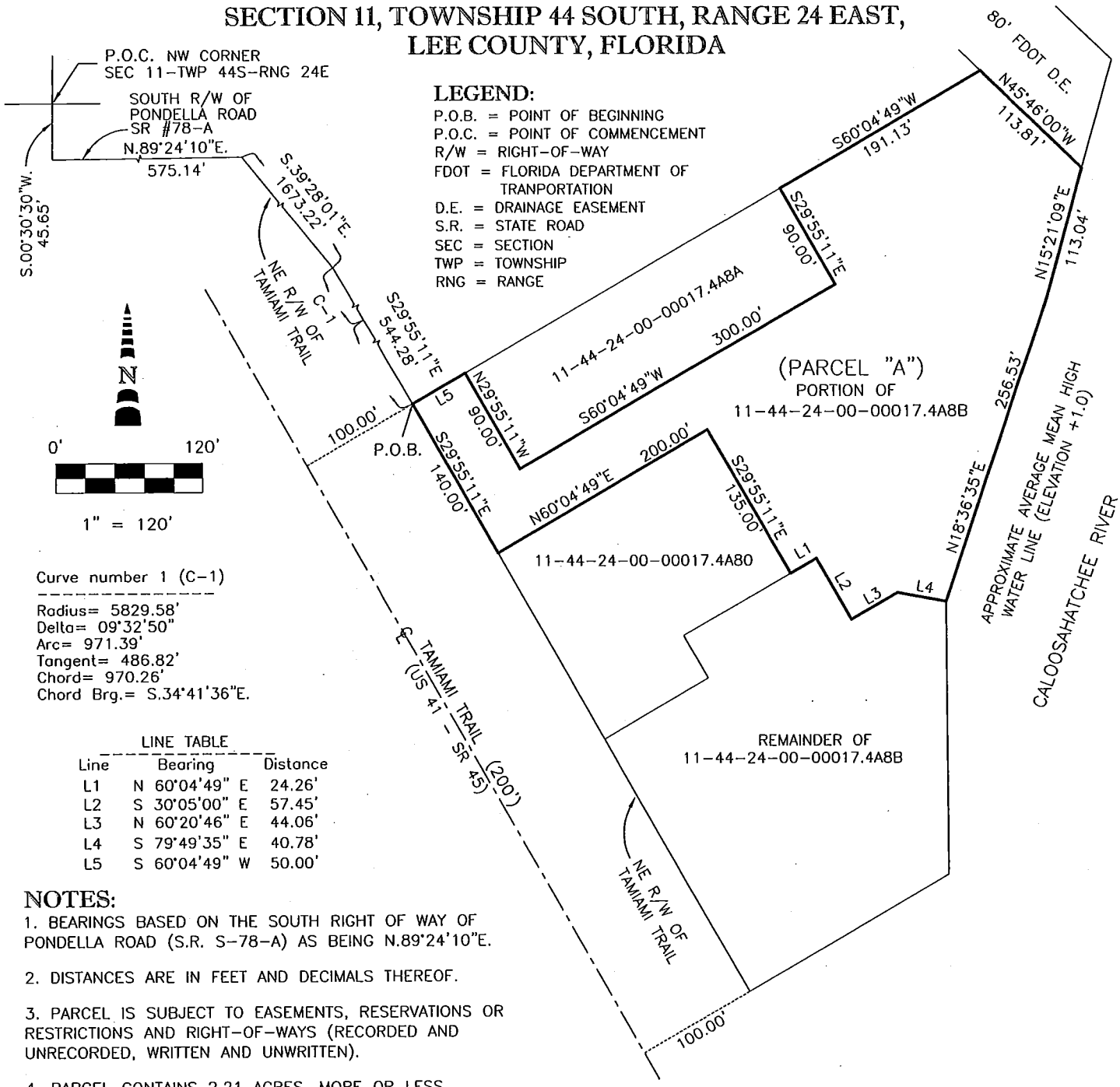

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LINE TABLE

Line	Bearing	Distance
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BY: _____
DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

DATE SIGNED: 1/13/14

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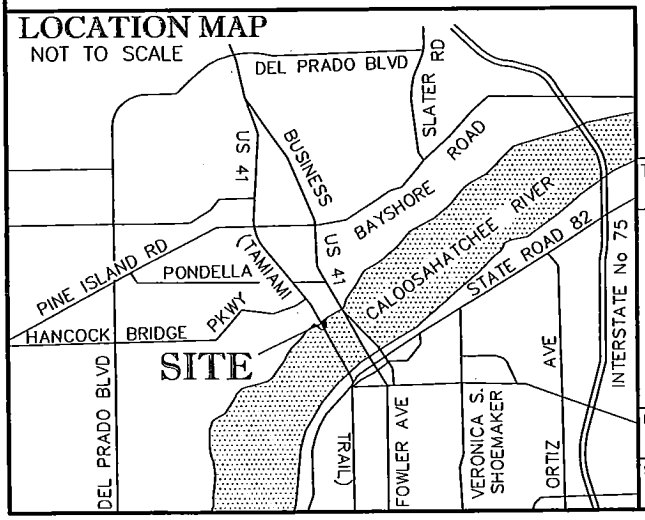

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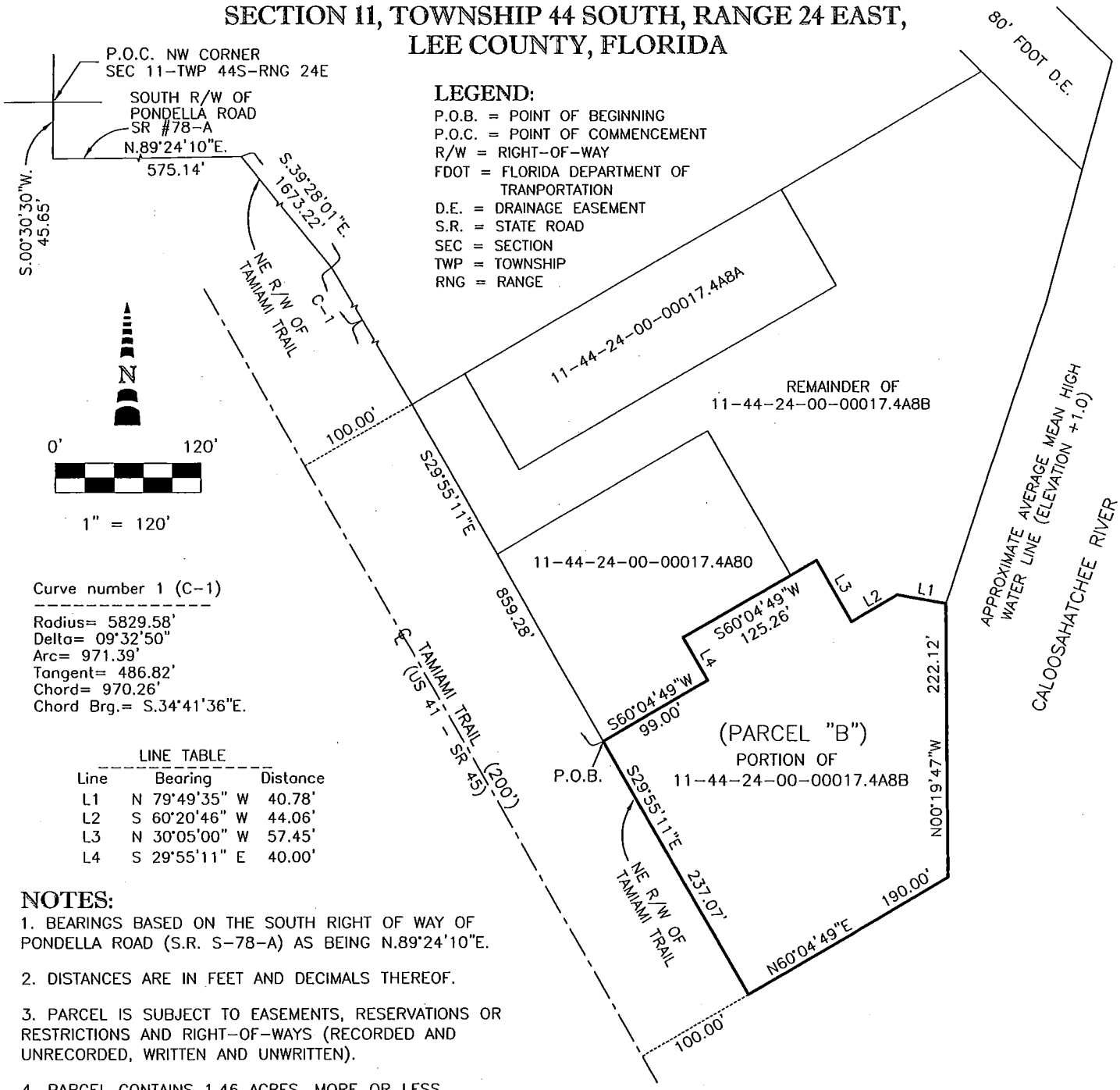

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DUNCAN &
ASSOCIATES, P.A.

