

STAFF REPORT

DATE: June 26, 2017

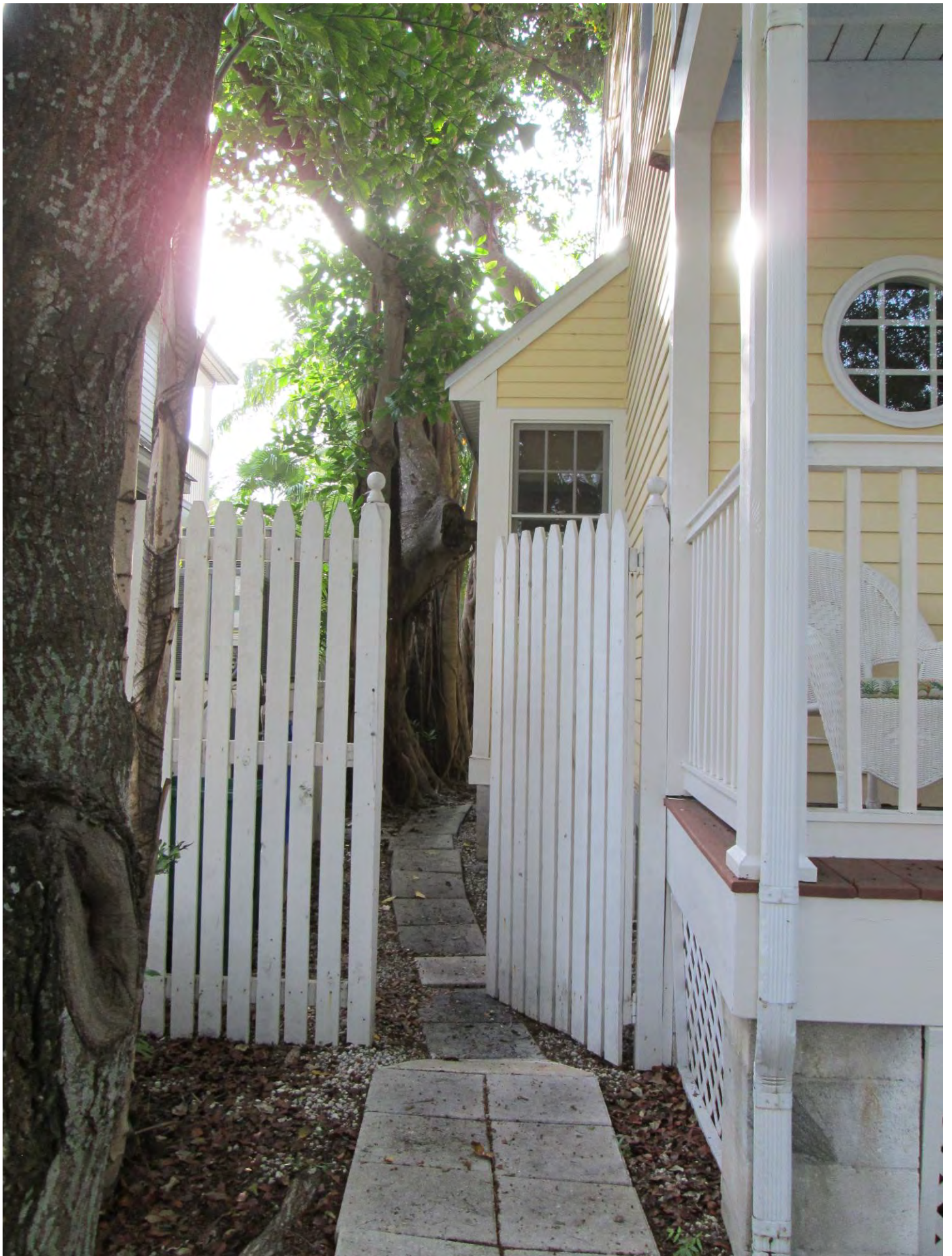
RE: **37 Spoonbill Way (permit application # T17-8544)**

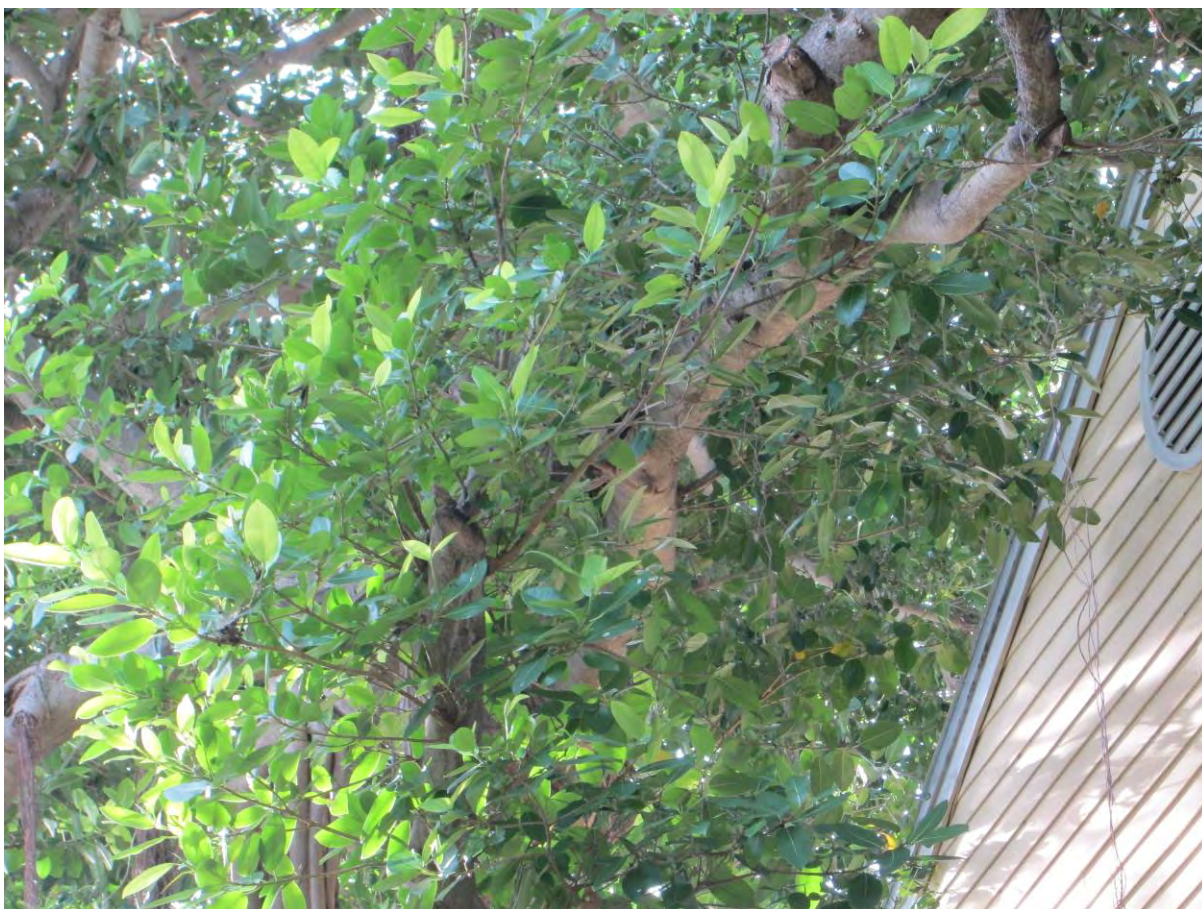
FROM: Karen DeMaria, City of Key West Urban Forestry Manager

An application was received requesting the removal of **(1) Strangler Fig tree**. A site inspection was done on May 11 and May 24, 2017 and documented the following:

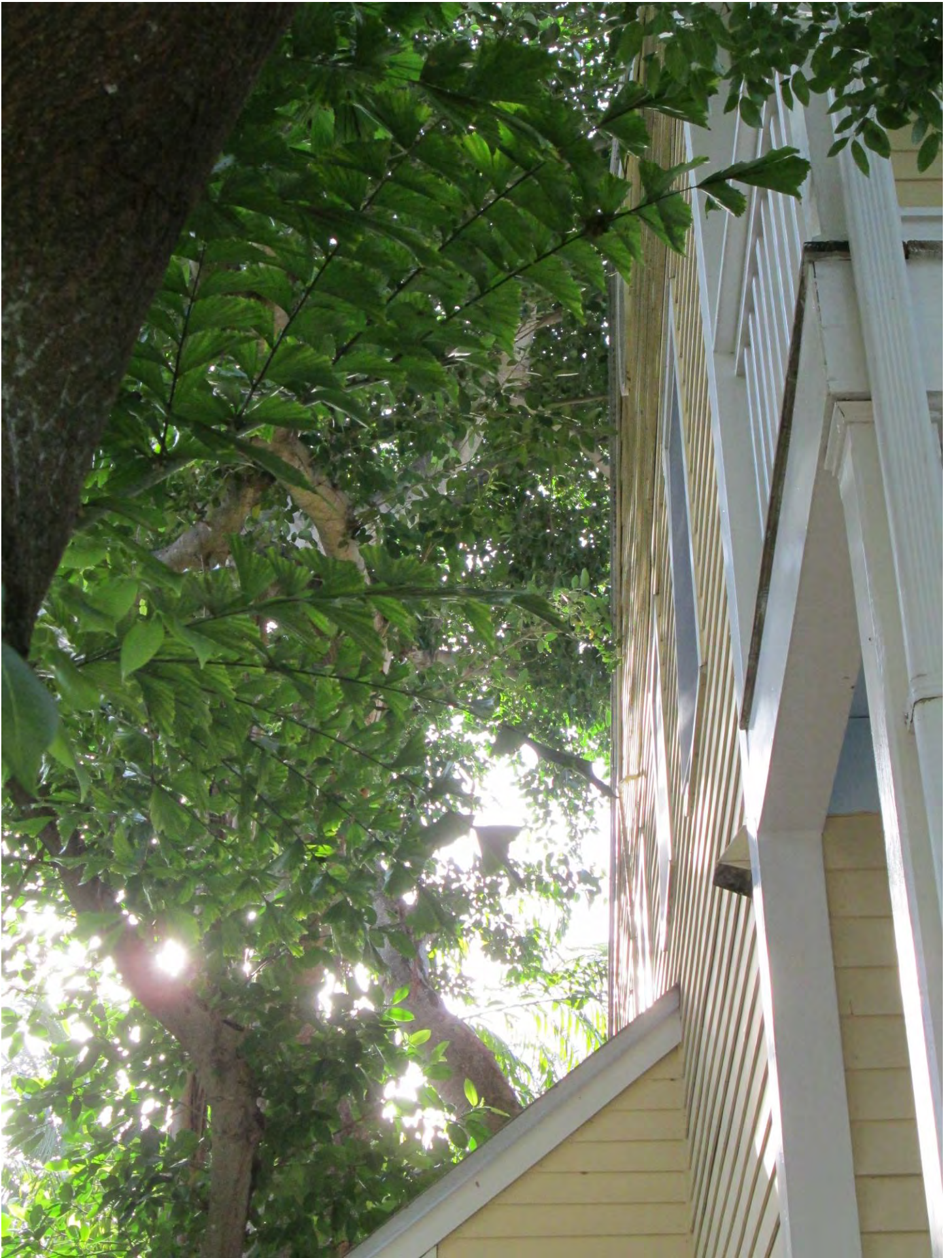
Tree Species: Strangler Fig (*Ficus aurea*)















Diameter: 98.4"

Location: 60% (close to house)

Species: 100% (on protected tree list)

Condition: 60% (fair, some decay observed throughout tree)

Total Average Value = 73%

Value x Diameter = 72 replacement caliper inches

This tree is a monster ficus tree growing in between two houses. One property owner has trimmed the canopy away from their roof. The former property owner at 37 Spoonbill does not seem to have recently had the canopy properly trimmed over the house.

Value of the tree above was based on visual observations from the ground. There is decay at the base but strong regrowth has occurred around the decay and the tree appears to be stable. Additional information is needed in order to properly evaluate the condition of the tree including a review of the canopy and photos showing any impacts to the foundation.

Karen DeMaria

From: Karen DeMaria
Sent: Monday, June 26, 2017 3:09 PM
To: 'kcpenwell@gmail.com'
Subject: 37 Spoonbill Way tree removal application

Kelly:

I have reviewed your application to remove the large ficus tree at 37 Spoonbill Way. When I originally looked at this tree I mentioned to the reps at Compass Realty that additional information would be needed to properly evaluate the tree. I recommended that an arborist or a capable person, climb up into the tree or at least look at the tree via the roof of the house in order to document the conditions in the canopy (photos). Also, you mentioned possible issues with the foundation, please provide photos of this for my file.

The application will be placed on the July 11 Tree Commission agenda. At this time, I can not recommend approval or denial of the application to remove the tree because I do not have enough information to make a proper assessment. If you have additional information to submit to the file, please get it to my office by noon on Monday, July 10.

Sincerely,

Karen

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

Application



Canopy-
Removal

8544

Tree Permit Application

Date: 6/21/17

Please Clearly Print All Information unless indicated otherwise.

Tree Address 37 Spoonbill Way, Key West, FL
Cross/Corner Street Spoonbill & Kestral
List Tree Name(s) and Quantity 1 Ficus Tree
Species Type(s) check all that apply () Palm () Flowering () Fruit (X) Shade () Unsure
Reason(s) for Application:
(X) REMOVE (X) Tree Health (X) Safety (X) Other/Explain below
() TRANSPLANT () New Location () Same Property () Other/Explain below
() HEAVY MAINTENANCE () Branch Removal () Crown Cleaning/Thinning () Crown Reduction
Additional Information and Explanation Root System has grown into walkway and is close to invasion of Pier System of Home. Canopy of the tree has grown over the Roof of the house and in a Hurricane may destroy the left wall of house.
Property Owner Name Kelly Penwell
Property Owner eMail Address Kc Penwell@gmail.com
Property Owner Mailing Address 37 Spoonbill Way
Property Owner Mailing City Key West **State** FL **Zip** 33040
Property Owner Phone Number (516) 903-7561
Property Owner Signature _____

Representative Name _____
Representative eMail Address _____
Representative Mailing Address _____
Representative Mailing City _____ **State** _____ **Zip** _____
Representative Phone Number (____) _____ - _____

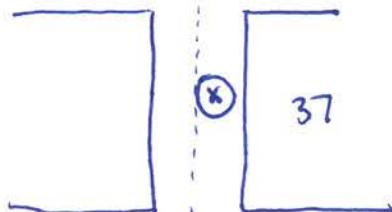
NOTE: A Tree Representation Authorization form must accompany this application if someone other than the owner will be representing the owner at a Tree Commission meeting or picking up an issued Tree Permit.

Tree Representation Authorization form attached ()

