

STAFF REPORT

DATE: June 25, 2015 and April 19, 2016

RE: **1212 Olivia Street (permit application # T15-7478)**

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

An application was received for the removal **of (2) Spanish Lime trees**. A site inspection was done on June 25, 2015 and documented the following:

Tree Species: Spanish Lime (*Melicoccus foetida*)





Looking at
trees from
1200 Olivia St
(neighbor's
yard)







Tree #2

Tree #1



Tree #1

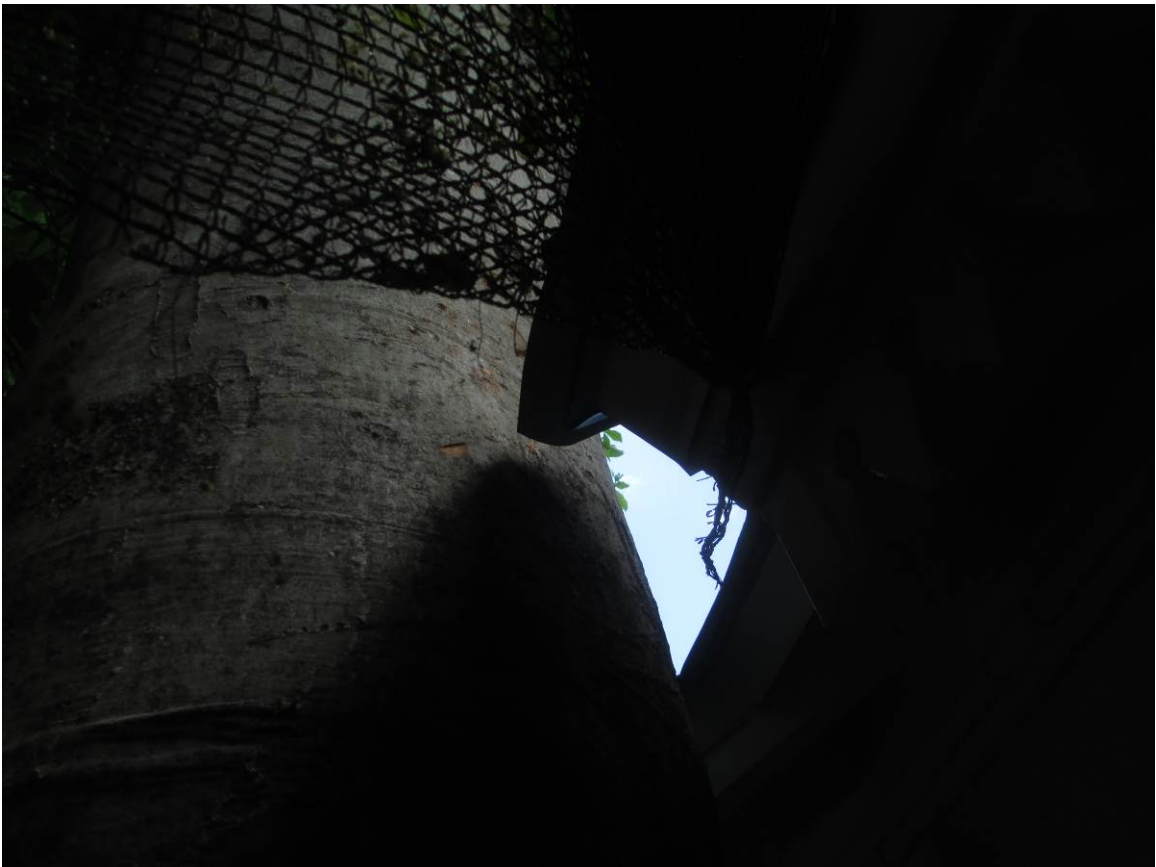
Tree #1













Diameter: 42.3"

Location: 30% (large trees in small area-very close to roof and impacting fence/wall)

Species: 100% (on protected tree list)

Condition: 50% (three trunks, all co-dominant with included bark, decay observed in trunks and canopy, old cuts in canopy)

Total Average Value = 60%

Value x Diameter = 25 replacement caliper inches

Tree #2:











Diameter: 20.7"

Location: 40% (large tree in small area)

Species: 100% (on protected tree list)

Condition: 60% (fair)

Total Average Value = 66%

Value x Diameter = 13.6 replacement caliper inches

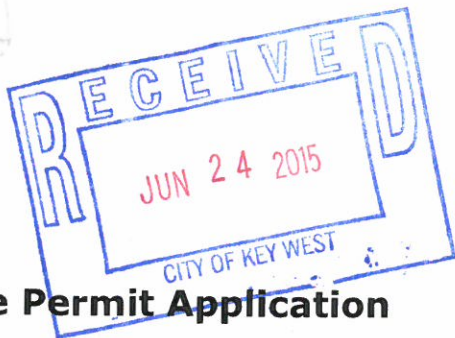
Replacements:

Tree #1: 25"

Tree #2: 13.6"

TOTAL = 38.6"

Application



7478

Tree Permit Application

Date: 6-24-2015

Please Clearly Print All Information unless indicated otherwise.

Tree Address 1212 Oliva
Cross/Corner Street White St.
List Tree Name(s) and Quantity 2 Spanish Lime trees
Species Type(s) check all that apply () Palm () Flowering (X) Fruit (X) Shade () Unsure
Reason(s) for Application:

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

Other/Explain Trees roots are damaging structure.

Reason for Request

Property Owner Name James and Leigh Cornell
Property Owner eMail Address
Property Owner Mailing Address 1212 Oliva St.
Property Owner Mailing City Key West State FL Zip 33040
Property Owner Phone Number (908) 892-0500
Property Owner Signature

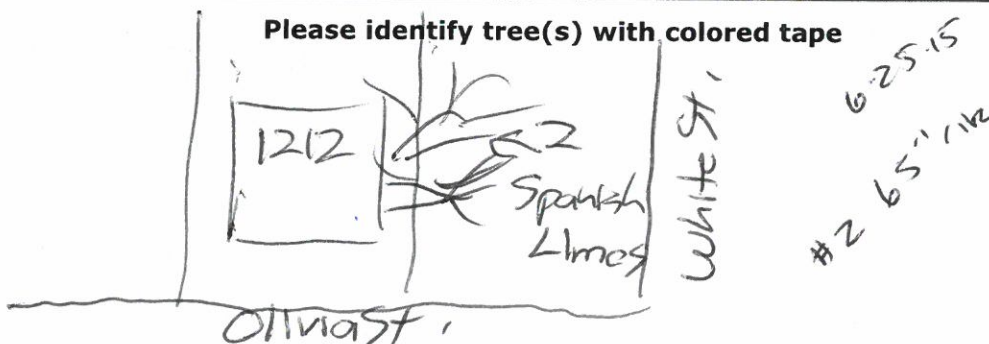
Representative Name Kenneth King
Representative eMail Address
Representative Mailing Address 1602 Land
Representative Mailing City Key West FL State FL Zip 33040
Representative Phone Number (304) 296-8101

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.

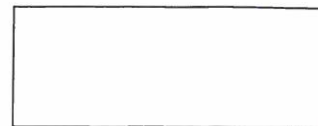
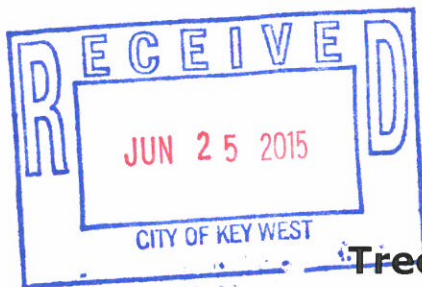
Tree Representation Authorization form attached ()

<<<<< 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: 6-29-2015

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 1212 Olivia St

Property Owner Name James Connell

Property Owner eMail Address connell.james7@gmail.com

Property Owner Mailing Address 1212 Olivia St

Property Owner Mailing City Key West State FL Zip 33040

Property Owner Phone Number (908) 892-0500

Property Owner Signature [Signature]

Representative Name Kenneth King

Representative eMail Address [Blank]

Representative Mailing Address 1602 Land St.

Representative Mailing City Key West State FL Zip 33040

Representative Phone Number (305) 296-8101

I [Signature], 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 [Signature]

The forgoing instrument was acknowledged before me on this 24 day June.

By (Print name of Affiant) James Connell who is personally known to me or has produced [Signature] as identification and who did take an oath.

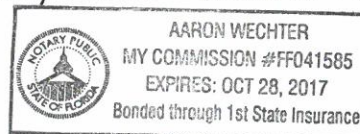
NOTARY PUBLIC

Sign Name: [Signature]

Print Name: Aaron Wechter

My Commission Expires: Oct 28, 2017

Notary Public - State of Florida (seal)



Karen DeMaria

From: James Connell <connell.james1@gmail.com>
Sent: Wednesday, April 13, 2016 3:12 PM
To: Karen DeMaria
Subject: 1212 Olivia. Spanish Lime removal.
Attachments: Tree Commission Letter 1212 Olivia copy.pages; ATT00001.txt

Karen,

Please let me know if this Letter is sufficient. I have all of the documentation, invoices etc... for everything listed and I can bring to the meeting - or if you wish, attach to an email.

Thank you for your time.

Karen DeMaria

From: Karen DeMaria
Sent: Monday, March 28, 2016 10:14 AM
To: 'James Connell'
Subject: RE: Request for tree removal at 1212 Olivia St

The Tree Commission postponed a decision requesting additional information therefore, you need to provide documentation of the issues you are discussing in your e-mail below. Photos from your neighbors patio are good as well as a letter from them regarding the damage, receipts from contractors for the remediation work and a letter from you stating what is happening to your house. Does the house have an on grade slab? What is the type of foundation? Maybe even a letter from a contractor stating that the roots are a hazard to the foundation. When was the house built? Any cracks or issues inside the house near the trees?

Give me what you can in writing by April 20 and we can place it on the May 10 Tree Commission agenda and see what they say.

Sincerely,

Karen

From: James Connell [mailto:connell.james1@gmail.com]
Sent: Thursday, March 24, 2016 5:45 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Subject: Re: Request for tree removal at 1212 Olivia St

Karen,

The problem I am having is that I cannot access the area around the roots/foundation in order to document foundation issues.

I do have photographs provided by my neighbor of the damage to their fence and patio.

Being that I cannot document foundation issue - is there any other way I can remove these trees? The mildew and mold damage is a constant maintenance problem. The damp environment has caused us huge problems with sub terrainian termites, both in cost to remediate and contractors to repair (\$ 5,800.00 this month alone.) . The fruit is making my dogs sick..... I can keep going but you get the idea.

I am 100% on board with replacing the trees at a sight of your choosing at my expense. I just really need to eliminate these trees. So, we come full circle - what can I do to remove these trees?

Regards,

Jim Connell

James Connell
connell.james1@gmail.com

Karen DeMaria

From: Karen DeMaria
Sent: Thursday, March 24, 2016 2:23 PM
To: 'connell.james1@gmail.com'
Subject: RE: Request for tree removal at 1212 Olivia St

James:

Do you want to withdraw the application that was submitted in June 2015 to remove the two Spanish lime trees? The application was postponed at the July 14, 2015 pending additional information and to date, no additional information has been received.

Sincerely,

Karen

From: Karen DeMaria
Sent: Wednesday, July 22, 2015 12:30 PM
To: 'connell.james1@gmail.com' <connell.james1@gmail.com>
Subject: Request for tree removal at 1212 Olivia St

Mr. Connell:

At the July 14, 2015 City of Key West Tree Commission meeting, I requested and the Tree Commission agreed to postpone the final vote on whether to allow removal of the two Spanish lime trees at 1212 Olivia St. We are requesting the submittal of additional information.

On the application it states that the tree roots are damaging the structure, do you have proof of this? Photos showing cracks in the interior of the house? Photos of the roots? Statement from a contractor or a structural engineer that says the roots are impacting the foundation of the house? What kind of foundation does the house have?

Any additional information you can supply as to why these two trees must be removed would be needed in order to properly review this application.

Sincerely,

Karen

Karen DeMaria
Urban Forestry Manager/Tree Commission
Certified Arborist
305-809-3768

James and Leigh Connell
1212 Olivia Street

Key West Florida 33040 305.453.6265/908.892.0500

April 12, 2016

Single Family residence. House construction – date unknown.

First verifiable remodel: 1972. House converted to a three car garage.

Foundation type: Concrete slab.

House material – cement block. Porch material: Wood Frame on cement piers.

Specific Problem: There are 2 mature, Spanish Lime Trees on the property border with 901 White Street. Trees are 2-3 linear feet from foundation of 1212 Olivia Street.

Issue # 1

Neighbor residence: 901 White street. Adjacent property.

Tree roots are affecting the neighbors cement fence, patio and potentially gunnite pool. *See photos attached.*

Issue #2.

Sub Terranean and Formosan termites.

This diagnosis and the *attached remediation documentation* was performed by

Jesus Montes, A-Professional Pest Control. (305) 304-1239

The root system and the trunk structure of the trees are inhabited with sub-terranean and Formosan termites. The close proximity to the tree to the house in conjunction with the root system below the house are a conduit for the termites to access and infest the structure. The cellulose in Fruit trees is a prime habitat for sub-terranean and Formosan termites. It is not permissible to treat the fruit trees with a termicide therefor the problem persists.

Issue # 3

Dry Wood termites. The house has been treated continually by Orkin Pest Control from April 2009 until 2014. The house has been maintained from 2014 to 2016 by A-Professional Pest control. Despite this intervention, the structure required dry wood termite 'tenting' in April 2015. *See documentation attached.*

Issue #4

This diagnosis was performed by **Peter Dimitrov, Reef Construction, Key West Florida. (305) 744-2305**

'The Spanish Line Trees close proximity to the structure at 1212 Olivia is in danger of affecting the concrete slab on which the house resides. If this issue is not addressed in the for-seeable future, severe damage to the foundation may occur resulting in extensive reconstruction costs. Specifically sections of the concrete slab must be removed and all weight bearing walls and structure will be affected.

Issue #4

Diagnosis was performed by **Robert Creider, Just Keys Trees (305) 304-3144**

In April of 2012, significant trimming and branch removal was performed to minimize the overhang of the branches of the Spanish Lime trees over 1212 Olivia. The continued growth of the tree limbs and the weight of the braches will require additional intervention to minimize the potential danger to the structure should a significant wind event occur. In addition to danger to the structure is the risk of injury to the inhabitants of the home. It is our professional opinion that trimming back the branches is not a long-term solution in addition to being very expensive (\$ 5,000.00). Furthermore, if the trees are inhabited by sub terranean termites, the danger of collapse and damage to 1212 Olivia and the surrounding properties is significant. We recommend removal of the Spanish Lime trees to eliminate the danger to the structure and inhabitants.

Issue #5.

In March of each year the trees begin to emit sticky blossoms, which due to the tremendous volume require constant – two to four times daily - intervention to keep the pool filters from clogging. Failure to clean the filter would result in the filter pump overheating and failing. Realistically, this is an impossible task, short of covering the entire pool with netting.

Beginning in July of every year, the trees begin to dispense clusters of 'limes' that fall from the branches of the tree until late September. The limes splatter and stain the roof and the walls of the house requiring significant intervention to maintain proper condition. More importantly, these limes are an attractant to Tree rats, which infest the area and chew through wooden barriers to inhabit the attic areas during cold fronts. The stench created by dead rats in the walls during termite tenting was horrible.

Lastly, the limes that fall to the ground (in the 10s of thousands) are eaten by our dogs causing them to vomit.

To summarize, these trees are an enormous nuisance requiring significant time and expense to control. The trees present a danger to the structure of the home and potentially (in the extreme) the lives of the inhabitants. The Spanish Lime is not indigenous to the island. We are not aware of the reason they are(or may be) on a prevented removal list.

We are requesting permission to remove the Trees. This service will be performed by **Ken King, Golden Bough Tree Service. (305) 296-8101**

Thank you for your consideration. Regards,

James and Leigh Connell

ORKIN**TERMITE SERVICE REPORT**Date: 9-29-11

Customer Name Cannell, Jim Phone # 908-507-1922 Work Phone # _____
Service Address 127 Olivia St Key West FL 33040
Account Number 10670796 Infestation Type Drunk Od Guarantee Type D5
Initial Treatment _____ Amount Due _____ Amount Received _____ Cash _____ Check _____
Service Covered Thru: _____ Completion Date _____ Renewal Amount _____ Grid # W4444
I. Bait Activity: ☐ Yes ☐ No # of Stations: Monitoring _____ Bait _____ Next Service Date: _____

II. Service ☐ Initial Treatment ☒ Retreatment ☐ Service Call (No Treatment) ☐ Reinspection ☐ Bait Monitoring ☐ Annual Bait Reinspection

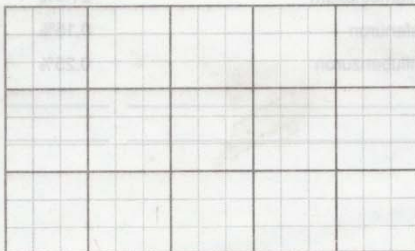
III. Materials Used (Utilize Product Information Key that includes EPA Reg # and Active Ingredient information on back for completion of this section.)

Product # (From Key)	Amount Applied	Dilution %	Product # (From Key)	Amount Applied	Dilution %
A) <u>6</u>	<u>1.69911</u>	<u>125</u>	D) _____	_____	_____
B) _____	_____	_____	E) _____	_____	_____
C) _____	_____	_____	F) _____	_____	_____

IV. Conducive Conditions

It is important for you to know that certain conditions in and around your home can contribute to Wood Infesting Organisms and can therefore compromise the effectiveness of Orkin's treatment. It is very important that you remedy the Conducive Conditions noted below. If you fail to do so, it may, in some cases, jeopardize your agreement; moreover, it is probable that your home will experience future termite activity and damage, and retreatment by Orkin may not solve the termite problem. This report DOES NOT INCLUDE MOLD or any mold-like conditions. Mold is generally not a wood destroying organism and is outside the scope of this report. If you wish your property to be inspected for mold or mold-like conditions, please contact the appropriate mold professional. Please notify us in writing when you have corrected the Conducive Conditions. We identified the following Conducive Condition(s):

- ☐ Soil above Sill ☐ Cellulose material in contact with ground ☐ Improper Ventilation ☐ Siding/Stucco in contact with ground
☐ Roof Leaks ☐ Excessive Exterior Moisture ☐ Excessive Moisture in Crawl ☐ Treatment disturbed
☐ Cellulose material stored in crawl area ☐ Excessive Interior Moisture ☐ Exterior Insulation Finished System (EIFS) ☐ Other _____



Treated outside eve of house front
to pre side for near 3 holes

States where applicable:

Wind Direction _____ Wind Velocity _____
Temperature _____ Humidity _____
Time on job _____ Target Pest _____

V. Inspection

A) Performed on (Date): _____ B) Activity Found: ☐ Yes ☐ No _____ Customer Signature _____
C) Retreatment Scheduled Date (if needed): _____ D) Customer Home: ☐ Yes ☐ No _____ Orkin Representative _____

VI. Treatment

Thank you for choosing Orkin

* I understand that additions, or modifications to or around the structure can disturb the termiticide treatment and may require additional inspection and treatment.

The location of these areas are: _____

* This work has been performed to my satisfaction _____

Customer Signature

Date

Warning--Pesticides can be harmful. Keep Children and pets away from pesticide applications until dry, dissipated or aerated.

For more information contact Orkin, business license # _____ at 1-800-800-6754.

Orkin Representative - Full Name

CA # (If applicable)

Date

Orkin Street Address:

88202 Rev 4/07

City/State/Zip:

Branch Phone #:

CUSTOMER COPY

A PROFESSIONAL PEST CONTROL

P.O BOX 1467 TAVERNIER, FLA 3307
(305) 304-1239

WOOD DESTROYING ORGANISMS SERVICE AGREEMENT

Owner Information

Treatment Property

Name TIM Connell

Occupant SAME

Address 1212 Olivia

Address 1212 Olivia

City KW State FL Zip Code 33040

City KW State FL Zip Code 33040

Phone # 908-892-0500

Work or Cell # _____

THIS AGREEMENT WILL COVER: (X) Subterranean termites (Reticulitermes spp, Heterotermes spp)
(X) Formosan termites (Coptotermes spp) or () Other wood destroying organisms

METHOD OF TREATMENT liquid DATE OF TREATMENT 1-15-15

Effective 1-15-15 through 1-15-16 for an amount of 1,525.⁰⁰ A professional Pest Control

Will provide the necessary treatments for the Control of the specify wood destroying organisms.

GUARANTEE OF TREATMENT:

a) A PROFESSIONAL PEST CONTROL will extend the coverage of this agreement annually with a payment for the sum of 229.⁰⁰ per year for every year the owner of the property pays before the expiration of the agreement.

b) This agreement will be transferable in the event the ownership of the treated property changes, ONLY with the APPROVAL of A PROFESSIONAL PEST CONTROL in addition to the payment of the transfer fee of 200.⁰⁰ This transaction has to take place within seven days of the change of ownership or this agreement will be cancelled and void.

c) In the event of any alterations or additions to the treaded property, the owner will be responsible to give A PROFESSIONAL PEST CONTROL advance written notice and arrange for any necessary treatment at the owners expense. This may also require an adjustment in the annual renewal fee. This agreement will terminate if the written notification is not done for any reason.

A PROFESSIONAL PEST CONTROL HAS EXPLAIN AND HAS PROVIDED THE OWNER AND OCCUPANT OF THE PROPERTY WITH A COPY OF THE MANUFACTURER'S SPECIMENT LABEL OF THE TERMICIDE(S) USE IN THE TREADED PROPERTY AND ALL OTHERS DOCUMENTS REQUIRED BY THE LAW OF THE STATE (INCLUDING THE OCCUPANT PREPARATION CHECK LIST).

OWNERS APROVAL

Initials

OCCUPANT APROVAL

Initials

SIGNATURE OWNER

AND OR OCCUPANT

DATE

1-15-15

A PROFESSIONAL PEST CONTROL REPRESENTATIVE

A PROFESSIONAL PEST CONTROL

132 VALJEAN LN, TAVERNIER, FL 33070

(305) 304-1239

THE TERMS & CONDITIONS ON THE REVERSE SIDE ARE PART OF THIS AGREEMENT, PLEASE READ

P.O BOX 1467 TAVERNIER, FLA 33070
(305) 304-1239

(THIS AGREEMENT DOES NOT COVER ANY OTHER WOOD DESTROYING ORGANISM)

Treatment Property

Name Jim Connell Occupant SAME
Address 1212 Olivia St Address _____
City KW State FL Zip Code 33040 City _____ State FL Zip Code _____
Phone # 305-517-6931 Work or Cell # 908 892-0500
Description of structure(s) to be treated CBC home
METHOD OF TREATMENT Fumigation DATE OF TREATMENT 3-2-15

A PROFESSIONAL PEST CONTROL IS AUTHORIZED TO TREAT THE DISCRIBED PROPERTY FOR THE CONTROL OF:
 DRYWOOD TERMITE AND DRYWOOD TERMITES ONLY. THIS TREATMENT IS BASE ON OUR INSPECTION ON THE PROPERTY
 NOTED ON THE GRAPH DATED 3-3-15 AS PART OF THE AGREEMENT WHICH REVEALS:

LIVE INFESTATION ☒ -OR- EVIDENCE PRESUMPTIVE OF INFESTATION ☐

Effective 3-2-15 through 3-2-16, for an amount of 1,975.00

A PROFESSIONAL PEST CONTROL will provide fumigation or and all necessary treatments for the control of DRYWOOD termites.

THIS AGREEMENT DOES NOT PROTECT AGAINST SUBTERRANIAN OR FORMOSAN TERMITES.

a) A PROFESSIONAL PEST CONTROL will extend the coverage of this agreement annually with a payment for the sum of 236.00 per year for every year the owner of the property pays before the expiration of the agreement.

b) This agreement will be transferable in the event the ownership of the treated property changes. ONLY with the APPROVAL of A PROFESSIONAL PEST CONTROL in addition to the payment of the transfer fee of 200.00. This transaction has to take place within seven days of the change of ownership or this agreement will be cancelled and void.

c) In the event of any alterations or additions to the treated property, the owner will be responsible to give A PROFESSIONAL, PEST CONTROL, advance written notice and arrange for any necessary treatment at the owners expense. This may also require an adjustment in the annual renewal fee. This agreement will terminate if the written notification is not done for any reason.

A PROFESSIONAL PEST CONTROL HAS EXPLAINED AND HAS PROVIDED THE OWNER AND OCCUPANT OF THE PROPERTY With a COPY OF THE MANUFACTURER'S SPECIMENT LABEL OF THE TERMITICIDE(S) USE IN THE TRADED PROPERTY AND ALL OTHERS DOCUMENTS REQUIRED BY THE LAW OF THE STATE (INCLUDING THE OCCUPANT PREPARATION CHECK LIST).

A PROFESSIONAL PEST CONTROL HAVE SUB-CONTRACT THESE JOB TO: Termite Div.

OWNERS APPROVAL _____ INITIALS _____

OCCUPANT APPROVAL _____ INITIALS _____

SIGNATURE OWNER [Signature] AND OR OCCUPANT [Signature]

DATE 2-21-15

A PROFESSIONAL PEST CONTROL REPRESENTATIVE Rosey Mont

A PROFESSIONAL PEST CONTROL
132 VALJEAN LN, TAVERNIER, FL 33070
(305) 304-1239

THE TERMS & CONDITIONS ON THE REVERSE SIDE ARE PART OF THIS AGREEMENT. PLEASE READ.



*All From
TERRITORY
DAMAGE*

Invoice

Date	Invoice #
03/19/16	2016 - 005

Name/Address
Connell Residence 1212 Olivia Street Key West, FL, 33040

Description	Qty/Hrs	Rate	Amount
1. Install new 1/2x6 PT siding.			
2. Trim repair (1x4, 1x6, window sills, etc.)			
3. Remove existing 6x6 post and install new one.			
4. Demo existing outside closet.			
5. Custom build and install a new outside closet using PT lumber, hardie trim and hardie panels.			
6. Gate repair.			
7. Build and install lattices.			
8. Demo back yard cabana.			
9. Trash removal.			
10. Materials.			\$858.94
Total:			\$5,258.94

Payment is due upon receipt, unless prior arrangement have been made.

THANK YOU FOR YOUR BUSINESS!

Photos showing damage to neighbor's property line wall:



