

# STAFF REPORT

DATE: September 27, 2019

RE: **UPDATE Administrative Hearing for 1900-1906 Flagler Avenue**

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

Several site visits and one site meeting have been conducted regarding the unauthorized and improper trimming of the trees at the rear of Shanna Key. A survey provided by the adjacent property owner has determined that 7 of the 8 trees are located on 1906 Flagler Avenue.

Trees #1, #2, #3, #4, #5, #6, and #8 are Jamaican Dogwood trees. Tree #7 is a strangler fig tree. The trees are resprouting with leaves and resemble large shrubs. It will take years before they become proper trees again and that is if the new growth survives various weather/wind events through the area. Regrowth such as what is on the trees right now is very prone to breakage.

A site meeting with the two properties owners discussed removal of the trees and stumps and replanting on 1900 Flagler Avenue with an emphasis on planting along the side property line with 1908 Flagler Avenue. The owner of 7 of the trees, Michael Halpern, verbally agreed with this plan.



Standing in parking lot looking at rear property line of 1906 Flagler and side property line with 1908 Flagler.





Photo of tree #1, Jamaican Dogwood. Note location of electrical lines and conduit





Two photos of trees #2 - #6, Jamaican Dogwood trees.







Photo of tree #7, Strangler Fig tree.





Photo looking west down the property line.





Photo of tree #8,  
Jamaican Dogwood  
growing along property  
line with 1908 Flagler.



Photo looking straight at wall  
and part of tree area. Note, tall  
tree in background is not part of  
this review.

## Karen DeMaria

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**From:** Karen DeMaria  
**Sent:** Wednesday, September 25, 2019 4:54 PM  
**To:** gearykw@aol.com; mhpa@bellsouth.net  
**Subject:** 1900 and 1906 Flagler Avenue Tree Commission Administrative Hearing October 8, 2019

Barry: The administrative hearing to discuss the unauthorized tree trimming at your and Michael's properties will be heard at the October 8 Tree Commission meeting. You are expected to be there to discuss terms of a settlement agreement. As we discussed on site, I will bring a proposal to allow you to remove the existing trees and then you will be required to replant on your property with an emphasis of plantings near the dumpster and along the side property line with the Learning Center School. The Tree Commission will make the final decision.

Michael: You do not have to attend the meeting but you are more than welcome to come. I do need you to at least respond to this e-mail letting me know that as the actual owner of most of the trees, you approve and will allow the removal of the trees.

Sincerely,

Karen

*Karen DeMaria*  
Urban Forestry Manager  
Certified Arborist FL# 6585A  
City of Key West Planning Department  
1300 White Street, Key West, FL 33040  
305-809-3768



## Karen DeMaria

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**From:** Karen DeMaria  
**Sent:** Wednesday, August 21, 2019 9:41 AM  
**To:** 'gearykw@aol.com'  
**Cc:** 'mhp'a'  
**Subject:** Administrative Hearing  
**Attachments:** 1906 Flagler Survey-learning center shanna key.pdf; 1900 Flagler Admin Notice.pdf

Barry:

Attached is a copy of the survey for the property adjoining yours where the trees were abused-trimmed. It appears that the concrete wall is the property line. Any further discussion regarding those trees will have to include Michael Halpern, the property owner.

A recent visit did document that those trees along the concrete wall were regrowing. My concern is that the regrowth will need to be managed for several years to control and repair the canopy. The trimming work you did is considered tree abuse as you completely removed the canopies of all of those trees. Regrowth on such "trees" generally is not structural sound and is prone to breaking off as the growth connection is not strong on the tree. There is also one tree that is wholly on your property that was "removed" that we need to discuss.

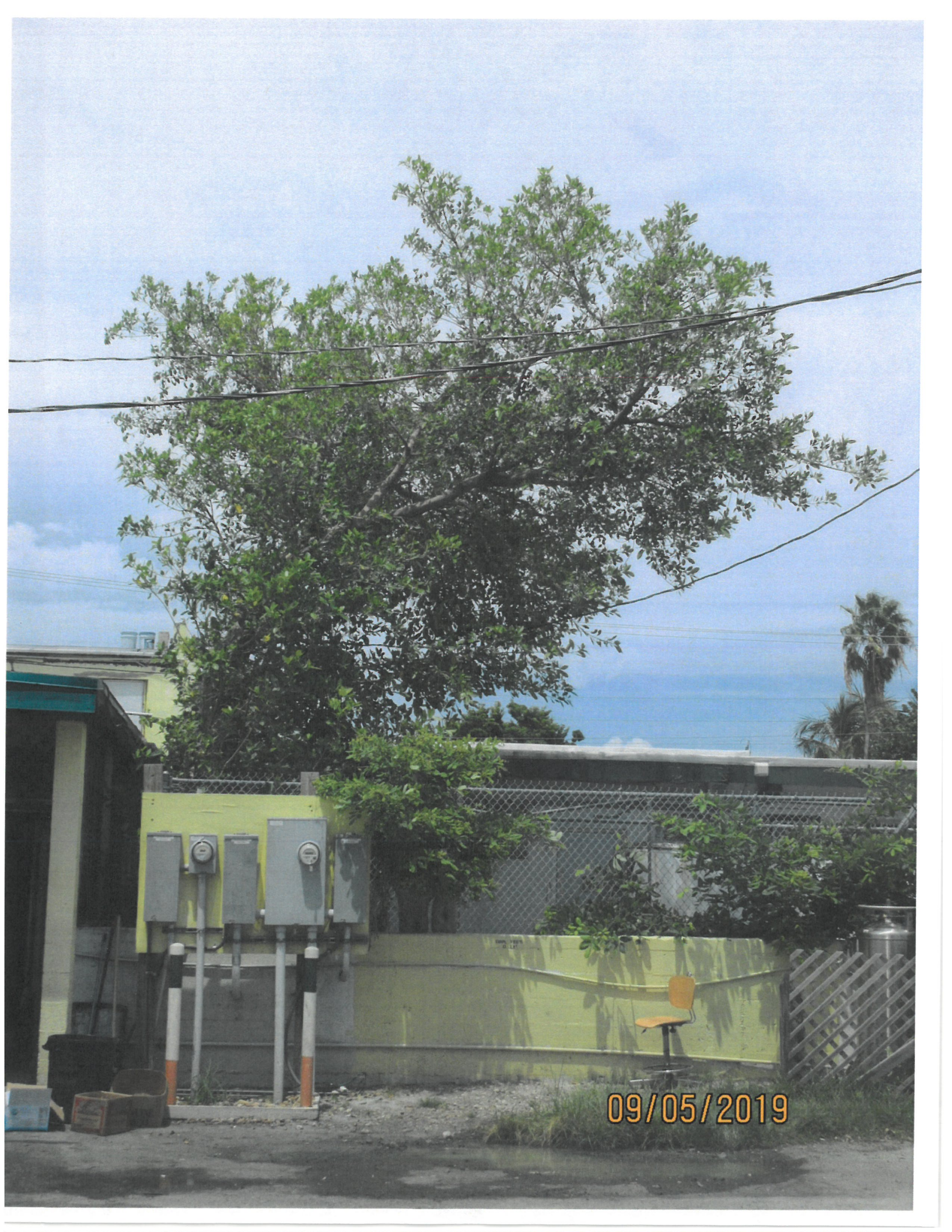
I need to update the Tree Commission as to what is going on with this file and I need to reschedule the administrative hearing. Therefore, I am recommending a site meeting with you, Michael, and myself to determine the best course of action. I have copied Michael on this e-mail. What are your schedules like the next few weeks? I will be out of the office from August 28-September 4.