<<<<< Sketch location of tree in this area including cross/corner Street >>>>>

Please identify tree(s) with colored tape

See Photos



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

Elevations

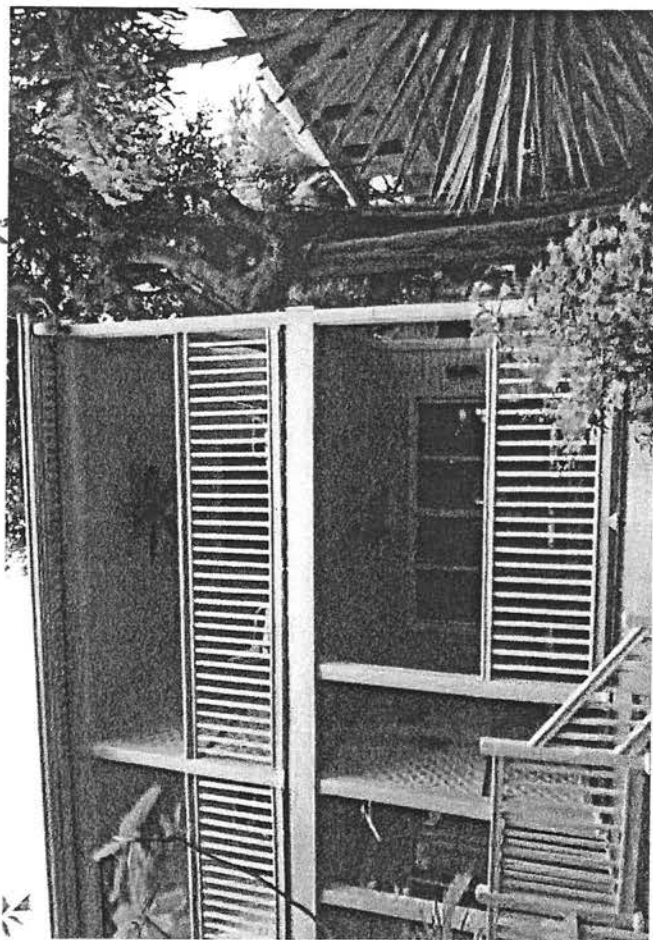
Left elevation ★ Canopy over house



Tree trunk close to house



Front elevation



Rear elevation

PREPARED BY AND RETURN TO:
RICHARD M. KLITENICK
RICHARD M. KLITENICK, P.A.
1009 SIMONTON STREET
KEY WEST, FL 33040
305-292-4101
FILE NUMBER: RE17-036
RECORDING PAID: \$18.50
DOC STAMPS PAID: \$3,219.30

[Space above this line for Recording Data]

WARRANTY DEED

THIS WARRANTY DEED is made on this 15TH day of June, 2017, between ROBERT H. WALKER & JO ANN WALKER, husband & wife whose address is 806 Spinnakers Reach Drive, Ponte Vedra, FL 32082 (hereinafter collectively referred to as 'Grantor'), and KELLY CONKLIN-PENWELL, a single woman (hereinafter referred to as "Grantee"), whose address is 74 C Street, Vallejo, CA 94950.

(Whenever used herein the terms 'Grantor' and 'Grantee' include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said Grantor, for and in consideration of the sum of FOUR HUNDRED FIFTY-NINE THOUSAND NINE HUNDRED & 00/100^{ths} DOLLARS (\$459,900.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, with the street address of 37 Spoonbill Way, Key West FL 33040, more particularly described as:

TOWNHOME UNIT 227, OF THE KEY WEST GOLF CLUB DEVELOPMENT, ACCORDING TO THE DECLARATION OF PROTECTIVE COVENANTS, RESTRICTIONS AND EASEMENTS OF THE KEY WEST GOLF CLUB, A TOWNHOME PLANNED UNIT DEVELOPMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 1377 PAGE 750 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, AND ANY AMENDMENTS THERETO.

MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT COORDINATES OF WHICH ARE N 87.107.701 AND E 251.328.207 BASED ON THE UNITED STATES COAST AND GEODETIC SURVEY'S MERCATOR GRID COORDINATE SYSTEM WHICH HAS FOR ITS ZERO COORDINATES A POINT AT LATITUDE 24°20'00" NORTH AND 500.00 WEST OF LONGITUDE 81°00'00" WEST, SAID POINT BEING THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF JUNIOR COLLEGE ROAD AND THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 (STATE ROAD NO.5), AT THE WESTERLY END OF JUNIOR COLLEGE ROAD; THENCE N 70°58'03" E, ALONG THE SAID NORTHERLY RIGHT OF WAY LINE U.S. HIGHWAY NO.1 FOR 1392.13 FEET; THENCE N 19°01'57" E, AND LEAVING SAID RIGHT OF WAY FOR 337.65 FEET; THENCE N 25°00'00" E, A DISTANCE OF 600.00 FEET; THENCE N 15°30'00" W, A DISTANCE OF 36.37 FEET; THENCE N 85°02'39" E, A DISTANCE OF 166.63 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF SPOONBILL WAY, SAID POINT LYING ON A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST AND ALSO THE POINT OF BEGINNING; THENCE N 85°02'39" E, AND LEAVING THE SAID NORTHEASTERLY RIGHT OF WAY LINE OF SPOONBILL WAY A DISTANCE OF 73.84 FEET TO A POINT ON A CURVE TO THE LEFT, HAVING A RADIUS OF 580.19 FEET, A CENTRAL ANGLE OF 02°31'16", A CHORD BEARING OF N 06°26'17" W, AND A CHORD LENGTH OF 25.53 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 25.53 FEET TO THE END OF SAID CURVE; THENCE S 82°18'05" W, A DISTANCE OF 73.50 FEET TO THE SAID NORTHEASTERLY RIGHT OF WAY LINE OF SPOONBILL WAY AND A POINT ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 422.00 FEET; A CENTRAL ANGLE OF 02°59'16", A CHORD BEARING OF S 05°35'17" E, AND A CHORD LENGTH OF 22.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 22.01 FEET TO THE POINT OF BEGINNING.

SUBJECT TO A 2.00 FOOT UTILITY EASEMENT ALONG THE NORTHWESTERLY PROPERTY LINE, AND A 4.00 FOOT UTILITY EASEMENT ALONG THE SOUTHWESTERLY PROPERTY LINE.

WARRANTY DEED
WALKER TO CONKLIN-PENWELL
37 SPOONBILL WAY, KEY WEST, FL 33040

PARCEL IDENTIFICATION NUMBER: 00072081-000327; ALTERNATE KEY ("AK") NUMBER: 8879610

SUBJECT TO CONDITIONS AND RESTRICTIONS OF RECORD, IF ANY, BUT THIS DECLARATION SHALL NOT OPERATE TO RE-IMPOSE THE SAME.

SUBJECT TO: TAXES FOR THE YEAR 2017 AND SUBSEQUENT YEARS.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

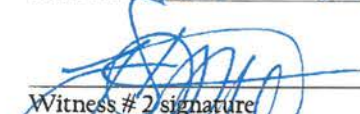
And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2016, and those items listed above.

In Witness Whereof, Grantor has hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:
(As to both signatures)

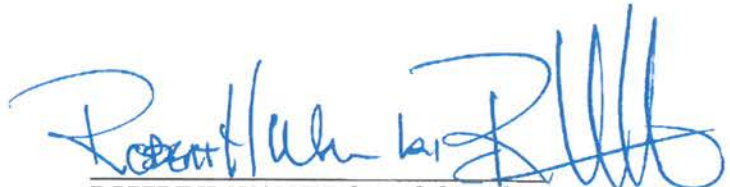

Witness #1 signature

Print name: NICOLE TWYMAN

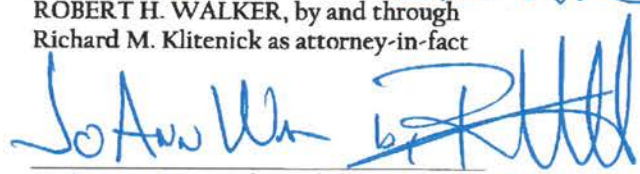

Witness #2 signature

Print name: JEFFREY DUNAWAY

STATE OF FLORIDA
COUNTY OF MONROE



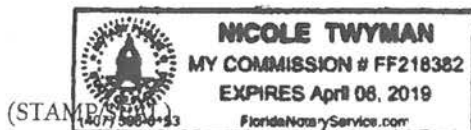
ROBERT H. WALKER, by and through
Richard M. Klitenick as attorney-in-fact

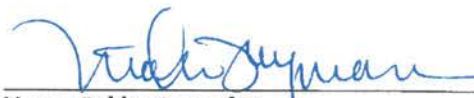


JO ANN WALKER, by and through
Richard M. Klitenick as attorney-in-fact

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, RICHARD M. KLITENICK, as Agent under Power of Attorney for Principals, ROBERT H. WALKER & JO ANN WALKER, who is personally known to me; or, who produced N/A as identification, to be the same person who is the named agent under power of attorney for the named Grantors described in the foregoing Warranty Deed, and he acknowledged to me that he executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and Official Seal at Key West, Monroe County, State of Florida on this 15TH day of June, 2017.




