Administrative Hearing Notice



THE CITY OF KEY WEST

Tree Commission

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

NOTICE OF ADMINISTRATIVE HEARING BEFORE THE TREE COMMISSION OF THE CITY OF KEY WEST

June 22, 2015

Tree Commission City of Key West Petitioner.

Vs.

David Cunningham Islandscaping 10791 6th Avenue Gulf Marathon, FL 33050

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, July 14, 2015,** at 5:00 p.m., at Old City Hall, 510 Green St. Key West, Florida.

This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. The purpose of this hearing will be to determine if a code violation has been committed by the above named Respondent. Your presence is required at this Tree Commission meeting.

Date of alleged violation: prior to June 19, 2015 at 428 Greene Street (Capt Tony's Saloon)

Alleged code violation:

Sec. 110-256. Tree abuse.

- (b) Prohibited acts. A tree shall be considered abused if a person takes an action so that one of the following
 - (2) Damage inflicted to or cutting upon a tree which permits infection or pest infestation.
 - (7) Tears and splitting of limb ends or peeling and stripping of bark.

Section 110-321. Permit Required.

- (a) Unless a tree removal permit approved by the tree commission and issued by the urban forestry manager has been obtained, no person, whether on publicly or privately owned land, shall cause tree abuse or other harm, or major maintenance to, hatracking, transplanting, topping or removal of the following:
 - (1) Any tree listed as "specially protected" in section 110-253;





Kev to the Caribbean – average yearly temperature 77 ° Fahrenheit.



Factual allegation: The historic strangler fig tree at 428 Greene Street was improperly trimmed. A major maintenance permit was required for the trimming work (more than 1/3 of the canopy was removed and 6" diameter cuts were made). No permit was applied for or issued for major maintenance of the tree.

If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of The City of Key West pursuant to section 110-294 of the Key West City Code.

Attendees are hereby notified that a complete and accurate record of the proceeding is required under Florida Statute 286.0105 if an appeal is sought. Appellants are responsible for providing transcription services.

I hereby certify that the forgoing notice has been e-mailed to the Respondent, and has been sent regular mail and certified U.S. Mail to the above named Respondent's listed address on this **24**th **day of June 2015.**

If you have any questions, please call the office at (305) 809-3768.

Karen DeMaria

Urban Forestry Manager

kdemaria@citvofkevwest-fl.gov

cc: Joseph Farber 428 Greene Street Key West, FL 33040 Richard Johnson 38 Portside Drive

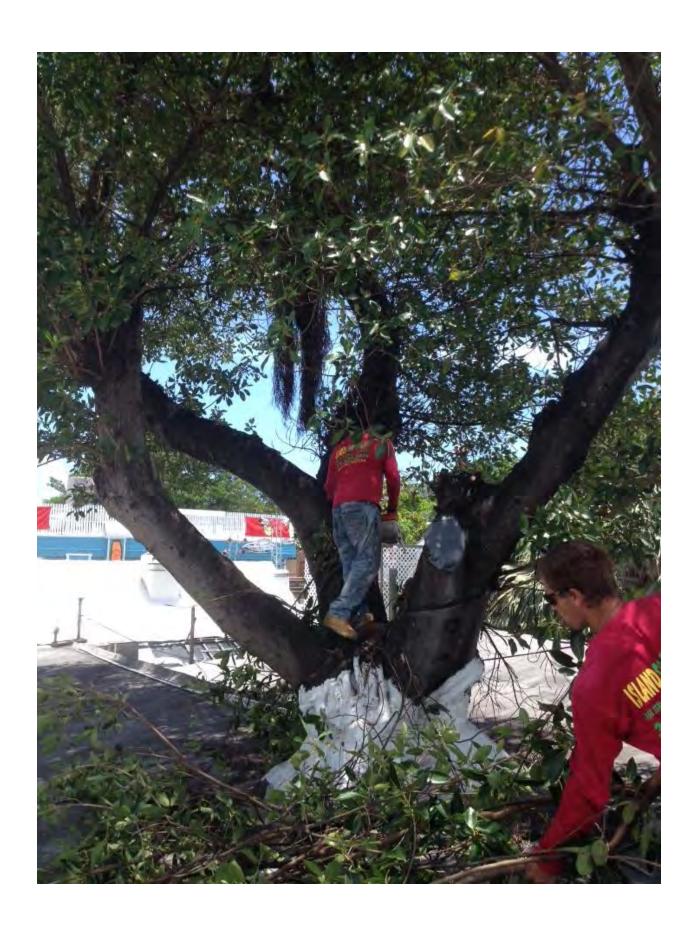
Ft. Lauderdale, FL 33316

The following photos were found on the Keystrees Facebook site dated June 16, 2015:















Staff Report

STAFF REPORT

UPDATE: August 4, 2015

RE: 428 Greene Street (Capt Tony's Saloon)

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

On July 28, 2015, I met with Jason, manager of Capt Tony's Saloon, to get a close up look at the Strangler Fig tree. The tree is growing in the bar and the roof was built around it. The diameter of the tree is 32.5". The base of the tree appears to be solid.



Photos were then taken of the remaining canopy of the tree and the trimming cuts.

















Comments: More than 30% of the canopy has been removed and large diameter branches (over 6" diameter) have been cut without benefit of a major maintenance trimming permit. No permit was applied for or issued for this work.

There appears to be healthy wood at the cuts. Some of the cuts need to be properly recut. The canopy of the tree will require long term, proper trimming maintenance in order to ensure a healthy future canopy.

The property owner and respondent were asked at the July 14, 2015 Tree Commission meeting, to have an independent arborist inspect the tree and submit a report as to a remedy to correct the trimming situation with the tree.

DATE: June 30, 2015

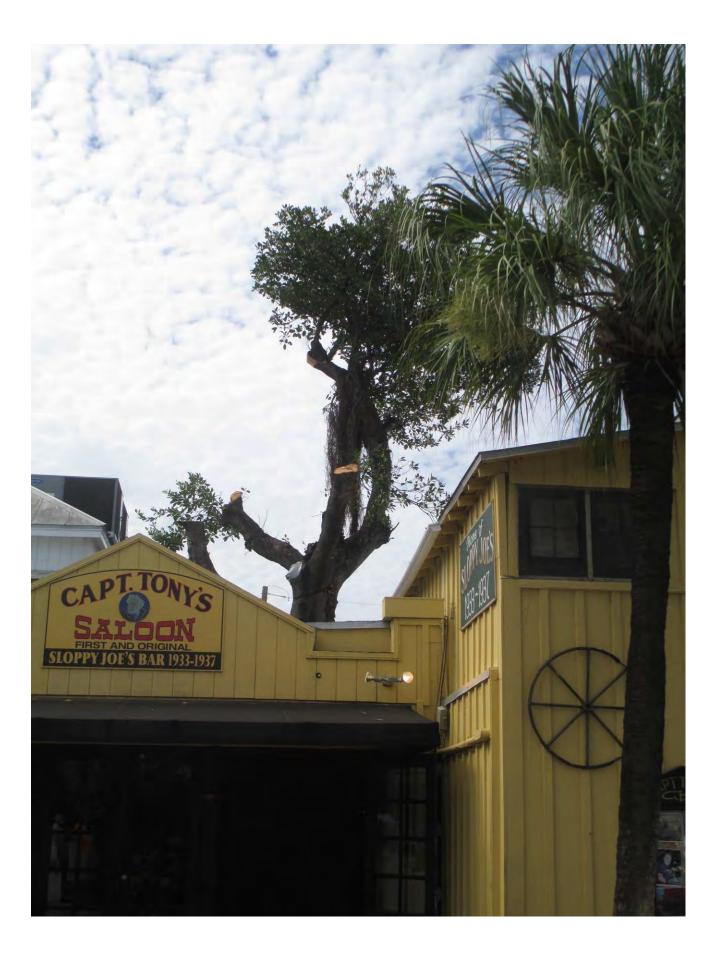
RE: 428 Greene Street (Capt Tony's Saloon)

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

On June 18, 2015 a complaint was received regarding the trimming of a tree at Capt. Tony's Saloon. An inspection revealed a strangler fig tree had been improperly trimmed and the trimming work required a permit from the Tree Commission (heavy maintenance trimming-more than 1/3 of the canopy removed and branches over 6" diameter were cut.) The tree is also known as "the hanging tree."

