



THE CITY OF KEY WEST  
Tree Commission

Post Office Box 1409 - Key West, FL 33041-1409  
Telephone: 305-809-3723

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October 28, 2020

Island Homes Key West LLC  
Attn: Brenda Donnelly  
425 Eaton Street  
Key West, FL 33040

Dear Ms. Donnelly:

Your request to change the Tree Commission Settlement Agreement conditions is being processed. This request will be considered at the **November 10, 2020**, Tree Commission Meeting, 5:00 pm, at Josephine Parker City Hall at Historic Glenn Archer School, 1300 White Street.

You can use the following link to review the meeting's agenda package under the Tree Commission Calendar <http://keywest.legistar.com/Calendar.aspx>.

**ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.**

If you have any questions, please call the office at (305) 809-3725.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karen DeMaria", is written over a horizontal line.

Karen DeMaria  
Urban Forestry Manager  
[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)



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**TREE COMMISSION OF THE CITY OF KEY WEST, FLORIDA  
COMPLIANCE SETTLEMENT AGREEMENT**

This ("Agreement"), is made and entered into this 13th day of June 2019, by and between **Island Homes Key West, LLC**, having an address of **425 Eaton Street, Key West, Florida 33040**, ("property owner"), **Par-Con, Inc**, having an address of **906 Grinnell Street, Key West, FL 33040** ("contractor") and the **City of Key West**, a municipal corporation, having an address of 1300 White Street, P.O. Box 1409, Key West, Florida 33041-1409, by and through the Tree Commission of the City of Key West, Florida ("Tree Commission").

**WITNESSETH**

**Whereas**, Chapter 110 of the Code of Ordinances for the City of Key West provides for hearings of violations, notice, procedure and compliance settlement with regard to the damage or destruction of certain protected trees; and

**Whereas**, in accordance with Chapter 110 of the Code of Ordinances for the City of Key West, the Tree Commission conducted a hearing and rendered a decision with respect to a certain violation of Chapter 110.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties agree as follows:

**1. Acceptance of Responsibility for Damage or Destruction:**

Respondent accepts full and complete responsibility for the damage or destruction of regulated trees on real property located at **1119 White Street**, in the City of Key West, Florida, in violation of Chapter 110 of the Code of Ordinances for the City of Key West, as found in the findings made and decision issued by the Tree Commission at its hearing held on June 11, 2019.

**2. Remedy:**

Pursuant to Section 110-291 of the Code of Ordinance for the City of Key West, the Tree Commission has ordered, and Respondent agrees to, the following remedy:

- a. The property owner working with the contractor shall plant a total of 35 caliper inches of FL #1, dicot trees from the approved tree list, on the property (1119 White Street).
- b. Trees shall be planted within 6 months of the date of this signed agreement.
- c. Tress shall be planted according to current 'Best Management Practices'.
- d. The City of Key West, Urban Forestry Program manager shall be contacted for inspection of required tree installation.

*Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.*

- e. Once inspected and approved, an as built drawing of the updated landscaping shall be submitted to the Urban Forster for inclusion into the development plan file for the property.
- f. Consistent with permitting requirements, the replacement trees shall remain alive for a minimum of 1 year after planting or replace with like.

The remedy as indicated above is based upon the value of the damaged or destroyed tree, as found by the Tree Commission.

**3. Penalty for Non-Performance:**

Failure of Respondent to comply with the remedy indicated in Paragraph 2 above shall result in the institution of any and all permitted administrative and legal actions.

**4. Sale of Property:**

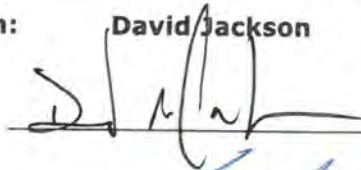
In the event the subject property is sold prior to the completion of compliance with this Agreement, the new owner shall be subject to the terms and conditions of this Agreement. It shall be the duty of the selling property within ten days of the effective date of the sales contract to provide the buyer with a copy of this Agreement. The Urban Forestry Manager shall issue a letter to the property owner when compliance is achieved.

**IN WITNESS WHEREOF**, Respondent and the Tree Commission have caused this instrument to be executed as of the date first written.

**TREE COMMISSION**

**City of Key West, Florida, a municipal corporation, by and through the Tree Commission of the City of Key West**

Chairperson: David Jackson



Witness: Karen Dettaria

Print Name: Karen Dettaria

Date: 6-13-19

**Property Owner: Island Homes Key West LLC**




Print Name: Brenda Donnelly

Witness: Margarita Pedroza

Print Name: Margarita Pedroza

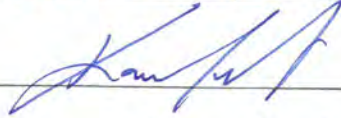
Date: 9/13/19

Contractor: Par-Con, Inc



Print Name: Jeff Burnham

Witness: \_\_\_\_\_



Print Name: Karen Dellanig

Date: Oct 3, 2019

# STAFF REPORT

DATE: November 3, 2020

RE: Settlement Agreement for 1119 White Street (TC2020-0019)

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

On September 2, 2020, a site inspection was conducted at 1119 White Street to determine compliance to the Settlement Agreement. The existing landscaping had been enhanced and three new State listed endangered species subcanopy trees had been planted, (2) Simpson Stoppers and (1) Lignum vitae tree.