Sincerely,

Karen

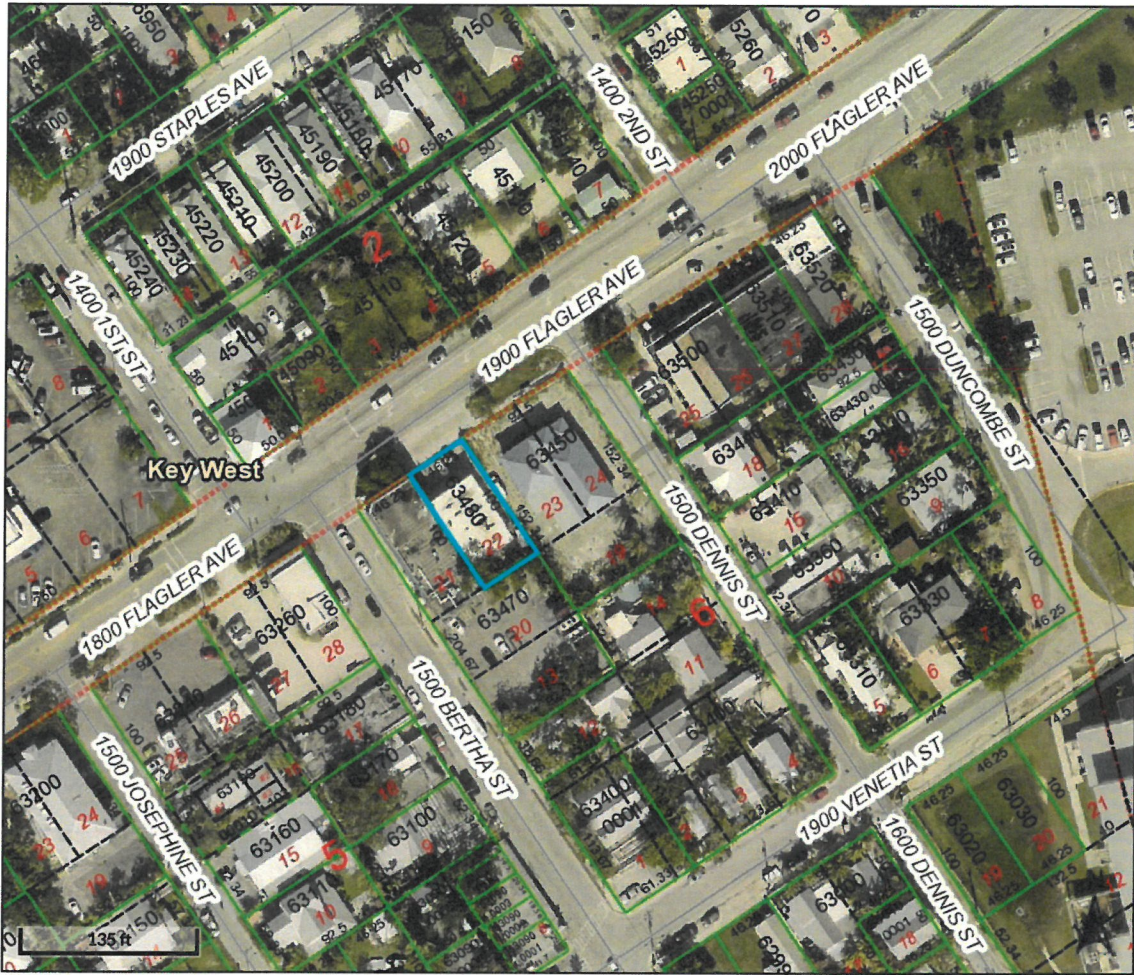
*Karen DeMaria*  
Urban Forestry Manager  
Certified Arborist FL# 6585A  
City of Key West Planning Department  
1300 White Street, Key West, FL 33040  
305-809-3768





09/05/2019





Overview



 Legend

-  Centerline
-  Easements
-  Hooks
-  Lot Lines
-  Road Center
-  Rights of Way
-  Shoreline
-  Condo Building
-  Key Names
-  Subdivisions
-  Parcels

