

STAFF REPORT

DATE: May 29, 2019

RE: **607-609 Ashe Street (permit application # T2019-0189)**

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

An application was received requesting the removal of **(1) Paradise tree**. A site inspection was done and documented the following:

Tree Species: Paradise (*Simarouba glauca*)



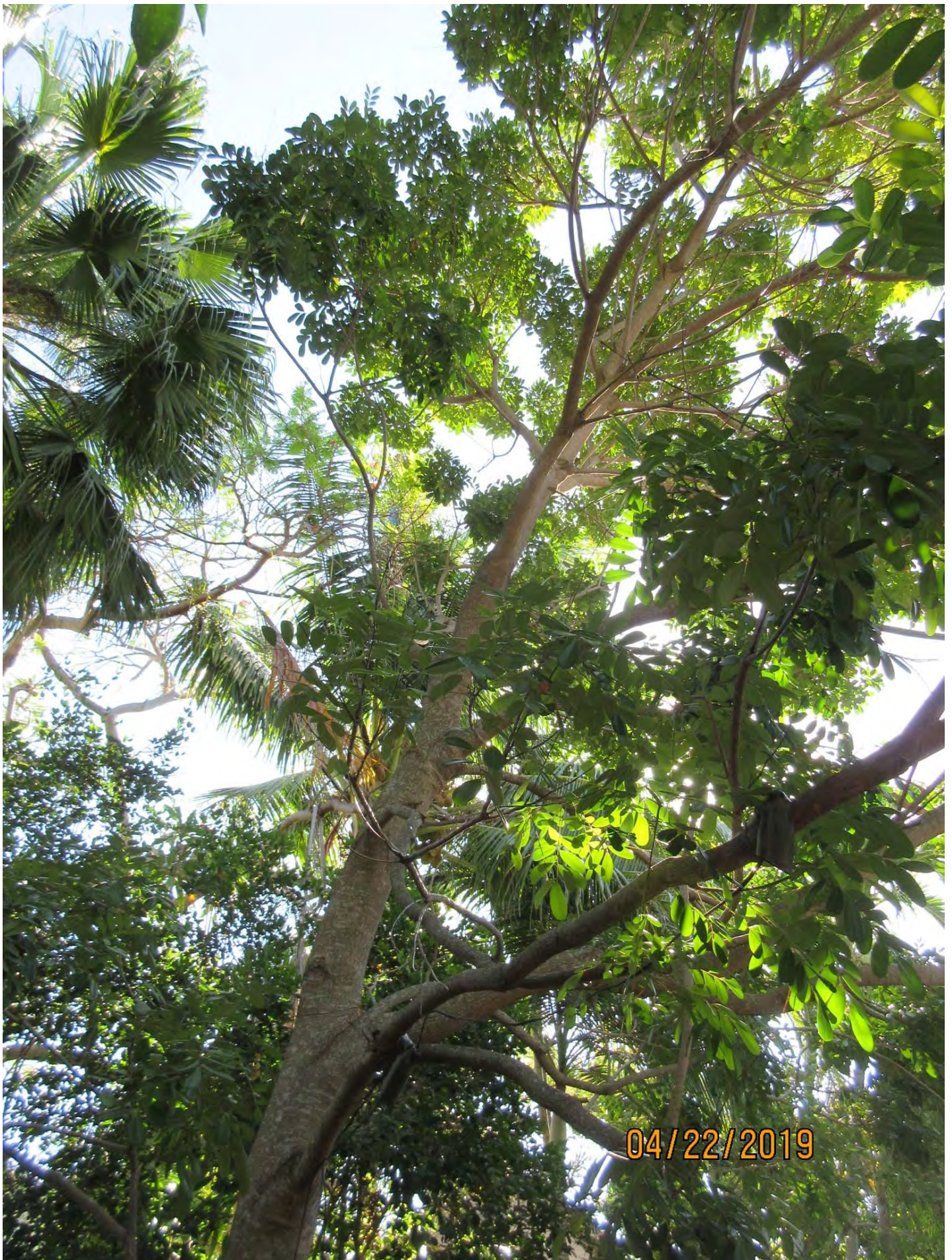
















Diameter: 10.8"