FOXWORTHY PROFESSIONAL BUILDING
1601 JACKSON STREET, SUITE 101
FORT MYERS, FL 33901
POST OFFICE BOX 249
FORT MYERS, FLORIDA 33902-0249

TELEPHONE (239) 334-4574
FAX (239) 334-3378
EMAIL: info@duncanassociatesfl.com

GORDON R. DUNCAN

January 24, 2014

Board of County Commissioners, Lee County, Florida
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Title Opinion Letter for Shivam Sundaram Hotels LLC
Lot Split ADD2013-00180

Dear Chairperson:

The undersigned is counsel for **Shivam Sundaram Hotels LLC**, a Florida limited liability company ("Applicant") for the purpose of furnishing the following opinion, consistent with the provision of Florida Statutes, Section 177.041(2) for land as described in the application package of which this letter is a required part and described in Exhibit 1. The opinions below apply through 5:00 p.m. as of December 30, 2013.

The subject statute states in its entirety as follows:

(2) A title opinion of an attorney at law licensed in Florida or certification by an abstractor or title company showing that the record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication. The title opinion or certification shall also show all mortgages not satisfied or released of record nor otherwise terminated by law.

Wherefore, the undersigned states as follows:

1. **ATTORNEY:** That he is an attorney duly licensed by the Supreme Court of the State of Florida, License #258563 and that he is in good standing with the Florida Supreme Court and The Florida Bar as of the date of this letter opinion.

2. **TITLE:** The record title to the subject land (Exhibit 1) is in the name of Shivam Sundaram Hotels LLC, a Florida limited liability company, pursuant to that certain warranty deed from Dadaji, Inc. to Shivam Sundaram Hotels LLC, recorded on April 6, 2011 as Instruments #2011000082949 of the Public Records of Lee County, Florida. The undersigned has searched Lee County records through the date setforth in the first paragraph of this letter and is of

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the opinion that no subsequent conveyance of the land described in Exhibit 1 is of record.

3. **MORTGAGE(S):** Mortgage(s) not satisfied or released of record nor otherwise terminated by law and encumbering the land described on the subject plat consist only of the following mortgages and none other:

   A mortgage from Applicant to Stonegate Bank whose address is 1430 N. Federal Highway, Fort Lauderdale, Florida 33304, recorded on December 30, 2013 as Instrument #2013000288481 of the Public Records of Lee County, Florida.

4. **EASEMENTS:** The land described in Exhibit 1 is encumbered by the following easements:

   i. Agreement creating easements and other rights and restrictions between Caloosahatchee Hotel Associates and Suncoast Restaurant Associates, Inc. recorded in O.R. Book 1753, Page 678, and amended in O.R. Book 1806, Page 308, Public Records of Lee County, Florida.

   ii. Exclusive and perpetual Gravity Sewer Main Easement Grant to Florida Cities Water Company recorded in O.R. Book 1759, Page 1558, Public Records of Lee County, Florida.

   iii. Resolution of Board of County Commissioners of Lee County, Florida, number SLS-84-15, recorded In OR. Book 1789, Page 3473, Pubic Records of Lee County, Florida.

   iv. Right-of-way easement to Lee County Electric Cooperative Inc., recorded in O.R. Book 1799, Page 3899, Public Records of Lee County, Florida.

   v. Road right-of-way recorded in O.R. Book 1806, Page 304, Public Records of Lee County, Florida.

   vi. Easement for ingress and egress described in O.R. Book 1364, Page 1875 Public Records of Lee County, Florida.

   vii. A thirty (30') foot roadway easement contiguous to U.S. 41, recorded in O.R. Book 1092, Page 735, Public Records of Lee County, Florida.

   viii. An exclusive and perpetual water pipeline easement grant to Florida Cities Water Company recorded in O. R. Book 1759, Page 1571, Public Records of Lee County, Florida.

   ix. Easement contained in Instrument Number 2008000266464 recorded October 8, 2008, Public Records of Lee County, Florida.

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5. **AUTHORITY:** Supporting documentation, Exhibit 2 attached hereto and made a part hereof, provides that Karin Patil, as Manager of Shivam Sundaram Hotels LLC has the authority to execute this document on behalf of the company. It is the undersigned's opinion this empowerment is sufficient for the purpose intended.

6. **LEGAL DESCRIPTION:** The legal description, by metes and bounds, of the subject land is as shown on the attached Exhibit 1 and made a part hereof as if fully rewritten in this letter.

Respectfully,

Duncan & Associates, P.A.

By: _____
Gordon R. Duncan, Esquire

ADD2013-00180 Lee County ePlan

Exhibit 1

All that certain piece or parcel of land lying in government Lot 2 & 3 in Section 11, Township 44 South, Range 24 East, Lee County, Florida, which tract or parcel is described as follows:

Parcel One

From the Northwest corner of said fraction of a section; thence South 00° 30' 30" West along the west line of said section for 45.65 feet to a point of the South right of way line (40 feet from the centerline) of Pondella Road [State Road #S-78-A]; thence North 89° 24' 10" East along said South right of way line for 575.14 feet to a point on the Northeasterly right of way line (100 feet from the centerline) of the Tamiami Trail [State Road #45, Section 12010-2121]; thence South 39° 28' 01" East along said Northeasterly right of way line of said Tamiami Trail for 1,673.22 feet to the point of curvature of a curve to the right having a radius of 5,829.58 feet; thence southerly continuing along said Northeasterly right of way along the arc of said curve through a delta angle of 09° 32' 50" for 971.39 feet to the point of tangency; thence South 29° 55' 11" East for 544.28 feet to the Point of Beginning; thence continue along said right of way South 29° 55' 11" East for 140.0 feet; thence North 60° 04' 49" East for 200.0 feet; thence South 29° 55' 11" East for 135.0 feet; thence South 60° 04' 49" West for 101.0 feet; thence South 29° 55' 11" East for 40.0 feet; thence South 60° 04' 49" West for 99.0 feet; thence South 29° 55' 11" East along said right of way for 237.07 feet to a change in right of way width from 100 feet from centerline to 300 feet from centerline; thence North 60° 04' 49" East along said change in right of way width for 190 feet to the approximate average mean high waterline at elevation +1.00 mean sea level; thence along said approximate mean high water line North 00° 19' 47" 222.12 feet; thence North 18° 36' 35" East for 256.53 feet; thence North 15° 21' 09" East for 113.04 feet to the end of said mean high water line at the Southwesterly right of way of an 80 foot wide Florid Department of Transportation drainage easement; thence North 45° 46' West for 113.81 feet; thence South 60° 04' 49" West for 191.13 feet; thence South 29° 55' 11" East for 90.0 feet; thence South 60° 04' 49" West for 300.0 feet; thence North 29° 55' 11" West for 90.0 feet; thence South 60° 04' 49" West for 50 feet to the Point of Beginning.

Parcel Two

Non-exclusive easement for ingress and egress and utilities pursuant to Agreement recorded in O.R. Book 1753, Page 678 and Amendment to Agreement recorded in O.R. Book 1806, Page 308.