The inspection documented that a total of 12 caliper inches of required mitigation credit had been planted (planted tree species are 2:1 credit). The signed Settlement Agreement of October 2019 requires the planting of 35 caliper inches of approved trees on the property. Therefore, an additional 23 caliper inches of approved trees remain to be planted.

The property owner is requesting a change to the Settlement Agreement to allow for the remaining required inches to be planted off site or donated.

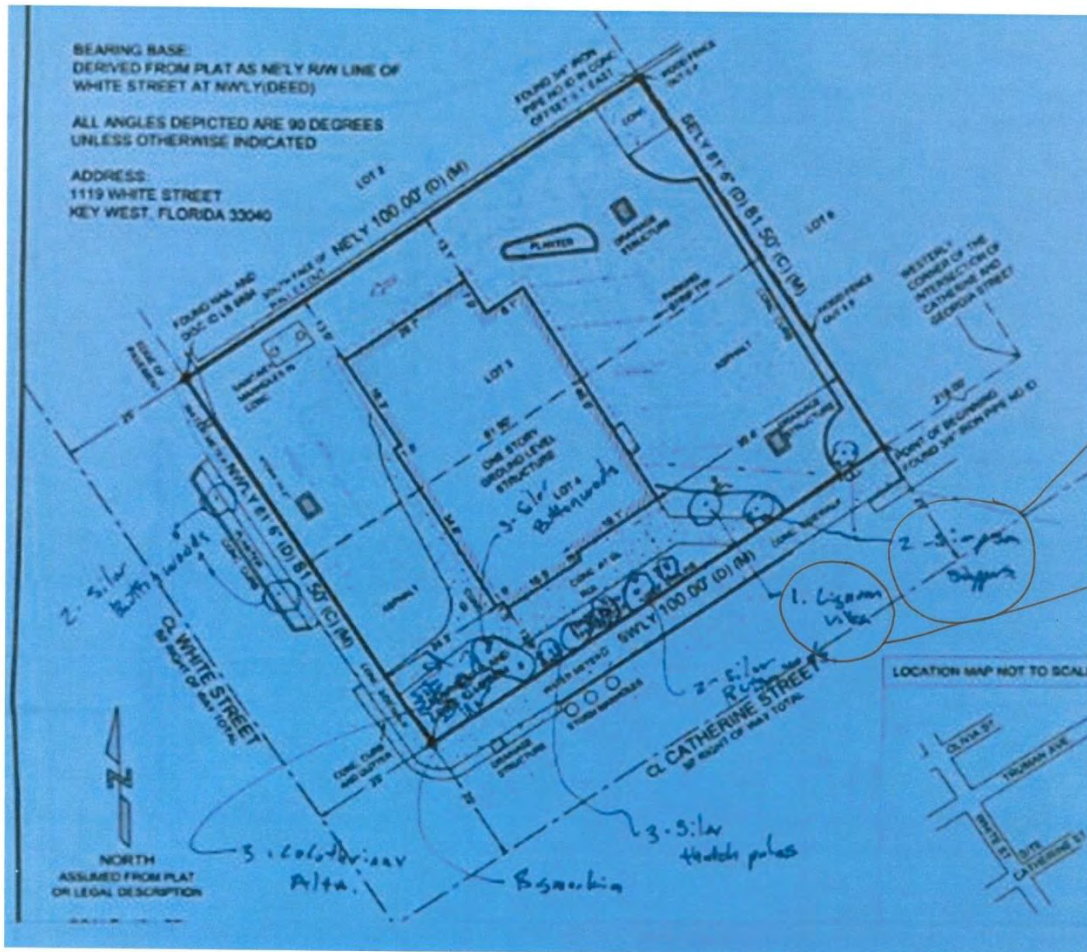




Photo of front of the property



Photo showing the southeastern property line area--along Catherine Street

Location of new lignum vitae and one new Simpson Stopper



Photo showing the southeastern property line area--along Catherine Street



Photo showing rear of the building.



Photo of rear property line

Location of second new Simpson stopper tree.



Photo of southwestern property line area.



Close up photo of Lignum vitae



Close up photo of Simpson Stopper tree #1



Close up photo of Simpson Stopper #2

