

STAFF REPORT

DATE: June 24, 2015

RE: **1402 Olivia Street (permit application # T15-7462)**

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

An application was received for the removal of **(1) Gumbo Limbo tree**. A site inspection was done on June 23, 2015 and documented the following:

Tree Species: Gumbo Limbo (*Bursera simaruba*)













Diameter: 20.7"

Location: 80%

Species: 100% (on protected tree list)

Condition: 20% (poor, decay and hole in main trunk)

Total Average Value = 66%

Value x Diameter = 13.6 replacement caliper inches

Recommend approval of the removal of (1) Gumbo Limbo tree at 1402 Olivia Street to be replaced with 13.6 caliper inches of FL#1 dicot trees from approved list.

Karen DeMaria

Subject: FW: Casa Olivia Condo Owners Association

From: Doug Pryor [<mailto:douglas.pryor@fkcc.edu>]

Sent: Friday, June 26, 2015 6:03 AM

To: Jo Bennett

Cc: dougpryor@comcast.net

Subject: Casa Olivia Condo Owners Association

Ms. Bennett –

My name is Doug Pryor and I'm the President for Casa Olivia Condo Owners Association located at 1402 Olivia Street. Mr. Ken King from Golden Bough Tree Service has suggested that I email the attached correspondence between myself and the owner/directors of the Condo Association. Mr. King will be representing us at the July 14 meeting in reference to a permit request for removal of a Gumbo Limbo tree that is hollowed out from termite damage and endangering the safety of the house. Ms. Rosi Ware is our next door neighbor and the tree also impedes into her yard and over her roof.

You'll notice that all Association members have approved the recommendation for removal from Mr. King. The reason I'm sending this to you is due to a conflict that has arisen within the Association and the threat from one owner to attend the meeting and attempt to sway the decision of the committee. This would be Mr. Rick Boettger. I have attached his approval email to the Association. Mr. Boettger and the remainder of the Association members are at odds over issues unrelated to this matter. I would kindly ask that you use the expertise of Mr. King and the attached Board of Director approvals in making your decision.

Thank you for your assistance.

Doug Pryor
1402 Olivia Street #3
Key West, Florida 33040
305-407-7760

Attachments:

On Mon, Jun 8, 2015 at 6:42 PM, Doug Pryor <dougpryor@comcast.net> **wrote:**

Good Evening -

Ken from Golden Bough Tree Service stopped by today and has quoted \$1,300 for tree and cut log removal. He stated the tree is now a hazard to the house as it's completely ate through by termites. Please respond with your approval to immediately proceed. There may also be a very small cost for the permit.

From: "Ware, Rosi (KTNYG cs)" <Rosi.Ware@kantar.com>

Subject: RE: Gumbo Limbo Tree Removal

Date: June 9, 2015 at 9:25:30 AM EDT

To: Richard Boettger <rd.boettger@gmail.com>, Doug Pryor <dougpryor@comcast.net>

Cc: Susan Hazen <sbhazeninc@verizon.net>, George Hazen <gshazen@verizon.net>, Richard Boettger <richard.boettger@tax.hrblock.com>, Cynthia Edwards <cw.edwards1018@gmail.com>, "John T. Burns" <judetoy@comcast.net>, "John Fencil" <longhornsoxfan@gmail.com>

We agree that the tree needs to be removed, and Kenny is the man to do it.
We are back Thursday afternoon
But are happy for Kenny to come by whenever to take down the tree and remove the roots.
Thanks for getting the quote.
Cheers,
ROSI and Jeff

On Jun 8, 2015, at 8:00 PM, Richard Boettger <rd.boettger@gmail.com> wrote:
Owner of Unit 1

Yes, a necessary action.

Cynthia asks, does that include grinding the stump and the roots? "It is a subtropical tree with a wide shallow root system. That's why we want the estimate to include removing all of it. Because it's on the border between ours and the Ware's property, roots will grow into Ware's property as well. So we'll have to check with the Ware's to see if they want Golden Bough to remove the roots from their side. We have to consider if that is a part our cost as well." We are cc'ing them on this.

From: Doug Pryor <dougpryor@comcast.net>
Subject: Re: Gumbo Limbo Tree Removal
Date: June 9, 2015 at 9:10:30 AM EDT
To: Richard Boettger <rd.boettger@gmail.com>
Cc: Susan Hazen <sbhazeninc@verizon.net>, George Hazen <gshazen@verizon.net>, Richard Boettger <richard.boettger@tax.hrblock.com>, Cynthia Edwards <cw.edwards1018@gmail.com>, "John T. Burns" <judetoy@comcast.net>, John Fencil <longhornsoxfan@gmail.com>

As per Ken from Golden Bough Tree Service there is no need to grind down the stump.

He quoted \$150.00 extra to do this so I'll leave it up to you and the Wares to pay this amount if you wish to move forward.

As authorized by the majority member vote of the Casa Olivia Condo Association we will only be paying \$1,300 for tree and cut log removal.

Thank you,

Doug

From: Fencil <longhornsoxfan@gmail.com>
Subject: Re: Gumbo Limbo Tree Removal
Date: June 8, 2015 at 8:09:12 PM EDT
To: Doug Pryor <dougpryor@comcast.net>
Cc: Susan Hazen <sbhazeninc@verizon.net>, George Hazen <gshazen@verizon.net>, Richard Boettger <rd.boettger@gmail.com>, Richard Boettger <richard.boettger@tax.hrblock.com>, Cynthia Edwards <cw.edwards1018@gmail.com>, "John T. Burns" <judetoy@comcast.net>

Owner of Unit 2

Sounds like it's been ongoing for a while. Yes. I agree, get rid of it.

From: Susan Hazen <sbhazeninc@verizon.net>

Subject: Re: Gumbo Limbo Tree Removal

Date: June 8, 2015 at 6:46:43 PM EDT

To: Doug Pryor <dougpryor@comcast.net>

Cc: George Hazen <gshazen@verizon.net>, Richard Boettger <rd.boettger@gmail.com>, Richard Boettger <richard.boettger@tax.hrblock.com>, Cynthia Edwards <cw.edwards1018@gmail.com>, "John T. Burns" <judetoy@comcast.net>, John Fencil <longhornsoxfan@gmail.com>

Owner of Unit 4

You have our approval. Thank you for taking care of this.

Karen DeMaria

Subject: FW: Gumbo limbo at 1402 Olivia

-----Original Message-----

From: Boettger, Richard [mailto:richard.boettger@tax.hrblock.com]
Sent: Friday, June 26, 2015 11:19 AM
To: Jo Bennett
Subject: Gumbo limbo at 1402 Olivia

Dear Jo Bennett,

Thank you for all your help yesterday. I called Karen yesterday, but she has not got back to me.

It occurs to me that my neighbors do not have standing to remove my tree. I cannot imagine sending Ken King next door to Rosi Ware's house and having him submit a tree removal request for one of their trees against their wishes.

Our Declaration of Condominium makes it very clear: Unit 1 (ours) owns "All of the land surrounding the building, including the backyard, small pool, and side yards . . ." on the Clerk's website in book 1482 Page 1921, then referring to the survey on page 1937.

We are indeed responsible for taking care of all of this property. Before we moved in, the owners lived in New York and did not take care of the front yard landscaping. So to keep up appearances, the Association paid someone \$120/month to do so. We have all just recently realized the Declaration is very clear about ownership, and the association no longer pays for the front yard landscaping, it is on us.

This is the explanation for the mix-up. I am researching saving the tree. I think the current application should be taken down, pending the proper owner's (us) submitting a request ourselves should I find it unsalvageable.

Could you please forward this to Karen? I expect she is most responsive to emails from you!

Regards,

Rick Boettger
owner, Unit 1, 1402 Olivia St Key West

Jo Bennett

From: Doug Pryor <dougpryor@comcast.net>
Sent: Friday, July 03, 2015 3:35 PM
To: Jo Bennett; Karen DeMaria
Cc: Susan Hazen; George Hazen; John Fencil
Subject: Fwd: 1402 Olivia Street Gumbo Limbo
Attachments: 1402 Olivia Street.pdf; ATT00001.htm

Ms Bennet and Demaria -

I just finished reading the attached July 14, 2015 agenda for 1402 Olivia Street's request to remove a gumbo limbo.

I'm forwarding you an attached email where you will see that in September 2014 it was then Association President Mr. Boettger that contacted Ken King.

I noticed in his email to you he made many inaccurate statements and felt that as current President of the Association I should address the errors.

I think you should be aware of who it was that actually initiated that inspection from Ken King almost one year ago.

The Association has been very patient and accommodating to matters surrounding this issue.

Thank you,
Doug Pryor

Begin forwarded message:

From: Richard Boettger <rd.boettger@gmail.com>
Subject: New waste day, tree, date palm
Date: September 16, 2014 at 3:24:13 PM EDT
To: Cynthia Edwards <cw.edwards@yahoo.com>, Doug Pryor <DougPryor@comcast.net>, George Hazen <gshazen@verizon.net>, John Fencil <longhornsoxfan@gmail.com>, "John T. Burns" <judetoy@comcast.net>, Susan Hazen <sbhazeninc@verizon.net>, Rick Boettger <rd.boettger@gmail.com>

Dear Casans,

Big news is waste pickup is moving from Tuesdays to Thursdays as of Oct 2. Last Tuesday pickup is Sep 29 [sic] probably meaning 30, then two days later. Cynthia and I leave Oct 2 afternoon until Oct 20, so others will have to handle trash on Oct 9 and 16th. We're sending back two of the blue bins, since they are not allowed to be used for yard waste. Leaves us with two blues, and we have never filled more than 1.5.

The sapodilla was cut back as much as I could get Ken King to cut for \$700. He just refused to cut back some under-foliage above our deck. If we want more cut, we'll have to hire someone else. Problem is, Ken is kind of #1 guy in KW, especially re: tree commission. He also charged \$50 to take down two of the cluster palms, one of which was brushing both the building and electrical lines. We have to consider taking down our gumbo limbo next year he says, due to rot--long-term damage from Wilma.

Keith Lapp did the gutters for only \$165, not the \$1,004 estimated by the gutter professionals. Thanks to the Hazens for asking me to try a little harder to find a local.

I am crossing my fingers on the date palm. I have just made the third monthly application of the magnesium, manganese, and iron fertilizers recommended by Pat Rogers, and it seems we have a number of fresh new fronds. I also cleared competing growth from around its base, also at her recommendation. Finally, I am leaving the dead fronds stay on longer. This week I finally took off around 8 that clearly had no nutrients left to give back to the tree.

Ken King says dwarf date palms shouldn't be planted here, as they don't do well. I love ours and desperately want to save it. And the approx. \$5k it would take to replace with a similar "specimen" tree.

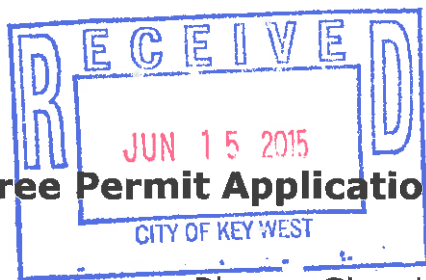
Next big project is fixing the hole in the 2nd floor deck before someone lands in our guest room. We are all counting on the Hazens to find a capable worker for their deck, who we can then employ on deck 2.

Cheers,

--

Rick

Application



7462

Tree Permit Application

Date: 6-15-2015

Please Clearly Print All Information unless indicated otherwise.

Tree Address 1402 Olivia St.
Cross/Corner Street Florida St
List Tree Name(s) and Quantity 1 Gumbo Limbo
Species Type(s) check all that apply () Palm () Flowering () Fruit (X) Shade () Unsure
Reason(s) for Application:

(X) REMOVE (X) Tree Health () Safety () Other/Explain below
() TRANSPLANT () New Location () Same Property () Other/Explain below
() HEAVY MAINTENANCE () Branch Removal () Crown Cleaning/Thinning () Crown Reduction

Other/Explain

Reason for Request Extreme decay and termite damage in trunk.

Property Owner Name Casa Olivia Condo Assoc / Dang Phyl
Property Owner eMail Address dangphyl@comcast.net
Property Owner Mailing Address 1402 Olivia St #3
Property Owner Mailing City Key West State FL Zip 33040
Property Owner Phone Number (305) 407-7760
Property Owner Signature

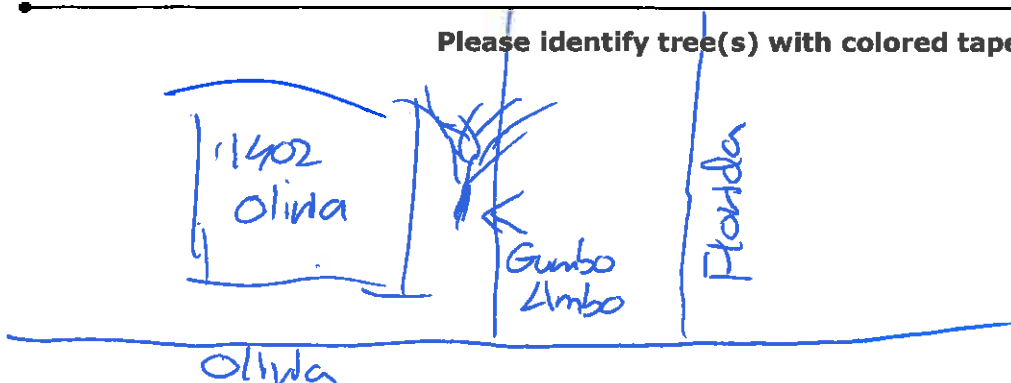
Representative Name Kenneth Khg
Representative eMail Address
Representative Mailing Address 1602 Laird St
Representative Mailing City Key West State FL Zip 33040
Representative Phone Number (305) 296-8101

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



6-23-15
large decay in main
trunk - poor
65" cir
20.7" dbh

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



7462

Tree Representation Authorization

Date: 6-15-2015

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 1402 Olivia StProperty Owner Name Casa Olivia Club Assoc. / Doug PryorProperty Owner eMail Address dougypryor@comcast.netProperty Owner Mailing Address 1402 Olivia St #3Property Owner Mailing City Key WestState FLZip 33040Property Owner Phone Number (305) 407-7160Property Owner Signature Doug Pryor, Assoc. PresidentRepresentative Name Kenneth King

Representative eMail Address _____

Representative Mailing Address 1602 Laid StRepresentative Mailing City Key WestState FLZip 33040Representative Phone Number (305) 296-8101

I Doug Pryor, 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 if there are any questions or need access to my property.

Property Owner Signature Doug Pryor

The forgoing instrument was acknowledged before me on this 15th day June, 2015.

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

NOTARY PUBLIC

Sign Name: Debra R. Leonard

Notary Public - State of Florida (seal)

Print Name: Debra R. LeonardMy Commission Expires: 2/5/2016