Notary Public-State of FL
Commission Expires: _____

Karen DeMaria

From: Karen DeMaria
Sent: Tuesday, June 13, 2017 8:53 AM
To: 'Robert Frechette'; 'ROBIN MITCHELL'
Cc: 'compasskwgc@aol.com'
Subject: RE:37 Spoonbill Way

All:

Here is the information I gathered from yesterday morning:

Total tree diameter = 98.4" diameter

Approximate Value of Tree = 73%**

Approximate Replacement Requirement: 72 caliper inches**

The monetary value of dicot trees to the Tree Commission is \$150 per inch, therefore, the monetary value of the tree would be \$10,800.

**Note: The approximate value and replacement requirement is based on information as seen from the ground during a quick site visit. Additional information is needed in order to properly evaluate the value of the tree condition.

Sincerely,

Karen

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

2' 11"
2' 7"
8' 5"
7' 2"
4' 8"

S = 100
L = 60
C = 60

73%

From: Robert Frechette [mailto:rfrechette@bellsouth.net]
Sent: Thursday, June 08, 2017 11:35 AM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Subject: Need your help and advice

Hi Karen, Bob Frechette from Compass Realty reaching out to you for some help regarding a very large tree on a property at the Key West Golf Course community. I have a contract on 37 Spoonbill Way, during the inspection it was noticed that the large Ficus tree on the side of the home is invading the walkways on the side of the home and getting too close to concrete pillars that support the home as part of the foundation. The canopy of the tree has grown over the roof line on the side of the home and because of it's size represents a possible threat to the roof and siding if a hurricane would break off a branch and tear part of the roof or siding off! The inspector has advised my buyer to remove the tree. I have received 3 RFP's to remove the tree with costs ranging from \$8000 to \$12000. One of the three mentioned to me that to remove the tree may not even be approved by you. None of the

Karen DeMaria

From: KC Penwell <kcpenwell@gmail.com>
Sent: Monday, August 28, 2017 10:24 PM
To: Karen DeMaria
Subject: RE: tree removal application
Attachments: Tree canopy.png

Hi Karen,

Please find a photo attached to this email. Will you please let me know if it will suffice? Thank you.

Kelly

On Aug 28, 2017 4:59 PM, "Karen DeMaria" <kdemaria@cityofkeywest-fl.gov> wrote:

Kelly,

Have you been able to get additional information and photos yet? I am creating the agenda for the September meeting and need to have that information ASAP in order to place this file on the agenda (by 3 p.m. Tuesday, August 29). If you are not ready, I would recommend waiting until the October meeting. I would hate to place you on the agenda only to have it postponed again.

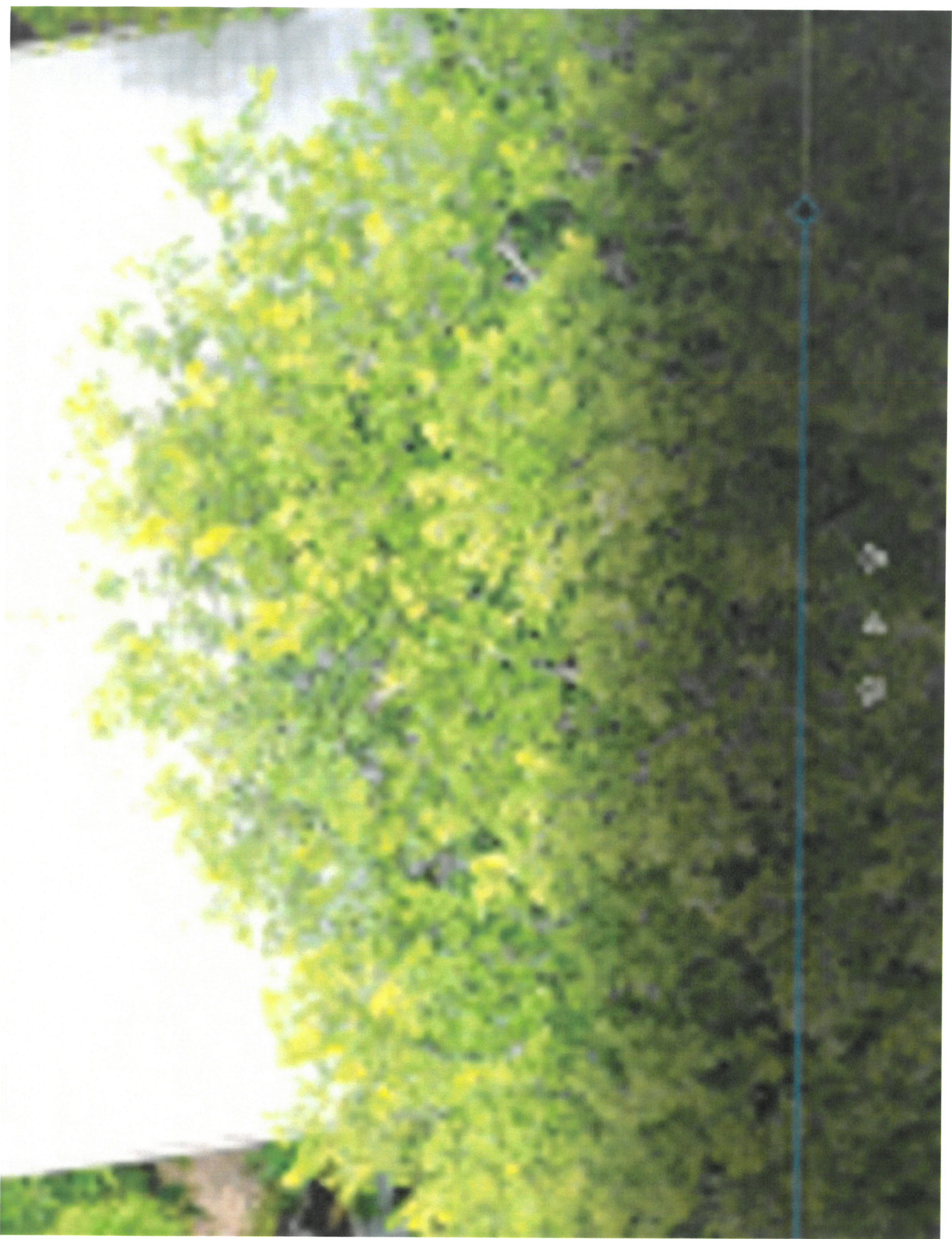
Sincerely,

Karen

From: Karen DeMaria
Sent: Monday, August 07, 2017 5:14 PM
To: 'KC Penwell' <kcpenwell@gmail.com>
Subject: RE: Postpone

Not a problem. I will submit your request.

Sincerely,



Karen DeMaria

From: Kelly Penwell <kcpenwell@gmail.com>
Sent: Tuesday, August 29, 2017 11:36 AM
To: Karen DeMaria
Subject: RE: tree removal application

Hi Karen,

Thanks for the email. I'm not sure what else I can do. A drone is my only option because of the cars that are parked in the way.

My hope is still to attend the meeting and present the information that I have. Because I've never lived in an area that's had restrictions I'm really trying to self educate on the process.

At this time, I'm not even sure of what is being asked of me. I thought that all you wanted was an arial photo. No one mentioned that condition of the branches etc. was the goal.

Best,

Kelly

Sent from my Verizon 4G LTE Droid

On Aug 29, 2017 9:33 AM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

All that photo does is show the extent of the canopy, it doesn't show the condition of the branches in the canopy. Is there any major decay? Is a major maintenance trimming of the canopy an alternative to removal?

It is your decision as to whether to move forward at this time with the information that is available or postpone until you can gather additional information. The Tree Commission may grant approval based on the existing information, may deny, or they may request a postponement.

Sincerely,

Karen

From: KC Penwell [mailto:kcpenwell@gmail.com]
Sent: Monday, August 28, 2017 10:24 PM