Parcel ID	00063480-000000	Alternate ID	1063916	Owner Address	1908 FLAGLER AVENUE CORP
Sec/Twp/Rng	05/68/25	Class	ONE STORY OFFICE		209 Duval St
Property Address	1906 FLAGLER Ave				Key West, FL 33040
	KEY WEST				

District 10KW  
 Brief Tax Description KW DIAG PB 1-13 LOT 22 SQR 6 TR 30 OR309-523/525 OR487-399 OR1869-409  
 (Note: Not to be used on legal documents)

Date created: 9/25/2019  
 Last Data Uploaded: 9/25/2019 5:56:49 AM

Developed by  Schneider  
 GEOSPATIAL



## Karen DeMaria

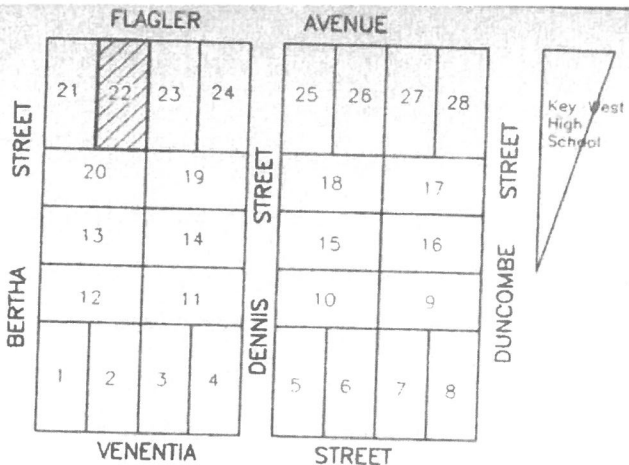
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**From:** mhp@bellsouth.net  
**Sent:** Wednesday, July 24, 2019 4:56 PM  
**To:** Karen DeMaria  
**Subject:** Fw: Attached Image  
**Attachments:** 1470\_001.pdf

2 surveys, one from '03 and the other '97

Sent from Yahoo Mail on Android





## LOCATION MAP

A portion of "W.D. CASH'S DIAGRAM  
of Tract 30, City of Key West

**LEGAL DESCRIPTION:**

On the Island of Key West and known as Lot Twenty-two (22), Square Six (6), Tract Thirty (30), Cash's Diagram according to the plat thereof, as recorded in Plat Book 1 at Page 13, of the Public Records of Monroe County, Florida.

**SURVEYOR'S NOTES:**

North arrow based on assumed median  
 3.4 denotes existing elevation  
 Elevations based on N.G.V.D. 1929 Datum  
 Bench Mark No.: KH-1      Elevation: 4.262

**Monumentation:**

- ⊙ = set 1/2" Iron Pipe, P.L.S. No. 2749
- = Found 1/2" Iron Pipe
- = Found 1/2" Iron Bar
- △ = Set P.K. Nail, P.L.S. No. 2749
- ▲ = Set Drill Hole

**Abbreviations:**

- |                       |                                 |
|-----------------------|---------------------------------|
| Sty. = Story          | a/h = Overhead                  |
| R/W = Right-of-Way    | u/g = Underground               |
| fd. = Found           | F.F.L. = Finish Floor Elevation |
| p. = Plat             | conc. = concrete                |
| m. = Measured         | I.P. = Iron Pipe                |
| N.T.S. = Not to Scale | I.B. = Iron Bar                 |
| ⊕ = Centerline        | ⊕ = Baseline                    |
| Elev. = Elevation     | C.B.S. = Concrete Block Stucco  |
| B.M. = Bench Mark     | cov'd. = Covered                |
| P.B. = Plat Book      | wd. = Wood                      |
| pg. = page            | w.m. = Water Meter              |
|                       | Pl. = Planter                   |

Field Work performed on: 2/24/03

**CERTIFICATION made to:**

Marci L. Rose, Esq.  
 Attorneys' Title Insurance Fund, Inc., its successors and/or assigns, as their interest may appear  
 First State Bank of the Florida Keys, its successors and/or assigns, as their interest may appear  
 1908 Flagler Avenue Corp.

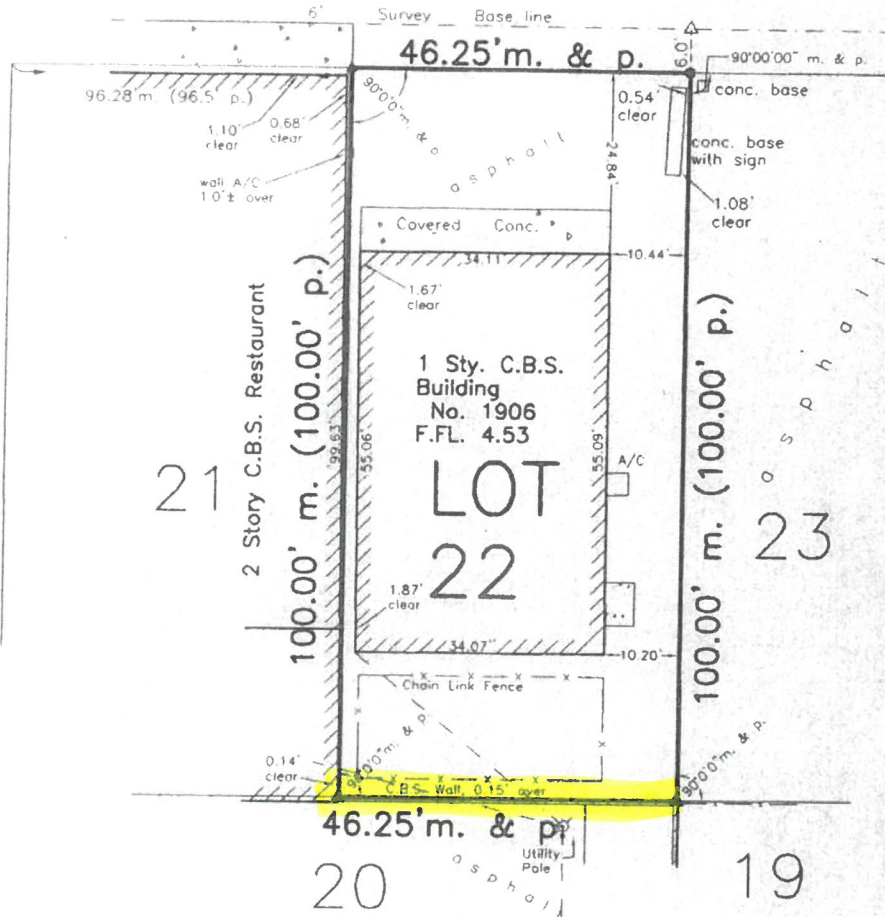
**CERTIFICATION:**

I HEREBY CERTIFY that the attached **BOUNDARY SURVEY** is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 61G17-6, Florida Statute Section 472.027, and the American Land Title Association, and that there are no visible encroachments unless shown hereon.

**FREDERICK H. HILDEBRANDT**  
 Professional Land Surveyor No. 2749  
 Professional Engineer & Mapper No. 36810  
 State of Florida

FLAGLER AVENUE (84' R/W)

BERTHA STREET (50' R/W)



BLOCK 242

1908 Flagler Avenue Corp. 1906 Flagler Avenue, Key West, Fl. 33040			
BOUNDARY SURVEY			Dwn No.: 03-190
Scale: 1"=20'	Ref. 172-26	Flood panel No. 1717 G	Dwn. By: F.H.H.
Date: 3/12/03	Flood Zone: AE		Flood Elev. 8'
REVISIONS AND/OR ADDITIONS			
c/dwg/kw/block242			

**FREDERICK H. HILDEBRANDT**  
ENGINEER PLANNER SURVEYOR

3150 Northside Drive  
Suite 101  
Key West, Fl. 33040  
(305) 293-0466  
Fax. (305) 293-0237