

# ATTACHMENT 5



## OFFICE OF THE SPECIAL MAGISTRATE ORDER OF IMPOSITION OF FINE & CLAIM OF LIEN

**Village of Estero**  
**9401 Corkscrew Palms Circle**  
**Estero, FL 33928**

**Case #: 17060006**

**Certified #:**  
**70112000000174846427**

Petitioner,

Vs

Racetrac Petroleum Inc  
200 Galleria Parkway SE  
Suite 900  
Atlanta, GA 30339

Respondent(s)

---

The Village of Estero Special Magistrate, having reviewed evidence and sworn testimony by Affidavit, enters the following Findings of Fact:

1. That the Village of Estero Special Magistrate did issue on the 17<sup>th</sup> day of August, 2017 a Final Order in the above captioned case commanding the Respondent to bring the violations specified in said Final Order into compliance or be subject to a fine in the amounts shown below commencing on the dates shown below plus an additional fine to cover costs incurred by the Village in the amount of \$331.50.

<b>Ordinance / Regulation</b>	<b>Violation Description/Correction</b>	<b>Order Date to Comply by</b>	<b>Date Complied</b>	<b>Daily Fine</b>
CHAPTER 30 - SIGNS	Window signs. Window signs which identify or advertise activities, services, goods or products available within the building, and which collectively cover 30 percent or less of the window glass surface area. Lettering on windows and signs required by federal or state laws or regulations of agencies thereof, business information signs, and business affiliation signs are excluded from the computation of the sign area limitations and restrictions.	10/16/2017		\$250.00

2. That said violations occurred on the following described real property situate, lying and being in the Village of Estero, Florida, to-wit:

**FOLIO #:** 044725E1U18942194

**LEGAL  
DESCRIPTION:**

**STREET**

**ADDRESS:** 22350 S Tamiami Trail, Estero, FL 33928

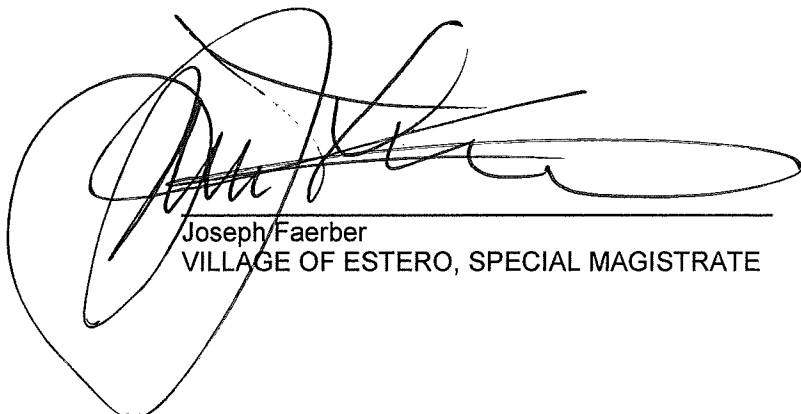
3. That the Respondent did not comply with the Final Order on or before the date specified therein. Upon complying with this Final Order, the Respondent **SHALL NOTIFY STANLEY KNIGHT**, The Code Enforcement Compliance Manager, who shall have the property inspected and notify the Special Magistrate Clerk if compliance has occurred.
4. A fine in the amounts shown above commencing on dates shown above is hereby confirmed and imposed. This fine shall continue to accrue until such time as the property is brought into compliance at which time the Respondent shall notify the Code Compliance Manager. **Additionally, a fine of \$331.50 to cover costs incurred in the prosecution of this matter is confirmed and imposed.**
5. The fine and costs shall constitute a lien against the above-described real property pursuant to Chapter 162, Florida Statutes and Article VI – Code Enforcement of the Village of Estero Code of Ordinances, as currently enacted or as may be amended from time to time. The Special Magistrate Clerk is directed to record a true copy of this order in the Public Records of Lee County, Florida. Any such lien which accrues more than (90) days after the date it is recorded and which remains unpaid, may be referred to a collection agency which shall result in the imposition of additional collection fees.

**You may request, in writing, a hearing before the Special Magistrate to contest the finding of non-compliance and imposition of fines. Said hearing shall be limited to consideration of whether the violations were timely complied. A written request for a hearing MUST BE MADE TO THE OFFICE OF THE SPECIAL MAGISTRATE AND RECEIVED WITHIN TWENTY (20) DAYS OF THE DATE OF THIS NOTICE. You will be notified of a hearing date and time. If no timely request is received, this Order Imposing Fine and Claim of Lien entered by the Special Magistrate will be recorded in the Public Records of Lee County, constituting a lien on the subject real property.**

Respondents may appeal a final administrative order of the Special Magistrate for the Village of Estero to the Circuit Court. An appeal must be filed within thirty (30) days of the execution of the Order to be appealed.

DONE AND ORDERED in the Village of Estero, Lee County, Florida this 19<sup>th</sup> day of October, 2017

OFFICE OF THE SPECIAL MAGISTRATE  
VILLAGE OF ESTERO, FLORIDA



Joseph Faerber  
VILLAGE OF ESTERO, SPECIAL MAGISTRATE

**SPECIAL MAGISTRATE CLERK AFFIDAVIT**

Dated on October, 19<sup>th</sup> of 2017

Village of Estero Special Magistrate Clerk

By: Carla Chauvin  
Carla A. Chauvin

I certify that, under the penalty of perjury that the above written statements are true and accurate to the best of my knowledge.

STATE OF FLORIDA        )  
  )ss:  
COUNTY OF LEE         )

Carla A. Chauvin stated personally before me that they have personal knowledge of the facts stated herein:

Sworn or affirmed before me on this 19<sup>th</sup> day of October, 2017

[Signature]  
Notary Public

LISA REITBAUER  
Print Name



SEAL: