

# STAFF REPORT

DATE: June 1, 2022

RE: 1610 Von Phister (permit application #T2022-0175)

FROM: Karen DeMaria, City of Key West Urban Forestry Manager

An application was received requesting the removal of (1) Sea Grape tree. A site inspection was done and documented the following:

Tree Species: Sea Grape (*Cocoloba uvifera*)



Photo showing location of tree.



Photo showing whole tree and location.

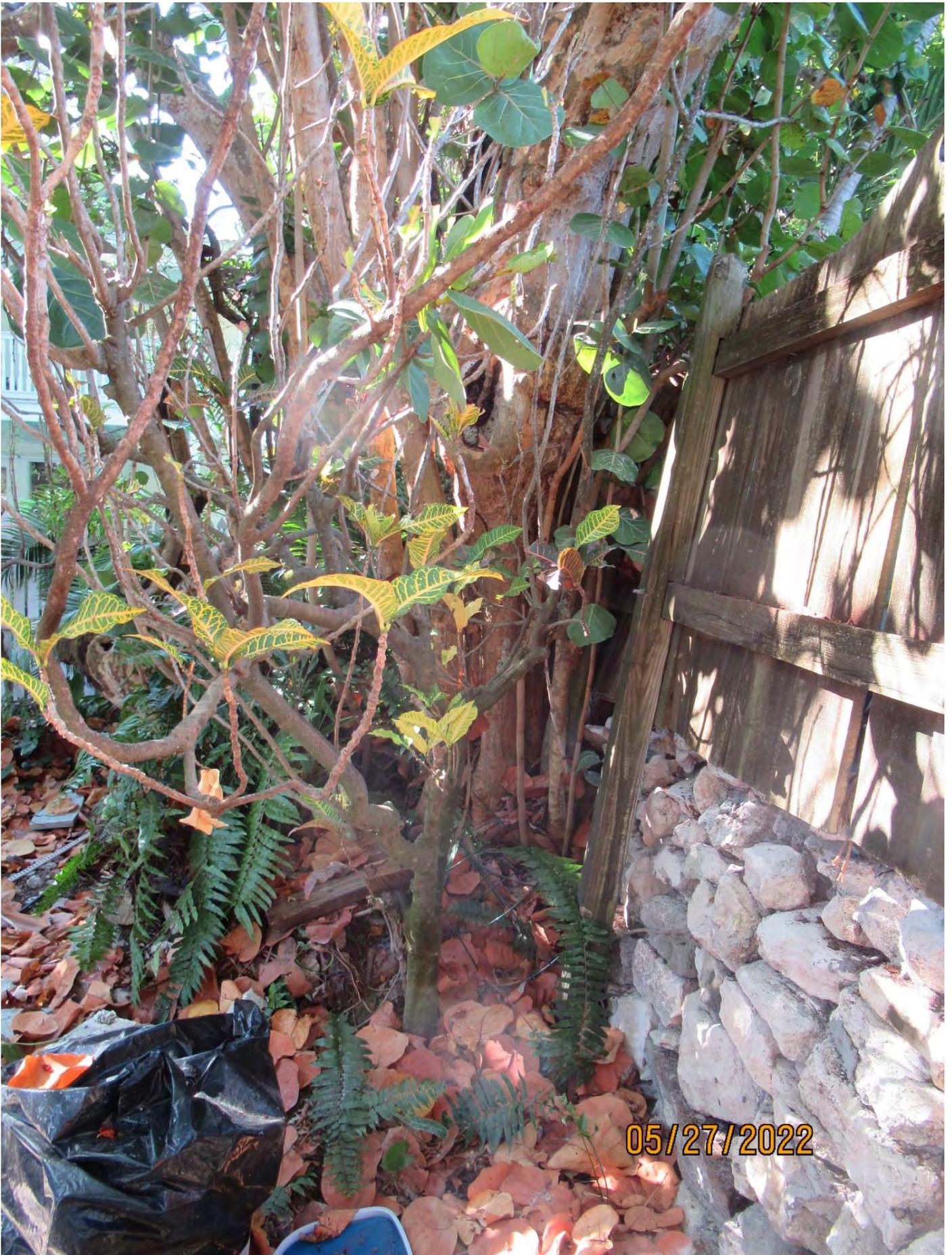


Photo looking down the property line showing main trunks of tree.



Photo of trunks and canopy branches, view 1.



Photo of trunks and base of tree area, view 1.



Photo of trunks and canopy branches, view 2.



Photo of trunks and base of tree area, view 2.



Photo of base of tree area.



Photo of trunks and base of tree area, view 3.



Photo of trunks and canopy branches, view 3.



Photo of tree canopy.



Photo of tree trunks, view 1.



Photo of tree trunks, view 2. Note decay areas.



Photo of tree trunks, view 3. Note decay areas.



Photo of tree trunks, view 4.

Diameter: 61.1"

Location: 40% (growing in the side yard along property line-damaging property line wall and impacting neighbor's cottage)

Species: 100% (on protected tree list)

Condition: 40% (overall condition is poor, tree has termites and decay throughout. Heavy growth lean, base is growing in an elevated area.)

Total Average Value = 60%

Value x Diameter = 36.6 replacement caliper inches

**ADDITIONAL  
INFORMATION**

## Karen DeMaria

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**From:** Chris Stone <chris1stonekw@gmail.com>  
**Sent:** Tuesday, May 4, 2021 6:07 PM  
**To:** Karen DeMaria  
**Subject:** WORSENING PROBLEM WITH DECLINING SEA GRAPE AT 1610 Von Phister  
**Attachments:** Ken King Arborist RE Toppino- 1610 V.P. Failing Sea Grape tree.pages

Hi Karen, this is a follow up to my phone message of May 4, 2021 regarding the ever-growing danger caused by the termite-ridden Sea Grape tree at 1610 Von Phister that has increasingly encroached onto my property at 1608 Von Phister, breaking my dry-laid stone wall and further endangering the freestanding bedroom building occupied by my son.

May 4, 2021

Ms Karen di Maria

RE: the increasingly deteriorating condition, and correspondingly ever-increasing danger to me, my family members, and my property caused by the ongoing decline of the Sea Grape tree at rear of 1610 Von Phister.

As you know, I've unsuccessfully tried for years to get the owner of the 1610 Von Phister property, Patricia Toppino, to deal with this problem, .

Ms Toppino no longer lives in Key West, and the property is now in listed with Bascom Grooms Realty.

As you may remember from our previous conversations, branches periodically fall from the Sea Grape tree into my yard, and gardens, as well as onto, and damaging, the tin roof of the nearby out-building which serves as a bedroom for my son.

I, personally, have been struck by falling branches from this decaying tree.

Additionally, as you and I have discussed in the past, this tree has, and continues to, damage the adjacent historic 1941 dry-laid stone wall, incurring repeated and costly repairs to my wall.

*Today, I discovered a large hole in the stone wall where the tree appears to have caused shifting, destroying even more of my stone wall. Because of the location of this hole, this will not be an easy fix!*

My termite control people, Truly Nolan and Hammerhead, both tell me there are, not only termites (and other insects) in the tree, but probably now in an area in the ground between the tree and the above-mentioned outbuilding.

I have on *numerous* occasions over the past years approached the 1610 Von Phister property owner, who repeatedly refused to acknowledge and/or deal with the situation.

As you know, I have also sought assistance from the city. Can we now, please, move to resolve this issue so that I may keep my family members, myself, and my property safe?

I look forward to hearing from you.

Thank you.

Sincerely  
Chris Stone

PLEASE SEE ATTACHED REPORT FROM ARBORIST KEN KING.

Chris Stone

# Application



T2022-0175

### Tree Permit Application

Please Clearly Print All Information unless indicated otherwise. Date: 5-18-2022

Tree Address 1610 Von Phister St.

Cross/Corner Street Ashby St.

List Tree Name(s) and Quantity 1 Sea Grape tree

Species Type(s) check all that apply ( ) Palm ( ) Flowering (X) Fruit (X) Shade ( ) Unsure

Reason(s) for Application:

(X) Remove (X) Tree Health (X) Safety ( ) Other/Explain below

( ) Transplant ( ) New Location ( ) Same Property ( ) Other/Explain below

( ) Heavy Maintenance Trim ( ) Branch Removal ( ) Crown Cleaning/Thinning ( ) Crown Reduction

Additional Information and Explanation This tree is old, full of termites and in a general state of decay. It has dropped limbs on both sides of the fence causing damage and a lot of trouble.