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Exhibit 2

ADD2013-00180 Lee County ePlan

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Detail by Entity Name

Florida Limited Liability Company

SHIVAM SUNDARAM HOTELS LLC

Filing Information

Document Number	L11000007738
FEI/EIN Number	274685287
Date Filed	01/19/2011
State	FL
Status	ACTIVE
Effective Date	01/18/2011
Last Event	LC AMENDMENT
Event Date Filed	08/19/2011
Event Effective Date	NONE

Principal Address

13000 NORTH CLEVELAND AVE
FORT MYERS, FL 33903

Changed: 04/08/2013

Mailing Address

13000 NORTH CLEVELAND AVE
FORT MYERS, FL 33901

Registered Agent Name & Address

PATIL, KIRAN
18014 LANAI ISLE DR
TAMPA, FL 33647

Name Changed: 03/20/2012

Address Changed: 03/20/2012

Authorized Person(s) Detail

Name & Address

Title MGR

PATEL, LAXMI
13000 NORTH CLEVELAND AVE
NORTH FORT MYERS, FL 33903

ADD2013-00180 Lee County ePlan

Title MGR

PATIL, KIRAN
18014 LANAI ISLE DR
TAMPA, FL 33647

Annual Reports

Report Year	Filed Date
2012	03/20/2012
2013	04/08/2013

Document Images

04/08/2013 -- ANNUAL REPORT	View image in PDF format
03/20/2012 -- ANNUAL REPORT	View image in PDF format
08/19/2011 -- LC Amendment	View image in PDF format
02/03/2011 -- CORACMMRES	View image in PDF format
02/03/2011 -- LC Amendment	View image in PDF format
01/19/2011 -- Florida Limited Liability	View image in PDF format

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State of Florida, Department of State

ADD2013-00180 Lee County ePlan
INSTR # 2013000288480, Doc Type AFF, Pages 3, Recorded 12/30/2013 at 03:52 PM, Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee $27.00 Deputy Clerk TKING

Prepared by and return to:
Gordon R. Duncan
Attorney at Law
Duncan & Associates, P.A.
1601 Jackson Street Suite 101
Fort Myers, FL 33901

File Number: **2013.431**
Will Call No.: **24**

[Space Above This Line For Recording Data]

AFFIDAVIT AND CERTIFICATE OF AUTHORITY

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, a duly commissioned Notary Public in and for the State and County aforesaid, personally appeared Tarun I. Patel and Laxmi Patel who, after being duly sworn as required by law, depose and say:

1. This affidavit is made on personal knowledge. **Shivam Sundaram Hotels LLC,** a Florida limited liability company (the "Company"), is currently in existence under valid Articles of Organization and a valid Operating Agreement. The Company has not been dissolved. The Articles of Organization and Operating Agreement provided to the lender described below have not been revoked or amended to prohibit the transaction described below.

2. The names of all of the members are as follows:

   A. Shri Shri LLC
   B. Laxmi Patel

3. The Company has procured a loan from **Stonegate Bank** in the amount of $1,200,000.00. The loan is to be secured by a mortgage on the real property described in Exhibit A. **Kiran Patil** as Manager of Shivam Sundaram Hotels LLC has been authorized pursuant to the terms of the Articles of Organization and the Operating Agreement to execute the note, mortgage and other loan documents, and all of the members and managers have consented to the loan.

4. Tarun I. Patel is the Manager of Shri Shri LLC.

5. The Company is not a debtor in a bankruptcy proceeding. No member is a debtor in a bankruptcy proceeding. If the Company is one of a family or group of related entities, none of the other entities in this family or group of entities is a debtor in bankruptcy.

IN WITNESS WHEREOF, I have executed this Certificate this 15 day of ~~December~~ November, 2013.

Witnesses:

sign

Gordon Duncan

print

sign Darlene M. Spinella

print

Tarun I. Patel

Witnesses:

sign

Gordon Duncan

print

sign Darlene M. Spinella

print

Laxmi Patel

The foregoing instrument was sworn to before me this 15 day of November, 2013, by Tarun I. Patel, who [X] is personally known to me or [ ] who produced drivers license as identification, and who did take an oath.

DARLENE M. SPINELLA
MY COMMISSION # EE 120139
EXPIRES: September 23, 2015
Bonded Thru Notary Public Underwriters

sign

print name Darlene M. Spinella

Notary Public

My Commission Expires: 9/23/15

The foregoing instrument was sworn to before me this 15 day of November, 2013, by Laxmi Patel, who [X] is personally known to me or [ ] who produced drivers license as identification, and who did take an oath.

sign

print name Darlene M. Spinella

Notary Public

My Commission Expires: 9/23/15

DARLENE M. SPINELLA
MY COMMISSION # EE 120139
EXPIRES: September 23, 2015
Bonded Thru Notary Public Underwriters

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EXHIBIT A

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Parcel Two

Non-exclusive easement for ingress and egress and utilities pursuant to Agreement recorded in O.R. Book 1753, Page 678 and Amendment to Agreement recorded in O.R. Book 1806, Page 308.

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DeLisi Fitzgerald, Inc.
Planning – Engineering – Project Management

Red Roof Inn Deviation Justification:

Request for Deviation: 5' Landscape Buffer (LDC Section 34-845)

The applicant requests a deviation from the requirement of a 5' landscape buffer along the proposed property line established by the lot split to allow for a 0' buffer. The proposed property line and location of the buffer would be interior to the parent tract and would not be visible to surrounding properties. No exterior impacts are anticipated.

Request for Deviation: 10' Accessory Side and Rear Building Setback (LDC Section 34-845)

The applicant requests a deviation from the requirement of a 10' side building setback along the proposed property line established by the lot split to allow for a 0' minimum side and rear setback. The proposed property line abuts an existing roofed two-story walkway that the motel patrons will continue to use. The proposed property line will not interfere with the function of this walkway and no impacts are anticipated.

Request for Deviation: Refuse and Solid Waste Facilities (LDC Section 10-261(a))

The applicant is requesting to have their refuse and solid waste facilities located on the newly created adjacent parcel where it is currently provided. An agreement between the two (2) property owners will be provided to address the solid waste location.

Request for Deviation: Off Street Parking and Loading Requirements (LDC Section 34-2020 (b))

The applicant is requesting to have a portion of their required parking located on the newly created adjacent parcel where it is currently located. There are no changes to the use therefore there are no additional parking spaces needed. An agreement between the two (2) property owners will be provided to address the shared parking.

Request for Deviation for buffer from Natural Waterway (LDC Section 10-416(d)(9))

The applicant is requesting to have the natural waterway buffer reduced from 50' to a width as demonstrated on the attached site plan to bring the existing buildings into compliance. There are no changes being proposed to the buildings at this time however the current site does not provide a 50' buffer to the water body.

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This instrument prepared by and return to:
Gordon R. Duncan
Duncan and Associates, P.A.
1601 Jackson St., Suite 101
Fort Myers, FL 33901
(239) 334-4574

CROSS PARKING EASEMENT AGREEMENT

This CROSS PARKING EASEMENT AGREEMENT (this "Agreement") is entered into by **SHIVAM SUNDARAM HOTELS LLC,** a Florida limited liability company ("Shivam"), whose address is 13000 N. Cleveland Ave., North Fort Myers, FL 33903.

RECITALS

WHEREAS, Shivam is the owner of that certain property located in Lee County, Florida described on Exhibit C (herein "Parcel C") attached hereto and by this reference made a part hereof; and

WHEREAS, Shivam has or will split Parcel C into two parcels as described in Exhibit A (herein "Parcel A") and Exhibit B (herein "Parcel B") attached hereto and by this reference made a part hereof; and

WHEREAS, to provide adequate internal parking for new Parcel A, Shivam has established the cross parking rights and obligations described below. Parcels A and B are sometimes referred to collectively herein as the "Properties".

NOW, THEREFORE, Shivam agrees and covenants as follows:

1. The statements contained in the recitals of facts set forth above are true and correct and are incorporated by this reference as a part of this Agreement.

2. Shivam hereby dedicates, grants and establishes for the benefit of the current owner and any future owners of parcels A and B, their employees, guests, invitees, tenants, licensees, customers, successors and assigns: a). a non-exclusive cross easement for the parking of vehicles over, on and across the areas with the Properties now or in the future constituting parking areas and b). a non-exclusive cross easement for ingress and egress across the driveways and roadway located on the Properties now or in the future for the purpose of gaining vehicular and pedestrian ingress and egress to and from the parking areas.

3. No owner of any portion of the Properties shall, without the express written consent of the other owner(s) of the Properties take or fail to take any action or do or fail to do anything that will or have the effect of impeding, obstructing or preventing any person or entity having rights under this Agreement from their full and complete use and enjoyment of the rights herein granted, including but not limited to charging for the use of parking. Without limiting the generality of the foregoing, free and full access to, from and across all portions of the Properties which constitute parking areas, driveways and roadways shall not be blocked, obstructed or impeded.

ADD2013-00180 Lee County ePlan

4. The easements herein created shall be appurtenant to and run with the Properties in perpetuity and may be modified, amended, terminated or released only by a recorded instrument executed by all owners of the Properties.

5. Reference is made to that certain Agreement Creating Easements and Other Rights and Restrictions recorded in OR Book 1753, Page 678 as amended by that Amendment to Agreement Creating Easements and Other Rights and Restrictions recorded in OR Book 1806, Page 308, both in the Public Records of Lee County (herein collectively the "Caloosa Agreements"). The Caloosa Agreements establish certain easements along with rights and obligations associated with those easements. Pursuant to the Caloosa Agreements the owner of Parcel C is obligated to pay fifty percent (50%) of the cost of the maintenance of the Common Areas as described in the Caloosa Agreements (herein the "Common Areas"). The owners of Parcel A and Parcel B shall hereafter share equally in the cost of the maintenance of the Common Areas attributed to Parcel C so that the owner of Parcel A contributes twenty five percent (25%) of the total cost of the maintenance of the Common Areas and the owner of Parcel B contributes twenty five percent (25%) of the total cost of the maintenance of the Common Areas. The owner of Parcel A shall be solely responsible for the maintenance of the driveways, roadways and parking areas located upon Parcel A and not part of the Common Areas. The owner of Parcel B shall be solely responsible for the maintenance of the driveways, roadways and parking areas located upon Parcel B and not part of the Common Areas. The owner of Parcel A and Parcel B shall at all times maintain the driveways, roadways and parking areas on its respective parcel and not within the Common Areas in good repair and condition. The owners of Parcel A and Parcel B shall at all times make appropriate arrangements with the other owner(s) that share in the cost of the maintenance of the Common Areas to keep the Common Areas in good repair and condition.

6. Shivam for the benefit of the owner of Parcel A and Parcel B reserves for the benefit of the owner of each parcel the following rights:

a) The right to use its parcel for ingress and egress to which right shall also run to its employees, guests, invitees, tenants, licensees, customers, successors and assigns;

b) the right to change the use of any improvements which are constructed on its parcel and the right to install, construct and use curbs, landscaping and lighting facilities in and on its parcel, provided such changes are in compliance with governmental regulations and further provided that reasonable access for the flow of vehicular and pedestrian traffic is maintained to the other parcel owner and provided that sufficient parking exist so that Parcels A and B on a combined basis maintain compliance with the parking requirements established by Lee County;

c) the right to install, construct and maintain under its driveways and parking areas utility lines and utility equipment, including without limitation cable and communication utilities, provided the party making the installation, construction or maintenance restores any paving disturbed by same to its former condition as soon as is reasonably practical and provided reasonable access for the flow of vehicular and pedestrian traffic is maintained to the other party and further provided that any utility lines and equipment of the other party are not disturbed;

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d) the right to any other use of the portion of its driveway and parking areas for purposes which do not unreasonably interfere with the rights created herein.

7. This Agreement shall be construed and enforced in accordance with the laws of the State of Florida.

8. The provisions of this Agreement are for the exclusive benefit of Shivam and its employees, guests, invitees, tenants, licensees, customers, successors and assigns and not for the benefit of any other third person, nor shall this Agreement be deemed to have conferred any rights, express or implied, upon any other third person.

9. By its signature below the Mortgagee of the Properties consents to this Agreement and the easements, rights and obligations contained herein, and joins in the dedication described herein.

Signed, sealed and delivered
in the presence of:

_____
1st Witness
Print Name:_____

_____
2nd Witness
Print Name:_____

SHIVAM SUNDARAM HOTELS LLC
a Florida limited liability company

By:_____
Laxmi Patel, Manager

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by Laxmi Patel, Manager of Shivam Sundaram Hotels LLC. He ☐ is personally known to me or ☐ has produced _____ as identification.

[Seal]

_____
Notary Public
Print Name:_____

My Commission Expires:_____

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Signed, sealed and delivered
in the presence of:

STONEGATE BANK

_____
1st Witness
Print Name:_____

By:_____

Print Name: _____

_____
2nd Witness
Print Name:_____

Its: _____

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by _____, as _____ of Stonegate Bank. He/she ☐ is personally known to me or ☐ has produced _____ as identification.

[Seal]

_____
Notary Public
Print Name:_____

My Commission Expires:_____

ADD2013-00180 Lee County ePlan

EXHIBIT "A"

(LEGAL FOR PARCEL A)

ADD2013-00180 Lee County ePlan

EXHIBIT "B"

(LEGAL FOR PARCEL B)

ADD2013-00180 Lee County ePlan

EXHIBIT "C"

(LEGAL FOR PARENT PARCEL)

ADD2013-00180 Lee County ePlan

This instrument prepared by and return to:
Gordon R. Duncan
Duncan and Associates, P.A.
1601 Jackson St., Suite 101
Fort Myers, FL 33901
(239) 334-4574

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WHEREAS, Shivam has or will split Parcel C into two parcels as described in Exhibit A (herein "Parcel A") and Exhibit B (herein "Parcel B") attached hereto and by this reference made a part hereof; and

WHEREAS, to provide adequate internal parking for new Parcel A, Shivam has established the cross parking rights and obligations described below. Parcels A and B are sometimes referred to collectively herein as the "Properties".

NOW, THEREFORE, Shivam agrees and covenants as follows:

1. The statements contained in the recitals of facts set forth above are true and correct and are incorporated by this reference as a part of this Agreement.

2. Shivam hereby dedicates, grants and establishes for the benefit of the current owner and any future owners of parcels A and B, their employees, guests, invitees, tenants, licensees, customers, successors and assigns: a). a non-exclusive cross easement for the parking of vehicles over, on and across the areas with the Properties now or in the future constituting parking areas and b). a non-exclusive cross easement for ingress and egress across the driveways and roadway located on the Properties now or in the future for the purpose of gaining vehicular and pedestrian ingress and egress to and from the parking areas.

3. No owner of any portion of the Properties shall, without the express written consent of the other owner(s) of the Properties take or fail to take any action or do or fail to do anything that will or have the effect of impeding, obstructing or preventing any person or entity having rights under this Agreement from their full and complete use and enjoyment of the rights herein granted, including but not limited to charging for the use of parking. Without limiting the generality of the foregoing, free and full access to, from and across all portions of the Properties which constitute parking areas, driveways and roadways shall not be blocked, obstructed or impeded.

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4. The easements herein created shall be appurtenant to and run with the Properties in perpetuity and may be modified, amended, terminated or released only by a recorded instrument executed by all owners of the Properties.

5. Reference is made to that certain Agreement Creating Easements and Other Rights and Restrictions recorded in OR Book 1753, Page 678 as amended by that Amendment to Agreement Creating Easements and Other Rights and Restrictions recorded in OR Book 1806, Page 308, both in the Public Records of Lee County (herein collectively the "Caloosa Agreements"). The Caloosa Agreements establish certain easements along with rights and obligations associated with those easements. Pursuant to the Caloosa Agreements the owner of Parcel C is obligated to pay fifty percent (50%) of the cost of the maintenance of the Common Areas as described in the Caloosa Agreements (herein the "Common Areas"). The owners of Parcel A and Parcel B shall hereafter share equally in the cost of the maintenance of the Common Areas attributed to Parcel C so that the owner of Parcel A contributes twenty five percent (25%) of the total cost of the maintenance of the Common Areas and the owner of Parcel B contributes twenty five percent (25%) of the total cost of the maintenance of the Common Areas. The owner of Parcel A shall be solely responsible for the maintenance of the driveways, roadways and parking areas located upon Parcel A and not part of the Common Areas. The owner of Parcel B shall be solely responsible for the maintenance of the driveways, roadways and parking areas located upon Parcel B and not part of the Common Areas. The owner of Parcel A and Parcel B shall at all times maintain the driveways, roadways and parking areas on its respective parcel and not within the Common Areas in good repair and condition. The owners of Parcel A and Parcel B shall at all times make appropriate arrangements with the other owner(s) that share in the cost of the maintenance of the Common Areas to keep the Common Areas in good repair and condition.

6. Shivam for the benefit of the owner of Parcel A and Parcel B reserves for the benefit of the owner of each parcel the following rights:

a) The right to use its parcel for ingress and egress to which right shall also run to its employees, guests, invitees, tenants, licensees, customers, successors and assigns;

b) the right to change the use of any improvements which are constructed on its parcel and the right to install, construct and use curbs, landscaping and lighting facilities in and on its parcel, provided such changes are in compliance with governmental regulations and further provided that reasonable access for the flow of vehicular and pedestrian traffic is maintained to the other parcel owner and provided that sufficient parking exist so that Parcels A and B on a combined basis maintain compliance with the parking requirements established by Lee County;

c) the right to install, construct and maintain under its driveways and parking areas utility lines and utility equipment, including without limitation cable and communication utilities, provided the party making the installation, construction or maintenance restores any paving disturbed by same to its former condition as soon as is reasonably practical and provided reasonable access for the flow of vehicular and pedestrian traffic is maintained to the other party and further provided that any utility lines and equipment of the other party are not disturbed;

ADD2013-00180 Lee County ePlan

d) the right to any other use of the portion of its driveway and parking areas for purposes which do not unreasonably interfere with the rights created herein.