No permits were issued by the Tree Commission to do the trimming work. A Use of Right of Way Permit (15-211) was issued to David Cunningham (Islandscaping) on June 12, 2015 by Code Enforcement to close the right of way on June 16, 2015 to trim the tree.











On June 18, 2015 I spoke to a person who was opening the bar that day. He took my contact information, gave me information as to who trimmed the tree, and said the manager would call me. On June 22, 2015, I spoke to the manager of Capt. Tony's, Jason, and he said the owner was not happy with the trim work. I informed him of the administrative procedures and the need for someone representing the business and the tree to attend the Tree Commission meeting. Later, I spoke with David Cunningham of Island Landscaping and informed him of the issue. He said they do have an arborist on staff and they thought they had secured all the necessary permits. He was informed that he would have to attend a meeting of the Tree Commission to explain the work.

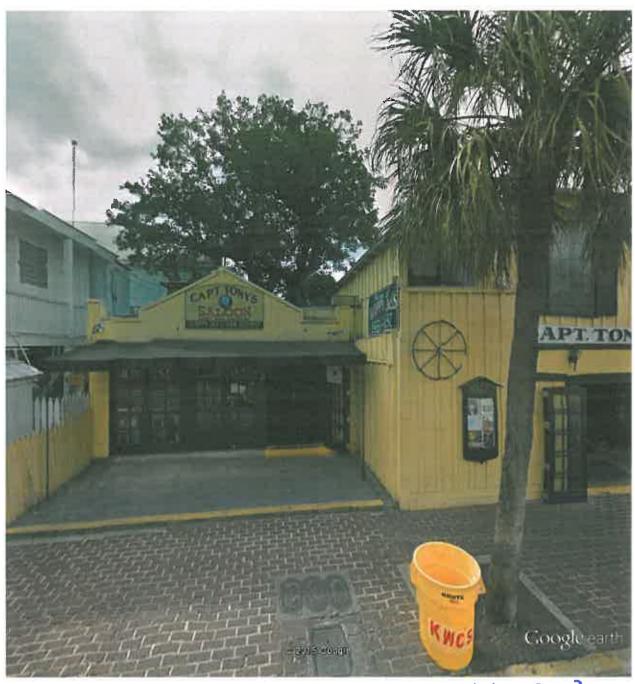


photo 2011?

Green St hanging tree improperly trimmed (complaint) 6-18-15

DATE OF APPLICATION AND SECRET A STATE PRIOR TO WORK REING PERFORMED. REQUESTED START DATE: Click here to enter a state. Agreement for Use of Right of Way Maintenance of Traffic Sidewalk Closure Street Closure
Section I – Application
PROPERTY OWNER ADDRESS IF DIFFERENT THAN WORK LOCATION:
CONTRACTOR BUSINESS NAME: January PHONE: 305 587 8381 CONTRACTOR ADDRESS: 10 771 677 677 677
REQUESTED DATES OF WORK: START: 6/16/2 END: //// Description of use/work/maintenance or closure: Chose Signage/Flaggers required? Plans attached? Yes Name of Applicant: David Communication Signature of Applicant: We want to the start of the start
Section II – Permit
For General Engineering Services Only Plans for Right of Way required: Yes No Plans for Traffic Maintenance Approved Denied N/A Engineer signature: Wind Approved HARC approval required Yes No Bond Denied Yes Keyiewed by: Code Comphances Department Staff Comments/Specific Instructions:
Permit approved by Santa Banday Date: 6-4-15

Cny Manager Approval (som: Section III — Agre		
	ny and all excavation work must follow	BMP practices as
	fined by the EPA concerning all storm v	
sc	reens, hay bales, etc.).	•
2. U	nless specifically approved otherwise, al	l pavements must be
re	paired within 48 hours of completion of	work or Bond will be
w	ithheld.	
3. A	DA Codes must not be violated during the	ne work closure.
	DA specifications shall be ADAAG.	
egal authority to b jud th he Florida Department (Chapter 62), the require	hereby agree to obey all of the City of K ce involved with the above described work, including above storm water retention emitty to the terms and conditions of this permit. Maintenance of traffic shall to for Transportation regulations. Protection of property, either public or private, shall the standard Building Code, and any specific conditions noted above. I am to all occupants and owners of properties that are in the same block as to when	in guidelines as defined by the EPA. I have se governed by requirements prescribed by all be governed by City Code (including
epairs or to reimburse ti	certified funds payable to the City of Key West may be required. The amount re se City for improper materials or workmenship should I not comply with the term of the completed work is satisfactory to Engineering Services.	KWBuildin93058093957 3140 Fla9ler Ave Key West, FL 33040 305-809-3957
further agree to indems cault of the above descr	nify the City of Key West, its employees, agents and invitees from any injuries to ibed work. This indemnification shall survive the completion of the work descri	TERNIAL ID.: 74085400 MERCHANT #: 300979695243
	ONTES tinder office and	MASTERCARD ***********************************
Bond Deposit: \$	ONDS *inter-office use only Date: Received from:	SALE MICH: 800490 INV: 000012 Jun 12: 15 12:39
	artified Check Money Order Insurance E	RM: 516316786276 AUTH: 013949 TRAN SEQ #: 017761
Inspected for comp Bond returned	phance by: Date: Amount: \$	TRANSACTION ID: 8612VD8LHAASI
Person receiving b	ond refund: Printed Signature	APPROVAL B13949
	773Q	TOTAL \$50.00
ECTION V – FE	d	DAVID CUMNINGHAM
Mair	Maintenance of traffic application fee20.00	SASTA COMMUNICAL
	ing Meter Fee (if obstructed)20.00	· · · · · · · · · · · · · · · · · · ·
□ Over	Overnight storage application fee10.00 night storage permit fee10.00	I AGREE TO PAY ABOUE TOTAL ANOUNT ACCORDING TO CARD ISSUER AGREEMENT MERCHANT AGREEMENT IF CREDIT VOUCHER
	Re-inspection fee (if no compliance with the above permits, thus requ	ir THANK YOU!
	Upon a third submittal of drawings in support of the above permit applications 45.00	at
per	our45.00	HERCHANT COPY
Date:	Received by: Receipt:	

DUVAL STREET TEURE CLOS Fitzpatrids Detour Detour No Sign

FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS



Detail by Entity Name

Florida Profit Corporation

CAPT TONY'S KEY WEST BAR, INC.

Filing Information

 Document Number
 331407

 FEI/EIN Number
 591213723

 Date Filed
 06/18/1968

State FL

Status ACTIVE

Last Event REINSTATEMENT

Event Date Filed 11/01/1996

Principal Address

428 GREEN STREET KEY WEST, FL 33040

Mailing Address

428 GREEN STREET KEY WEST, FL 33040

Registered Agent Name & Address

FABER, JOSEPH 428 GREENE ST KEY WEST, FL 33040

Name Changed: 04/26/1993

Address Changed: 03/14/1994

Officer/Director Detail

Name & Address

Title PD

JOHNSON, RICHARD 428 GREENE ST. KEY WEST, FL

Annual Reports



Key West (305) 292-3420 Marathon (305) 289-2550 Plantation Key (305) 852-7130

Property Record Card - Maps are now launching the new map application version.

Alternate Key: 1001481 Parcel ID: 00001470-000000

Ownership Details

Mailing Address: JOHNSON RICHARD MD 38 PORTSIDE DR FT LAUDERDALE, FL 33316-3008

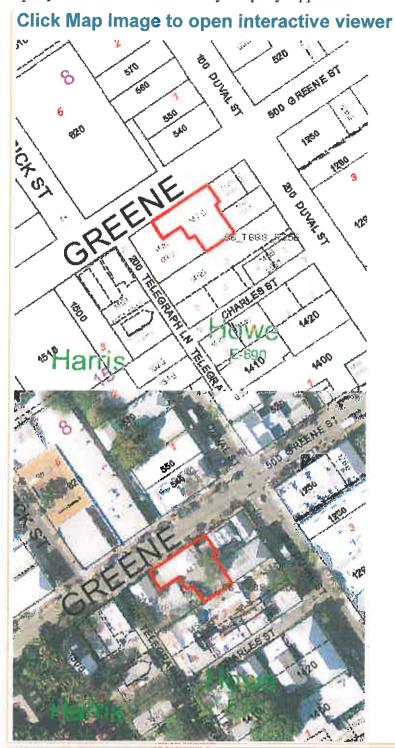
Property Details

PC Code: 12 - STORE/OFF/RES OR COMBINATION

Millage Group: 10KW Affordable Housing: No Section-Township-Range: 06-68-25

Property Location: 428 GREENE ST KEY WEST

Legal Description: KW PT LOT 5 SQR 15 OR305-182 OR640-319/20 OR942-159/60 OR947-878/79C OR1087-2201/03



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	89	50	4,534.00 SF

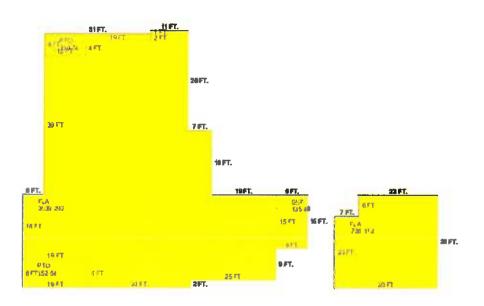
Building Summary

Number of Buildings: 1 Number of Commercial Buildings: 1

Total Living Area: 4377 Year Built: 1948

Building 1 Details

	Building Type		Condition G	Quality Grade 400	
	Effective Age 22		Perimeter 404	Depreciation % 27	
	Year Built 1948		Special Arch 0	Grnd Floor Area 4,377	
	Functional Obs 0		Economic Obs 0		
	Inclusions:				
	Roof Type		Roof Cover	Foundation	
	Heat 1		Heat 2	Bedrooms 0	
	Heat Src 1		Heat Src 2		
	Extra Features:				
1	2 Fix Bath	0		Vacuum	0
-	3 Fix Bath	0		Garbage Disposal	0
i	4 Fix Bath	0		Compactor	0
Ì	5 Fix Bath	0		Security	0
l	6 Fix Bath	0		Intercom	0
ļ	7 Fix Bath	0		Fireplaces	0
	Extra Fix	13		Dishwasher	0
í					



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
1	FLA		1	1993				3,639
2	PTO		1	1993				152
3	SBF		1	1993			·	135
4	PTO		1	1993				110
5	FLA		1	1993				.738

Interior Finish:

Section Nbr	Interior Finish Nbr	Туре	Area %	Sprinkler	A/C	
	570	NIGHT CLUBS, BARS C	100	Υ	Υ	
	574	APARTMENTS	100	Y	Υ	

Exterior Wall:

Interior Finish Nbr	Туре	Area %
183	AVE WOOD SIDING	100

Misc Improvement Details

Nbr	Туре	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	FN2:FENCES	108 SF	0	0	1989	1990	2	30
2	FN2 FENCES	20 SF	0	0	1994	1995	2	30

Appraiser Notes

TPP 8510896 - CAPTAIN TONY'S KEY WEST BAR INC
PETITION KW 096-1997

Building Permits

DI.		Date	Date			
Biag	Number	Issued	Completed	Amount	Description	Notes
1	07- 5313	12/10/2007	01/24/2008	300	Commercial	REPAIR FACIA WHERE NEEDED AND REINSTALL EXISTIN
1	11- 3541	09/26/2011		2,100	Commercial	ADD 3" OPEN CELL SPRAY FOAM TO APPROX 950 SQ FT OF FRAME WORK
1	11- 4113	11/10/2011		8,100	Commercial	REMOVE APPROX 8" OF NON FUNCTIONAL DOOR AND POUR 8" CONCRETE STEM WALL, FILL IN AREA FLANKING THE DOOR WITH CONCRETE PAINT STEM WALL BLACK
	13- 3671	09/03/2613		0		EMERGENCY PLUMBING REPAIR REPLACE APPROX 80 FT 4" SEWER PIPE
1	B94- 3476	10/01/1994	12/01/1994	2,000	Commercial	REPAIRS
1	B94- 3852	11/01/1994	12/01/1994	80	Commercial	REPAINT SIGN
1	E94- 4148	12/01/1994	01/01/1995	3,000	Commercial	UPGRADE ELECTRICAL
1	M95- 0983	03/01/1995	11/01/1995	9,500	Commercial	3 - 5 TON AC'S
1	B95- 3151	09/01/1995	12/01/1995	100	Commercial	WOOD FENCE
1	98- 0725	04/01/1998	01/01/1999	500	Commercial	PATCH 300 SQ FT ROOL ROOF
1	00- 4357	12/13/2000	11/29/2001	50,000	Commercial	FIRE SPRINKLERS
1	02- 1132	05/14/2002	09/05/2002	13,693	Commercial	ROOFING
1	02- 3141	11/25/2002	09/16/2003	2,450	Commercial	NEW SERVICE
1	03- 0626	03/04/2003	09/16/2003	220	Commercial	RE-PAINT BUILD ATF
1	03- 2337	07/01/2003	09/16/2003	2,220	Commercial	REINSTALL AIR HANDLER
1	03- 2755	08/13/2003	09/16/2003	500	Commercial	REMOVE AWNING
1	05- 0324	02/02/2005	11/08/2005	2,000	Commercial	REPAIR ELECTRIC RISER
1		04/07/2004	10/06/2004	2,000	Commercial	MOVE SINK

	04- 1088			_		
1	05- 3424	08/14/2005	11/08/2005	1,350	Commercial	INSTALL NEW AWNINGS
1	05- 3106 09/08/2005 11/08/2005		500	Commercial	REPAIR ROOF DAMAGE	
1	05- 3100 09/08/2005 11/08/2005		410	Commercial	REPLACE FRONT FACADE	
1	1 06- 6818 12/28/2006		2.000	Commercial	RELOCATE HANDICAP LAVATORY & URINAL ONLY	

Parcel Value History

Certified Roll Values.

View Taxes for this Parcel.

Roll Year	Total Bidg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2014	444,235	179	712,820	1,157,234	1,157,234	0	1,157,234
2013	389 467	179	682,927	1,072.573	1,072,573	0	1,072,573
2012	389,467	181	682,927	1,072,575	1,072,575	0	1,072,575
2011	407,723	184	758 808	1,166,715	1,073.581	O	1,166 715
2010	407,723	186	568,074	975,983	975,983	0	975,983
2009	425,979	188	583 500	1,009,667	1,009,667	0	1,009,667
2008	425,979	191	1,201,510	1,697,759	1,697,759	0	1,697,759
2007	307 952	205	1.201,510	1,697,759	1 697 759	Ü	1,697,759
2006	307,952	222	453,400	1,697,759	1,697,759	0	1,697,759
2005	324 826	236	430,730	1,697,759	1 697 759	0	1,697,759
2004	261,835	249	430,730	1,697,759	1,697,759	0	1,697,759
2003	287,525	266	326 448	1,697,759	1,697.759	0	1,697,759
2002	286,678	281	326,448	1,697,759	1,697,759	0	1,697,759
2001	276 516	294	359,093	1 406 885	1,406,885	0	1,406,885
2000	276,516	116	309,219	1,370,558	1,370,558	0	1,370,558
1999	276 516	121	269.320	1,654,399	1,654,399	0	1,654,399
1998	184,775	125	269,320	1,040,687	1,040,687	0	1,040,687
1997	224,369	132	259.345	1 040 687	1,040 687	0	1,040.687
1996	203,972	137	259,345	555,336	555,336	0	555,336
1995	202,569	0	259 345	555 336	555,336	0	555,336
1994	202,569	0	259,345	555,336	555,336	0	555,336
1993	91 168	0	259 345	535,981	535 981	0	535,981
1992	91,168	0	259,345	535,981	535,981	0	535,981
1991	148,511	1,219	259,345	647 326	647,326	0	647,326
1990	148,511	1,219	229,420	647,326	647,326	0	647,326
1989	148,511	1,219	224,433	559,709	559,709	C	559,709
1988	91,386	1,219	195,755	482,371	482,371	0	482,371
1987	89,578	1.219	122,418	466 164	466,164	0	466 164
1986	90,020	1,219	122,418	446,120	446,120	0	446,120
1985	86,689	1,219	113,169	417,831	417,831	0	417,831
1984	85,503	1,219	54,408	243,447	243,447	0	243,447

1983	85,524	1.219	32,016	118,759	118,759	0	118,759
1982	79,774	1,219	29,833	110,826	110,826	0	110,826

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
4/1/1989	1087 / 2201	340,000	WD	<u>"</u>
5/1/1985	942 / 159	38,500	WD	U
2/1/1976	640 / 319	55,000	00	Q

This page has been visited 79,638 times.

Monroe County Property Appraiser Scott P. Russell, CFA P.O. Box 1176 Key West, FL 33041-1176

This Key West Bar Is an Ex-Morgue With Bodies Still Buried in It

Posted: 04/04/2014 6:27 pm EDT Updated: 06/04/2014 5:59 am EDT



Ernest Hemingway, Truman Capote, Shel Silverstein, Tennessee Williams and the Mayor of Margaritaville himself, Jimmy Buffet, have all enjoyed a drink (or 8) at Captain Tony's Saloon in Key West, Fla. What the tourist guide books often fail to note when promoting the saloon is the fact that it was established in 1851 as an icehouse and morgue.

Not only was the building used as Key West's first morgue, it was also the location of the infamous "Hanging Tree," which was responsible for hanging 16 pirates and one woman who had stabbed her husband and two children to death. Ghost hunters claim she haunts the bar to this day. She's known as the "Lady in Blue" (named after both the blue dress she wore when she chopped up her family, and the color her skin turned as she died).



In 1865 a massive hurricane hit Key West, and corpses were sent sprawling:

"All of the bodies were missing after the hurricane hit, except one," said Joe Faber, the current owner of Captain Tony's Saloon. "According to some old Conchs that I spoke with when researching the history, they found one body that was near the outside of the building, which is now the inside of the building where the pool room is. They never found the others, so what the Bahamian people did is decide to make that an unofficial grave site. They buried the body they found, built a wall around the area, and put bottles full of holy water in the wall." -- Jeff Belanger

At the turn of the century, the building was used as a cigar factory and then as a speakeasy, where men and women gambled and cavorted, fast and loose. Of course it was also a bootleg distributor of rum. Sloppy Joe's opened in 1933 and became a favorite eatery of Ernest Hemingway.



In 1938, Josie Russell, in a dispute with the landlord of 428 Greene Street over a \$1 rent increase and a clause in the lease stating that all fixtures must stay if he ended the lease, decided to move the entire bar in the middle of the night (including the fixtures) a half block away to the corner of Duval and Greene Street. During the move, Hemingway insisted on possession of the urinal. He said, "His hard earned money paid for it." The urinal can still be viewed at the Hemingway House where it remains as a cat trough.

In 1940, the building was leased to Morgan Bird, who opened a gay saloon, called the Duval Club. The Navy prohibited sailors from frequenting the club. Unfortunately, without the revenue of sailors on leave the club shut down. Then, in 1958 Captain Tony bought the bar.

Born Anthony Tarracino in Elizabeth, N.J., "Captain Tony's" father was a bootlegger who had dropped out of ninth grade to sell booze during Prohibition. Sadly, Captain Tony's dad was a degenerate gambler who ultimate got involved with the New Jersey Mafia. In 1947, Tony was "beaten and left for dead at the Newark city dump," after which he moved to Key West, in 1948.

Captain Tony's pub expanded throughout the twentieth century. Besides building around the hanging tree, owners expanded the saloon to include a billiards room, building over and around the wall containing holy water. In the 1980s, while taking up the old plywood flooring, the bones from between eight and fifteen bodies were discovered. A skeletal reminder of the find hangs behind the bar today. Also unearthed was the grave marker of a young woman named Elvira, which is now exposed in the cement next to a pool table. — Jeff Belanger