Property Owner Name Wade Highlander

Property Owner email Address wadehighlander@msn.com

Property Owner Mailing Address 312 Free Soil Rd. Georgetown Ohio 45121

Property Owner Phone Number 937 213-0777

Property Owner Signature \_\_\_\_\_

Representative Name Kemeth King

Representative email Address \_\_\_\_\_

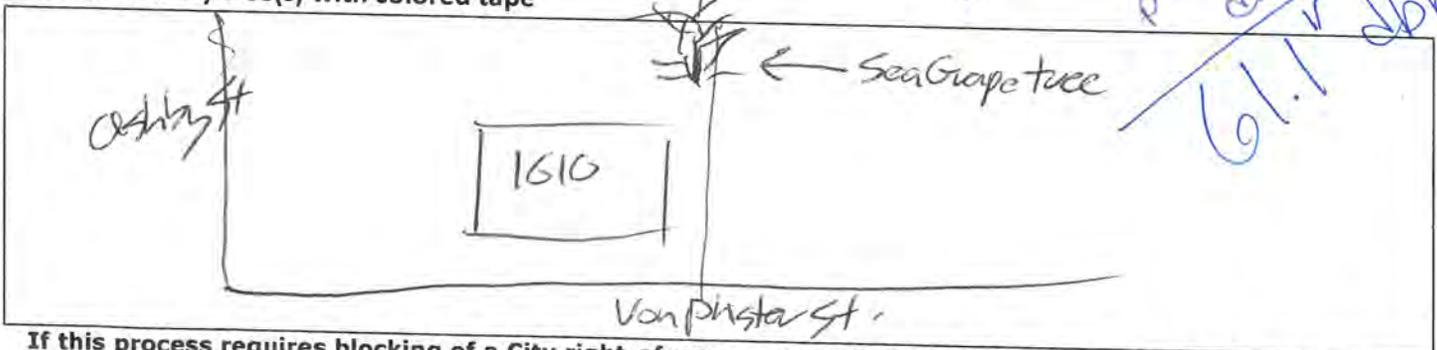
Representative Mailing Address 1602 Land St.

Representative Phone Number 305-296-8101

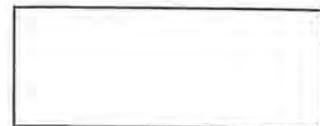
NOTE: A Tree Representation Authorization form must accompany this application if someone other than the owner will be representing the owner at a Tree Commission meeting or picking up an issued Tree Permit. Tree Representation Authorization form attached ( )

Sketch location of tree in this area including cross/corner Street

Please identify tree(s) with colored tape



If this process requires blocking of a City right-of-way, a separate ROW Permit is required. Please contact 305-809-3740.



### Tree Representation Authorization

Date: 5/17/22

Attendance at the Tree Commission meeting on the date when your request will be discussed is necessary in order to expedite the resolution of your application. This Tree Representation Authorization form must accompany the application if the property owner is unable to attend or will have someone else pick up the Tree Permit once issued.

**Please Clearly Print** All Information unless indicated otherwise.

Tree Address 1610 Von Phister St.

Property Owner Name WADE HIGHLANDER

Property Owner eMail Address WADEHIGHLANDER@MSN.COM

Property Owner Mailing Address 312 FREE SOIL RD.

Property Owner Mailing City GEORGETOWN State OHIO Zip 45121

Property Owner Phone Number (937) 213 - 0777

Property Owner Signature *Wade Highlander*

Representative Name Kenneth Khay

Representative eMail Address \_\_\_\_\_

Representative Mailing Address 1602 Laurel St.

Representative Mailing City Key West State FL Zip 33040

Representative Phone Number (305) 296 - 8101

I WADE HIGHLANDER, hereby authorize the above listed agent(s) to represent me in the matter of obtaining a Tree Permit from the City of Key West for my property at the tree address above listed. You may contact me at the telephone listed above is there is any questions or need access to my property.

Property Owner Signature

*Wade Highlander*

The forgoing instrument was acknowledged before me on this 17 day May 2022.

By (Print name of Affiant) Wade Highlander who is personally known to me or has produced KE002981 as identification and who did take an oath.

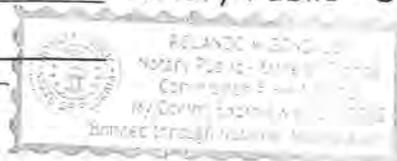
#### NOTARY PUBLIC

Sign Name: *Rolando Gonzalez*

Notary Public - State of Florida (seal)

Print Name: Rolando Gonzalez

My Commission Expires: May 27, 2025



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**Disclaimer**

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

**Summary**

Parcel ID 00042480-000000  
 Account# 1043117  
 Property ID 1043117  
 Millage Group 10KW  
 Location 1610 VON PHISTER St, KEY WEST  
 Address  
 Legal KW MONROE INVESTMENT CO SUB PB1-41 ALL LOT 12 & ALL LOT 13 & THE NW'LY 7  
 Description FT 6 IN OF LOT 2 & THE NW'LY 7 FT 6 IN OF LOT 3 SQR 2 TR 20 OR319-270 OR328-78  
 OR367-643 OR412-7 OR911-263 OR1107-636 OR1107-1351 OR1182-2073 OR3141-  
 2299 OR3142-2185 OR3142-2194  
 (Note: Not to be used on legal documents.)  
 Neighborhood 6157  
 Property SINGLE FAMILY RESID (0100)  
 Class  
 Subdivision Monroe Investment Co  
 Sec/Twp/Rng 05/68/25  
 Affordable No  
 Housing



**Owner**

HIGHLANDER PROPERTY MANAGEMENT LLC  
 109 MAIN St  
 Georgetown OH 45121

**Valuation**

	2021	2020	2019	2018
+ Market Improvement Value	\$435,661	\$386,061	\$386,061	\$397,092
+ Market Misc Value	\$36,322	\$20,015	\$20,015	\$20,015
+ Market Land Value	\$492,998	\$465,610	\$535,889	\$550,296
= Just Market Value	\$964,981	\$871,686	\$941,965	\$967,403
= Total Assessed Value	\$549,118	\$541,537	\$529,362	\$519,492
- School Exempt Value	(\$25,000)	(\$25,000)	(\$25,000)	(\$25,000)
= School Taxable Value	\$524,118	\$516,537	\$504,362	\$494,492

**Land**

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL DRY (010D)	9,510.00	Square Foot	92.5	102.3

**Buildings**

Building ID 3321  
 Style 2 STORY ON GRADE  
 Building Type S.F.R. - R1 / R1  
 Gross Sq Ft 4914  
 Finished Sq Ft 3656  
 Stories 2 Floor  
 Condition GOOD  
 Perimeter 271  
 Functional Obs 0  
 Economic Obs 0  
 Depreciation % 32  
 Interior Walls WD PANL/CUSTOM

Exterior Walls C.B.S. with 11% ABOVE AVERAGE WOOD  
 Year Built 1968  
 EffectiveYearBuilt 1997  
 Foundation CONCR FTR  
 Roof Type GABLE/HIP  
 Roof Coverage METAL  
 Flooring Type CONC ABOVE GRD  
 Heating Type FCD/AIR DUCTED with 0% NONE  
 Bedrooms 3  
 Full Bathrooms 3  
 Half Bathrooms 0  
 Grade 600  
 Number of Fire Pl 0

Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	1,195	0	210
FLA	FLOOR LIV AREA	3,656	3,656	488
SBF	UTIL FIN BLK	63	0	32
TOTAL		4,914	3,656	730

Map



TRIM Notice

2021 TRIM Notice (PDF)

2021 Notices Only

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Sent from my iPhone

On May 18, 2022, at 3:35 PM, WADE HIGHLANDER <wadehighlander@msn.com> wrote:

It is legally in my wife's name and I am a managing member of Highlander property management. I will forward you documentation

Sent from my iPhone

On May 18, 2022, at 1:55 PM, Tippi Koziol <tippi.koziol@cityofkeywest-fl.gov> wrote:

Good afternoon Mr. Highlander,

We are processing a tree permit application in your name that was submitted by representative, Kenneth King requesting the removal of (1) Sea Grape tree at 1610 Von Phister Street. In the public records, the legal owner is listed as: **Highlander Property Management LLC**, and when cross-checked with [Sunbiz.org](http://Sunbiz.org), your name is not associated. For clarity and legal purposes, what is your relationship with this LLC, and would you be able to provide us with documentation?

Thank you,

Tippi Koziol

Administrative Assistant  
Planning Department  
City of Key West  
1300 White Street.  
Key West, FL 33040  
305-809-3725  
[Tippi.Koziol@cityofkeywest-fl.gov](mailto:Tippi.Koziol@cityofkeywest-fl.gov)

<image001.jpg>



EXHIBIT 3

LIMITED LIABILITY COMPANY OPERATING AGREEMENT  
FOR  
HIGHLANDER PROPERTY MANAGEMENT, LLC

LISTING OF MANAGERS

By a majority vote of the Members the following Managers were selected to operate the Company pursuant to ARTICLE 4 of the Agreement:

Name & Address: Lori Highlander  
312 Free Soil Road  
Georgetown, OH 45121

Name & Address:

The above listed Managers will serve in their capacities until they are removed for any reason by a majority vote of the Members as defined by ARTICLE 4 or upon their voluntary resignation.

Signed and Agreed this 16<sup>th</sup> day of November, 2016.

Signature of Member

Printed Name Lori Highlander

Signature of Member

Printed Name Wade Highlander

Signature of Member

Printed Name \_\_\_\_\_

Signature of Member

Printed Name \_\_\_\_\_