7. This Agreement shall be construed and enforced in accordance with the laws of the State of Florida.

8. The provisions of this Agreement are for the exclusive benefit of Shivam and its employees, guests, invitees, tenants, licensees, customers, successors and assigns and not for the benefit of any other third person, nor shall this Agreement be deemed to have conferred any rights, express or implied, upon any other third person.

9. By its signature below the Mortgagee of the Properties consents to this Agreement and the easements, rights and obligations contained herein, and joins in the dedication described herein.

Signed, sealed and delivered
in the presence of:

_____
1st Witness
Print Name:_____

_____
2nd Witness
Print Name:_____

SHIVAM SUNDARAM HOTELS LLC
a Florida limited liability company

By:_____
Laxmi Patel, Manager

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by Laxmi Patel, Manager of Shivam Sundaram Hotels LLC. He ☐ is personally known to me or ☐ has produced _____ as identification.

[Seal]

_____
Notary Public
Print Name:_____

My Commission Expires:_____

ADD2013-00180 Lee County ePlan

Signed, sealed and delivered
in the presence of:

STONEGATE BANK

_____
1st Witness
Print Name:_____

By:_____

Print Name: _____

_____
2nd Witness
Print Name:_____

Its: _____

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by _____, as _____ of Stonegate Bank. He/she ☐ is personally known to me or ☐ has produced _____ as identification.

[Seal]

_____
Notary Public
Print Name:_____

My Commission Expires:_____

ADD2013-00180 Lee County ePlan

EXHIBIT "A"

(LEGAL FOR PARCEL A)

ADD2013-00180 Lee County ePlan

EXHIBIT "B"

(LEGAL FOR PARCEL B)

ADD2013-00180 Lee County ePlan

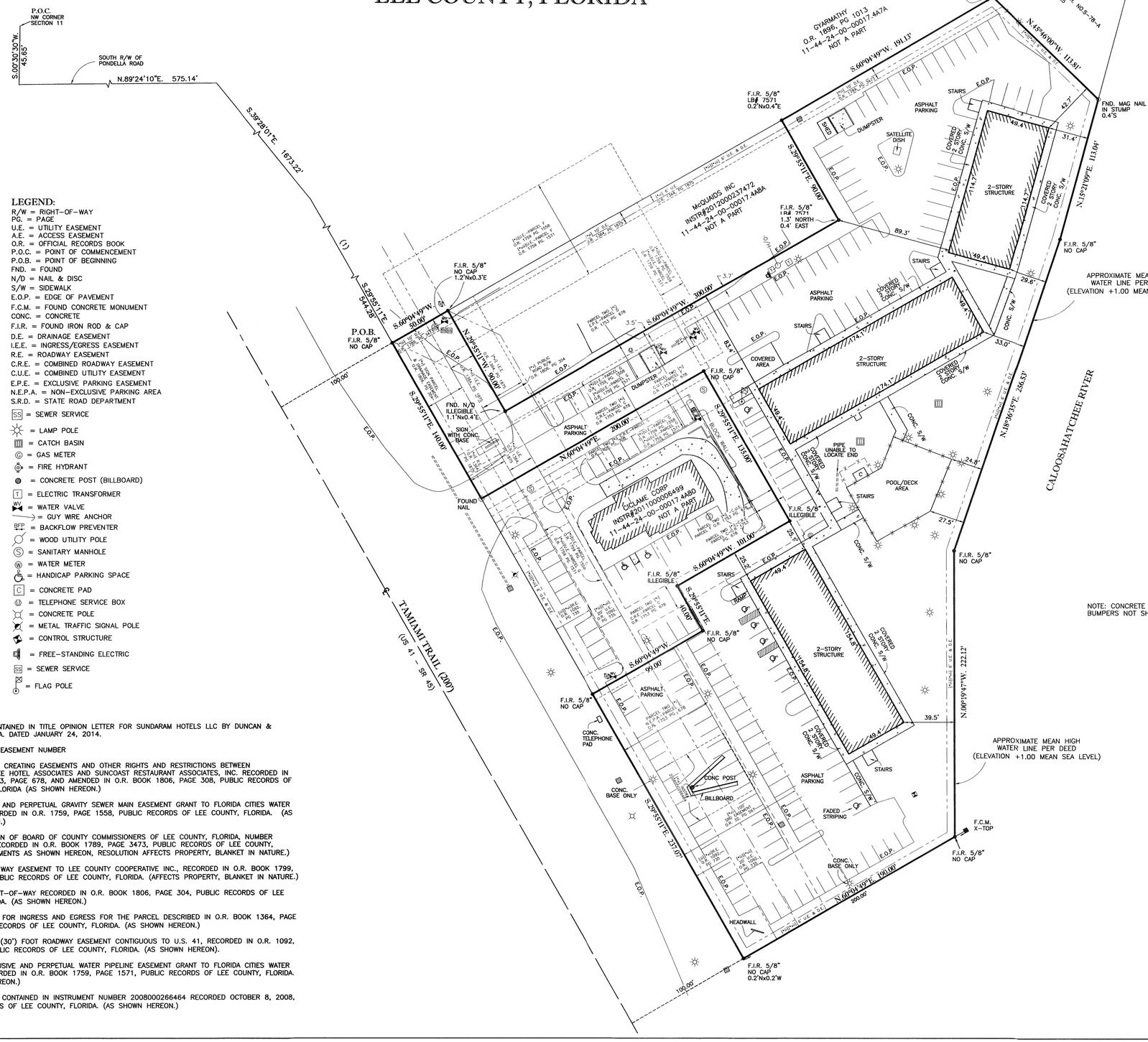
EXHIBIT "C"

(LEGAL FOR PARENT PARCEL)

ADD2013-00180 Lee County ePlan

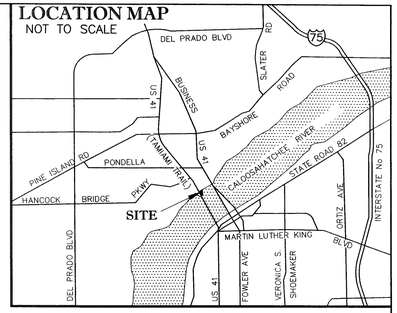
SURVEY PLAT

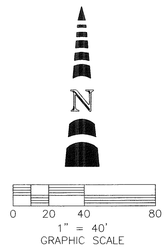
OF A PARCEL LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA



NOTE: CONCRETE PARKING BUMPERS NOT SHOWN

Curve number 1
Radius= 5829.58'
Delta= 09°32'50"
Arc= 971.39'
Tangent= 486.82'
Chord= 970.26'
Chord Brg.= S.34°41'36"E.





LEGEND:

R/W = RIGHT-OF-WAY
PG. = PAGE
U.E. = UTILITY EASEMENT
A.E. = ACCESS EASEMENT
O.R. = OFFICIAL RECORDS BOOK
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
FND. = FOUND
N/D = NAIL & DISC
S/W = SIDEWALK
E.O.P. = EDGE OF PAVEMENT
F.C.M. = FOUND CONCRETE MONUMENT
CONC. = CONCRETE
F.I.R. = FOUND IRON ROD & CAP
D.E. = DRAINAGE EASEMENT
I.E.E. = INGRESS/EGRESS EASEMENT
R.E. = ROADWAY EASEMENT
C.R.E. = COMBINED ROADWAY EASEMENT
C.U.E. = COMBINED UTILITY EASEMENT
E.P.E. = EXCLUSIVE PARKING EASEMENT
N.E.P.A. = NON-EXCLUSIVE PARKING AREA
S.R.D. = STATE ROAD DEPARTMENT
SS = SEWER SERVICE
= LAMP POLE
= CATCH BASIN
G = GAS METER
= FIRE HYDRANT
= CONCRETE POST (BILLBOARD)
T = ELECTRIC TRANSFORMER
WV = WATER VALVE
= GUY WIRE ANCHOR
BFP = BACKFLOW PREVENTER
= WOOD UTILITY POLE
S = SANITARY MANHOLE
W = WATER METER
= HANDICAP PARKING SPACE
C = CONCRETE PAD
= TELEPHONE SERVICE BOX
= CONCRETE POLE
= METAL TRAFFIC SIGNAL POLE
= CONTROL STRUCTURE
= FREE-STANDING ELECTRIC
SS = SEWER SERVICE
= FLAG POLE

NOTE:

EASEMENTS CONTAINED IN TITLE OPINION LETTER FOR SUNDARAM HOTELS LLC BY DUNCAN & ASSOCIATES, P.A. DATED JANUARY 24, 2014.

{*ii} INDICATES EASEMENT NUMBER

{*i} AGREEMENT CREATING EASEMENTS AND OTHER RIGHTS AND RESTRICTIONS BETWEEN CALOOSAHATCHEE HOTEL ASSOCIATES AND SUNCOAST RESTAURANT ASSOCIATES, INC. RECORDED IN O.R. BOOK 1753, PAGE 678, AND AMENDED IN O.R. BOOK 1806, PAGE 308, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (AS SHOWN HEREON.)

{*ii} EXCLUSIVE AND PERPETUAL GRAVITY SEWER MAIN EASEMENT GRANT TO FLORIDA CITIES WATER COMPANY RECORDED IN O.R. 1759, PAGE 1558, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (AS SHOWN HEREON.)

{*iii} RESOLUTION OF BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, NUMBER SLS-84-15, RECORDED IN O.R. BOOK 1789, PAGE 3473, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (EASEMENTS AS SHOWN HEREON, RESOLUTION AFFECTS PROPERTY, BLANKET IN NATURE.)

{*iv} RIGHT OF WAY EASEMENT TO LEE COUNTY COOPERATIVE INC., RECORDED IN O.R. BOOK 1799, PAGE 3899, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (AFFECTS PROPERTY, BLANKET IN NATURE.)

{*v} ROAD RIGHT-OF-WAY RECORDED IN O.R. BOOK 1806, PAGE 304, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (AS SHOWN HEREON.)

{*vi} EASEMENT FOR INGRESS AND EGRESS FOR THE PARCEL DESCRIBED IN O.R. BOOK 1364, PAGE 1875 PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (AS SHOWN HEREON.)

{*viii} A THIRTY (30') FOOT ROADWAY EASEMENT CONTIGUOUS TO U.S. 41, RECORDED IN O.R. 1092, PAGE 735, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (AS SHOWN HEREON).

{*viii} AN EXCLUSIVE AND PERPETUAL WATER PIPELINE EASEMENT GRANT TO FLORIDA CITIES WATER COMPANY RECORDED IN O.R. BOOK 1759, PAGE 1571, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (AS SHOWN HEREON.)

{*ix} EASEMENT CONTAINED IN INSTRUMENT NUMBER 2008000266464 RECORDED OCTOBER 8, 2008, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (AS SHOWN HEREON.)

DESCRIPTION:

EXHIBIT 1 OF TITLE OPINION LETTER FOR SUNDARAM HOTELS LLC BY DUNCAN & ASSOCIATES, P.A. DATED JANUARY 24, 2014.

ALL THAT CERTAIN PIECE OR PARCEL OF LAND LYING IN GOVERNMENT LOT 2 & 3 IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

PARCEL ONE

FROM THE NORTHWEST CORNER OF SAID FRACTION OF A SECTION; THENCE SOUTH 00°30'30" WEST ALONG THE WEST LINE OF SAID SECTION FOR 45.65 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE (40 FEET FROM THE CENTERLINE) OF PONDELLA ROAD (STATE ROAD #S-78-A); THENCE NORTH 89°24'10" EAST ALONG SAID SOUTH RIGHT OF WAY LINE FOR 575.14 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE (100 FEET FROM CENTERLINE) OF THE TAMIAMI TRAIL (STATE ROAD #45, SECTION 12010-2121); THENCE SOUTH 39°28'01" EAST ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF SAID TAMIAMI TRAIL FOR 1,673.22 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5,829.58 FEET; THENCE SOUTHERLY CONTINUING ALONG SAID NORTHEASTERLY RIGHT OF WAY ALONG THE ARC OF SAID CURVE THROUGH A DELTA ANGLE OF 09°32'50" FOR 971.39 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 29°55'11" EAST FOR 544.28 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE ALONG SAID RIGHT OF WAY SOUTH 29°55'11" EAST FOR 140.0 FEET; THENCE NORTH 60°04'49" EAST FOR 200.0 FEET; THENCE SOUTH 29°55'11" EAST FOR 135.0 FEET; THENCE SOUTH 60°04'49" WEST FOR 101.0 FEET; THENCE SOUTH 29°55'11" EAST FOR 40.0 FEET; THENCE SOUTH 60°04'49" WEST FOR 99.0 FEET; THENCE SOUTH 29°55'11" EAST ALONG SAID RIGHT OF WAY FOR 237.07 FEET TO A CHANGE IN RIGHT OF WAY WIDTH FROM 100 FEET FROM CENTERLINE TO 300 FEET FROM CENTERLINE; THENCE NORTH 60°04'49" EAST ALONG SAID CHANGE IN RIGHT OF WAY WIDTH FOR 190 FEET TO THE APPROXIMATE AVERAGE MEAN HIGH WATERLINE AT ELEVATION +1.00 MEAN SEA LEVEL; THENCE ALONG SAID APPROXIMATE MEAN HIGH WATER LINE NORTH 00°19'47" WEST FOR 222.12 FEET; THENCE NORTH 18°36'35" EAST FOR 256.53 FEET TO THE END OF SAID MEAN HIGH WATER LINE AT THE SOUTHWESTERLY RIGHT OF WAY OF AN 80 FOOT WIDE DEPARTMENT OF TRANSPORTATION DRAINAGE EASEMENT; THENCE NORTH 45°46' WEST FOR 113.81 FEET; THENCE SOUTH 60°04'49" WEST FOR 191.13 FEET; THENCE SOUTH 29°55'11" EAST FOR 90.0 FEET; THENCE SOUTH 60°04'49" WEST FOR 300.0 FEET; THENCE NORTH 29°55'11" WEST FOR 90.0 FEET; THENCE SOUTH 60°04'49" WEST FOR 50 FEET TO THE **POINT OF BEGINNING**.

PARCEL TWO (ALSO EASEMENT {*i})

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESSAND UTILITIES PURSUANT TO AGREEMENT RECORDED IN O.R. BOOK 1753, PAGE 678 AND AMENDMENT TO AGREEMENT RECORDED IN O.R. BOOK 1806, PAGE 308.

NOTES:

SURVEY BASED ON TITLE OPINION LETTER FOR SUNDARAM HOTELS LLC BY DUNCAN & ASSOCIATES, P.A. DATED JANUARY 24, 2014, DESCRIPTION AS RECORDED IN INSTRUMENT 2011000082949 AND EXISTING MONUMENTATION.

BEARINGS ARE BASED ON THE NORTHEASTERLY RIGHT OF WAY LINE OF TAMIAMI TRAIL (STATE ROAD #45) AS BEARING S.29°55'11"E.

PARCEL LIES IN FLOOD ZONE "AE", WITH A BASE FLOOD ELEVATION OF +9' (NAVD 88). THIS INFORMATION WAS TAKEN FROM FLOOD INSURANCE RATE MAP 125124 0267 F, REVISION DATE 8-28-08.

THE F.E.M.A. FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED WITH ALL PERMITTING REGULATORY ENTITIES PRIOR TO COMMENCING ANY WORK OR APPLICATION DEPENDENT ON SAID FLOOD INFORMATION.

IRON RODS "SET" ARE 5/8" X 18" REBAR WITH ORANGE CAP BEARING CORPORATION NO. 7071.

UNDERGROUND IMPROVEMENTS, UTILITIES AND/OR FOUNDATIONS WERE NOT LOCATED UNLESS OTHERWISE NOTED.

WETLANDS, IF ANY, WERE NOT LOCATED.

THIS PLAT PREPARED AS A BOUNDARY SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

PARCEL CONTAINS 3.67 ACRES, MORE OR LESS.

DATE OF LAST FIELD WORK: 11-25-13.

FOR THE FIRM:

BY: _____
DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

DATE SIGNED: 2/5/14

FOR THE EXCLUSIVE USE OF:
- SHIVAM SUNDARAM HOTELS, LLC
- DUNCAN & ASSOCIATES
- STONEGATE BANK

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

REVISED 02/04/14 - ADD TITLE OPINION

RED ROOF INN

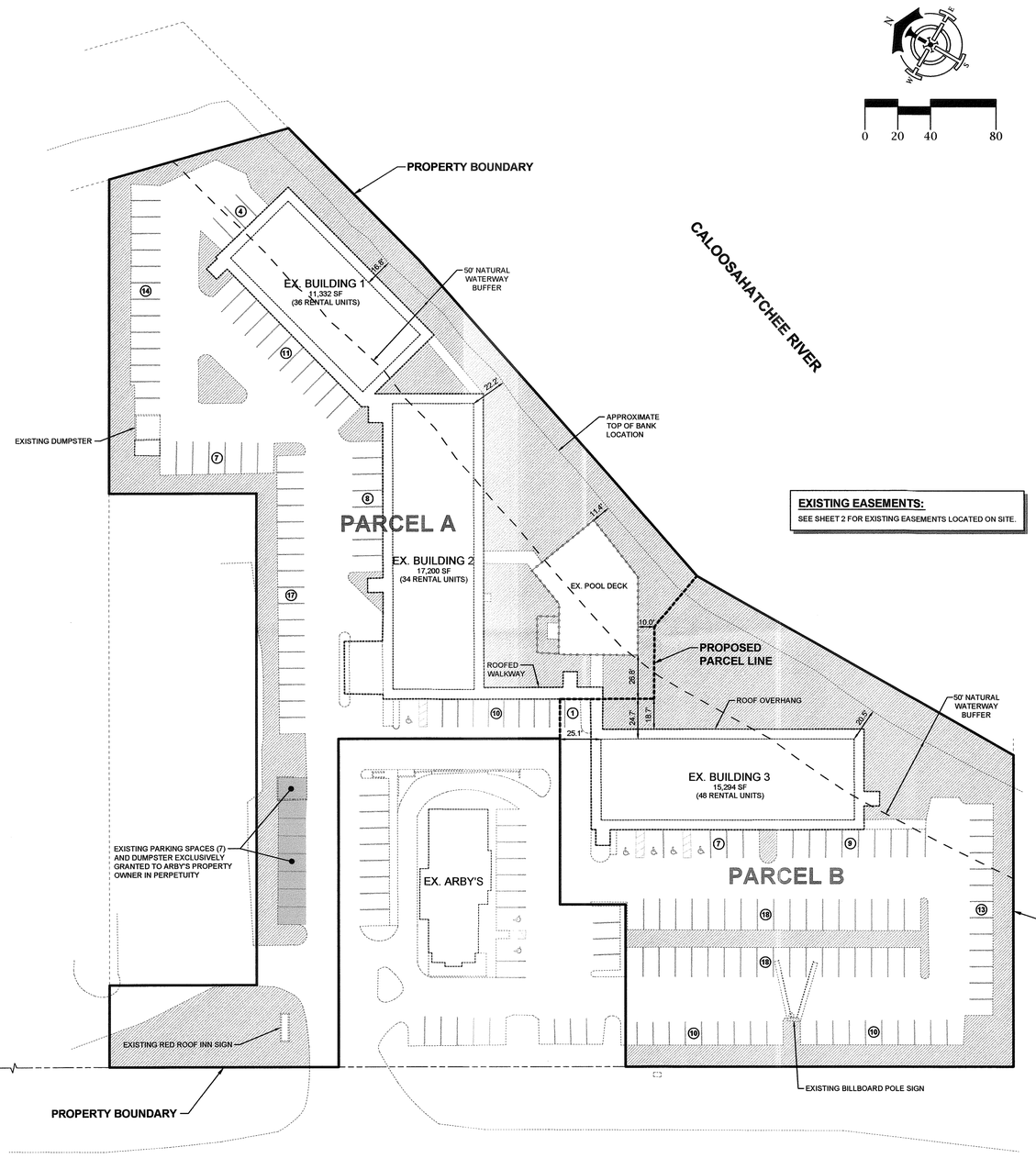
TITLE: **BOUNDARY SURVEY**

METRON SURVEYING & MAPPING, LLC
LAND SURVEYORS·PLANNERS
LB# 7071
10970 S. CLEVELAND AVENUE
SUITE #605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457
www.metronfl.com

FILE NAME:	FIELD BOOK/PAGE:	PROJECT NO.:	SHEET:
12904SR	472/11	12904	1 OF 1

SURVEY DATE:	DRAWN BY:	SCALE:	CHECKED BY:	FILE NO. (S-T-R)
11-25-13	BUD	1"= 40'	DJO	11-44-24

ADD2013-00180 Lee County ePlan



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EXISTING EASEMENTS:
SEE SHEET 2 FOR EXISTING EASEMENTS LOCATED ON SITE.

LEGEND

OPEN SPACE

LAND USE SUMMARY

	PARCEL A		PARCEL B		TOTAL PROPERTY	
CATEGORY	AREA	PERCENTAGE	AREA	PERCENTAGE	AREA	PERCENTAGE
BUILDING	0.48 AC.	21.7%	0.24 AC.	16.4%	0.72 AC.	19.6%
PAVEMENT / SIDEWALK	0.93 AC.	42.1%	0.71 AC.	48.6%	1.64 AC.	44.7%
OPEN SPACE [1]	0.79 AC.	35.7%	0.51 AC.	35.0%	1.30 AC.	35.4%
OTHER PERVIOUS	0.01 AC.	0.5%	0.00 AC.	0.0%	0.01 AC.	0.03%
TOTAL	2.21 AC.	100.0%	1.46 AC.	100.0%	3.67 AC.	100.0%

1 - OPEN SPACE AREA PER SECTION 10-415(c) OF LEE COUNTY LDC.

PARCEL A PARKING SUMMARY

USE	RATIO	REQUIRED	PROVIDED
EX. BUILDING 1	36 RENTAL UNITS @ 1.2 SPACES PER RENTAL UNIT	43	36
EX. BUILDING 2	34 RENTAL UNITS @ 1.2 SPACES PER RENTAL UNIT	41	34
	660 SF OFFICE @ 1 SPACE PER 350 SF	2	1
TOTAL		86 (3)	71 (1)

NOTE: "(#)" REPRESENTS THE NUMBER OF HANDICAP SPACES INCLUDED IN THE TOTAL SPACES.

PARCEL B PARKING SUMMARY

USE	RATIO	REQUIRED	PROVIDED
EX. BUILDING 3	48 RENTAL UNITS @ 1.2 SPACES PER RENTAL UNIT	58	86
TOTAL		58 (3)	86 (4)

NOTE: "(#)" REPRESENTS THE NUMBER OF HANDICAP SPACES INCLUDED IN THE TOTAL SPACES.

BUILDING SETBACKS

SETBACK	REQUIRED
STREET	25'
SIDE	20'
REAR	20'
WATER	25'

GENERAL NOTE:
PARCEL "A" SIGNAGE IS EXISTING. PARCEL "B" DOES NOT HAVE AN IDENTIFICATION SIGN, BUT RESERVES THE RIGHT TO OBTAIN ONE SHOULD PARCEL "B" CHANGE OWNERSHIP.

OWNER / DEVELOPER:
SHIVAM SUNDARAM HOTELS LLC
13000 N. CLEVELAND AVE.
NORTH FORT MYERS, FL 33903

PROJECT:
RED ROOF INN

DELISI FITZGERALD, INC.
Planning - Engineering - Project Management
1605 Hendry Street
Fort Myers, FL 33901
239-418-0691 • 239-418-0692 fax
Florida Certificate of Authorization:
Engineering LB #: 26978

SITE PLAN

Project Number:	21287
Part of Section(s):	11
Township: 44 S	Range: 24 E
County, State:	LEE COUNTY, FL
Sheet Number:	1

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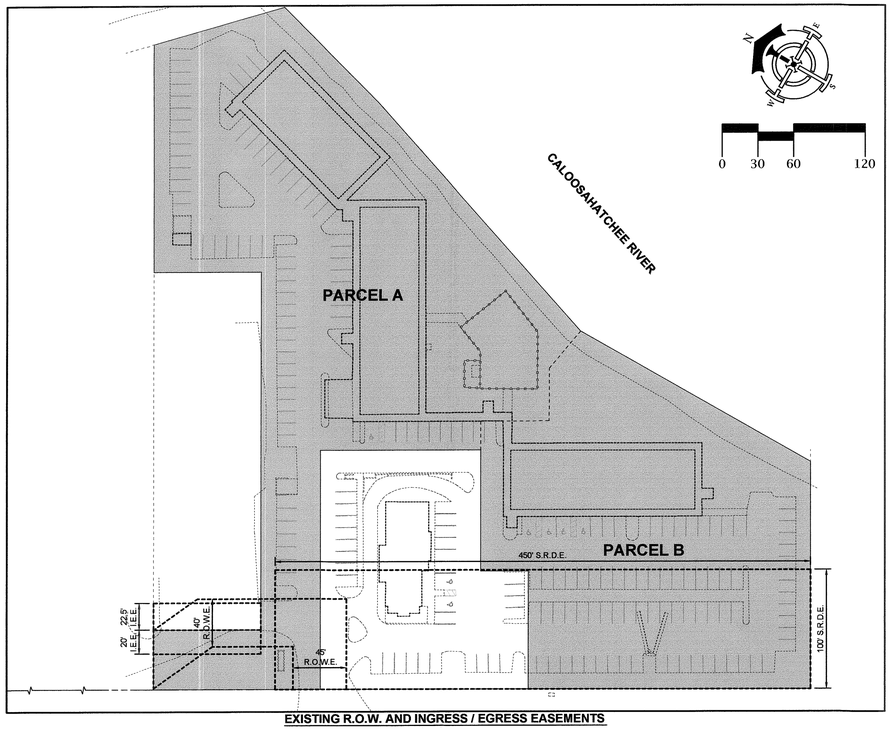
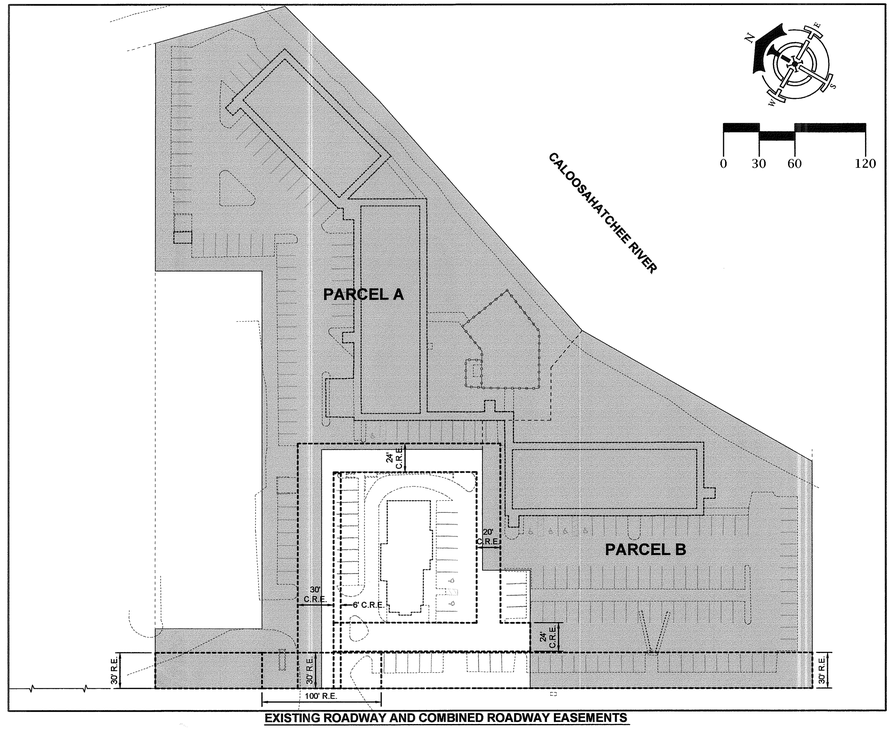
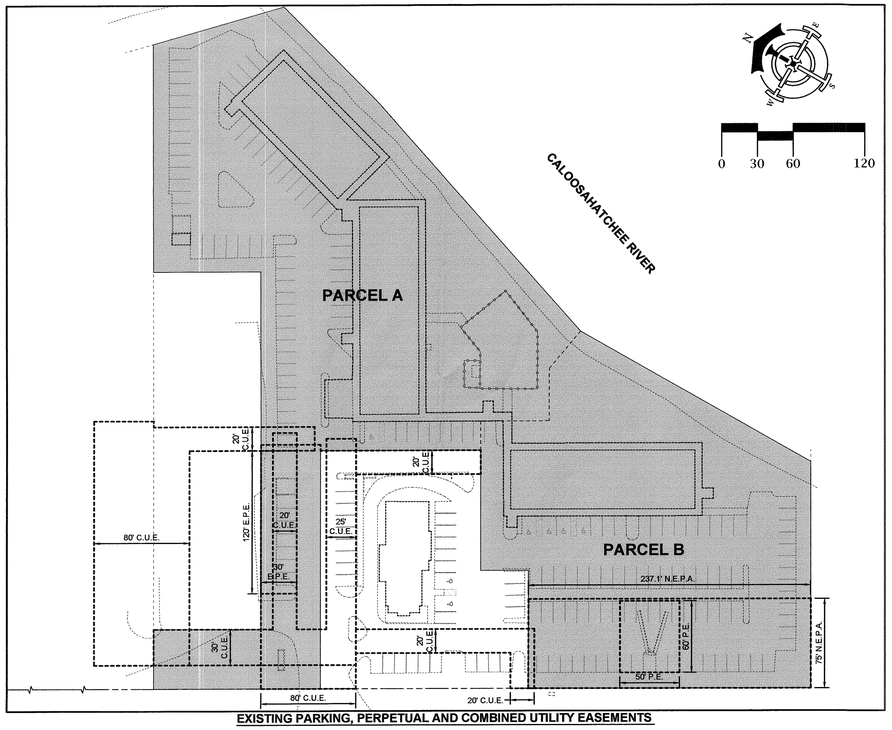
ADD2013-00180 Lee County ePlan



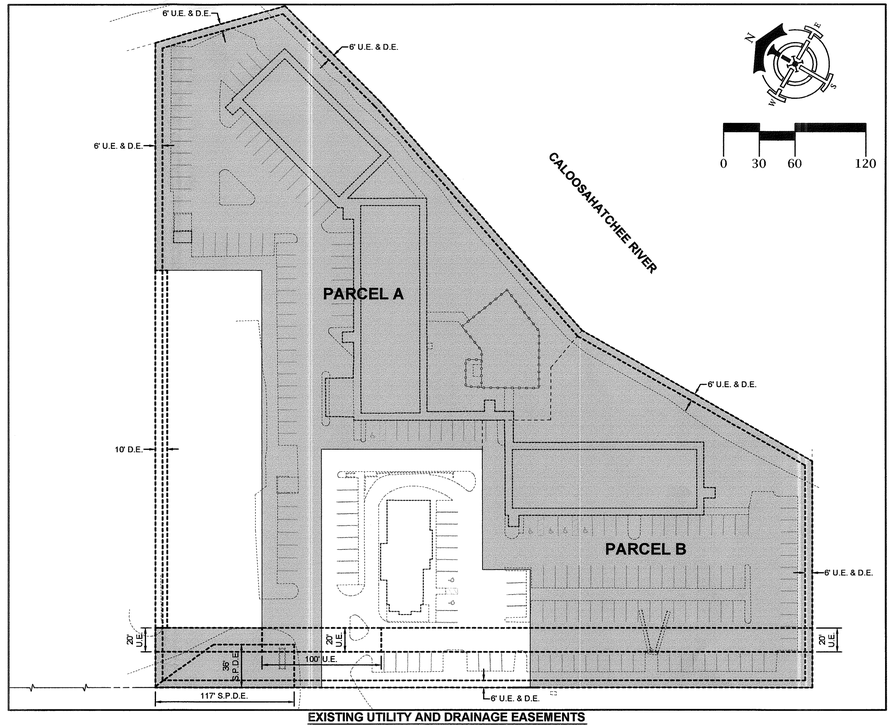
EXISTING R.O.W. AND INGRESS / EGRESS EASEMENTS



EXISTING ROADWAY AND COMBINED ROADWAY EASEMENTS



EXISTING PARKING, PERPETUAL AND COMBINED UTILITY EASEMENTS



EXISTING UTILITY AND DRAINAGE EASEMENTS

EASEMENT LEGEND

C.R.E.	COMBINED ROADWAY EASMENT
C.U.E.	COMBINED UTILITY EASMENT
D.E.	DRAINAGE EASMENT
E.P.E.	EXCLUSIVE PARKING EASEMENT
I.E.E.	INGRESS AND EGRESS EASEMENT
N.E.P.A.	NON-EXCLUSIVE PARKING AREA
P.E.	PERPETUAL EASMENT
R.E.	ROADWAY EASMENT
R.O.W.E.	RIGHT OF WAY EASMENT
S.P.D.E.	SIGN PARCEL & DRAINAGE EASEMENT
S.R.D.E.	STATE ROAD DEPARTMENT EASEMENT
U.E.	UTILITY EASMENT

OWNER / DEVELOPER:
SHIVAM SUNDARAM HOTELS LLC
13000 N. CLEVELAND AVE.
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PROJECT:

RED ROOF INN

DELISI FITZGERALD, INC.
Planning - Engineering - Project Management
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239-418-0691 • 239-418-0692 fax
Florida Certificate of Authorization:
Engineering LB #: 26978

EXISTING EASEMENTS PLAN

Project Number:			21287
Part of Section(s):			11
Township:	44 S	Range:	24 E
County, State:			LEE COUNTY, FL

Sheet Number: 2

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