Location: 70% (growing in rear side yard, canopy impacted by larger mango tree growing nearby)

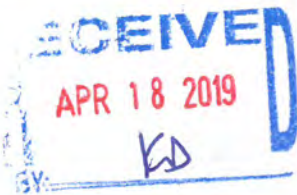
Species: 100% (on the protected tree list)

Condition: 60% (fair-structure strongly one sided)

Total Average Value = 76%

Value x Diameter = 8.2 replacement caliper inches

Application



Removal

2019-0189

Tree Permit Application

Date: 03/02/19

Please Clearly Print All Information unless indicated otherwise.

Tree Address 607-609 Ash Street
Cross/Corner Street Southard Street 4- Acacia (Cinnacord) 1- Yellowheart
List Tree Name(s) and Quantity 1- Paradise tree, 3- Tamarind and 1 other tree unknown
Species Type(s) check all that apply () Palm () Flowering () Fruit () Shade () Unsure
Reason(s) for Application:

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

Additional Information and Explanation See attached letter

Property Owner Name The studios of Key West
Property Owner eMail Address jed@tskw.org
Property Owner Mailing Address 533 Eaton Street, Key West, FL 33040
Property Owner Mailing City Key West **State** FL **Zip** 33040
Property Owner Phone Number (305) 296 - 0458
Property Owner Signature

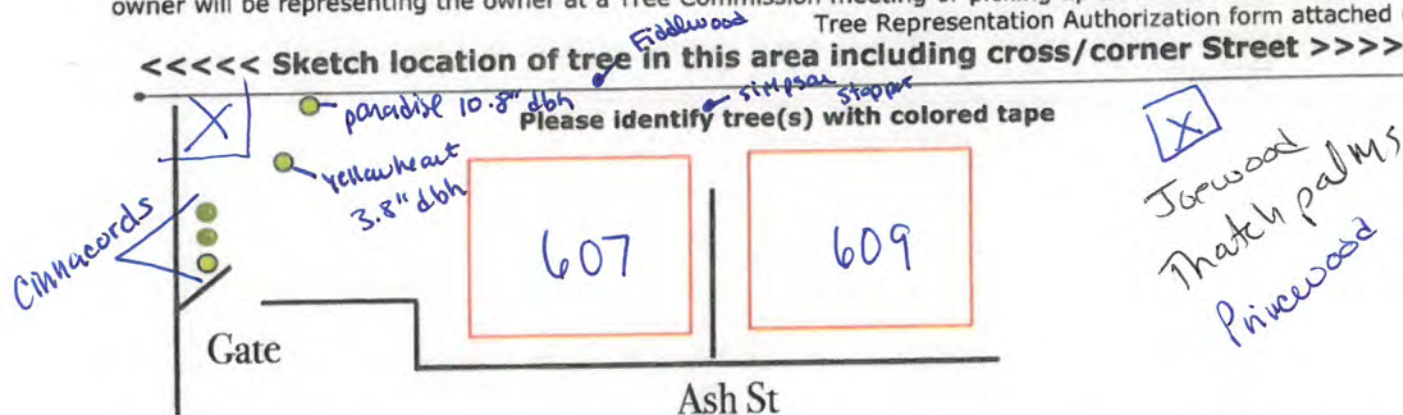
Representative Name The Huey Trust, David Deckelbaum Trustee / John Munsford
Representative eMail Address Jmunsford@DetailsNersey.com
Representative Mailing Address P.O. Box 637
Representative Mailing City Key West **State** FL **Zip** 33041
Representative Phone Number (305) 797-6056

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.

Updated: 02/22/2014

* replacement trees



Tree Representation Authorization

Date: 4/17/2019

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 607-609 Ashe Street

Property Owner Name The Studios of Key West - Seller

Property Owner eMail Address jed@tskw.org

Property Owner Mailing Address 533 Eaton Street, Key West, FL 33040

Property Owner Mailing City Key West **State** FL **Zip** 33040

Property Owner Phone Number (305) 296 - 0458

Property Owner Signature _____

Representative Name The Huey Trust, David Deckelbaum Trustee / John Mumford

Representative eMail Address JMumford@DetailsNursery.com

Representative Mailing Address Po Box 6371

Representative Mailing City Key West **State** FL **Zip** 33041

Representative Phone Number (305) 797-6056

I, John Dodds, Executive Director, 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 is any questions or need access to my property.

Property Owner Signature _____

The forgoing instrument was acknowledged before me on this 16th day April, 2019.

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

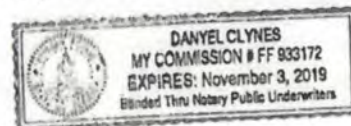
NOTARY PUBLIC

Sign Name: Danyel Clynes

Print Name: Danyel Clynes

My Commission Expires: 11/3/2019

Notary Public - State of Florida (seal)





THE
**STUDIOS
OF KEY WEST**

533 Eaton Street
Key West, FL 33040
Tel 305-296-0458
Fax 305-296-5200

Info@tskw.org

BOARD OF DIRECTORS
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John Vagnoni

April 15, 2019

Karen DeMaria
City of Key West Tree Department
1300 White Street
Key West, Florida 33040

Re: Tree Permit Application – 607-609 Ashe Street, Key West, FL
33040

Mrs. DeMaria:

Enclosed is an executed tree permit application and tree representation authorization form executed by The Studios of Key West, Inc, a Florida non-profit corporation ("TSKW") for the property located at 607-609 Ashe Street, Key West, FL 33040 (the "Property").

TSKW is selling the Property and, contingent upon the sale, authorizing the named entity to submit this application to the City of Key West. Should the sale of the Property not happen, TSKW will be cancelling the tree permit application. TSKW's authorization is limited strictly to the submittal of this tree permit application

If you have any additional information or have any questions regarding this please do not hesitate to contact me.

Sincerely,


Jed Dodds

Executive Director

Karen DeMaria

From: John C Mumford <John@detailsnursery.com>
Sent: Thursday, April 18, 2019 8:18 AM
To: Karen DeMaria
Subject: Re: Tree Removal permit 607-609 Ash Street

Construction of pool, I will tag them today.

John C Mumford

Details Landscaping Design Inc.
305-797-6056

On Apr 17, 2019, at 5:49 PM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

Received, what is the reasoning for removal of the trees? I will need documentation. Also, please make sure the trees are tagged.

Sincerely,

Karen

From: John C Mumford <John@detailsnursery.com>
Sent: Wednesday, April 17, 2019 2:08 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Subject: Tree Removal permit 607-609 Ash Street

John C Mumford

Details Landscaping Design Inc.
305-797-6056

Karen DeMaria

From: Karen DeMaria
Sent: Monday, April 22, 2019 1:56 PM
To: jed@tskw.org; John C Mumford
Subject: 607-609 Ashe Street tree removal application

I have inspected the trees that are being requested to be removed (and flagged), 4-Cinnecord, 1-Paradise, and 1-Yellowheart tree. These trees are in good to fair condition and I do not see a justification for their removal. Yes, the paradise tree and the cinnecords need some trimming but there are no obvious health issues with the trees. Also, there is a young Joewood tree, a State listed endangered species, and several Thatch palms also in the area. What is to become of them?

I am told that the reason for the removal of the trees is to possibly build a pool. What is the layout? What alternatives are there to building the pool-different sizes, location to miss impacting the trees? Why do the cinnecords have to be removed? Are there other trees outside the fence area that might be impacted? There are a lot of questions that will need to be answered and presented to my office and the Tree Commission before this can be processed forward. Please note that both the Cinnecords and the Yellowheart trees are State listed endangered or threatened tree species.

Sincerely,

Karen

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



Karen DeMaria

From: Karen DeMaria
Sent: Tuesday, May 7, 2019 3:35 PM
To: Guillermo Orozco; John C Mumford
Subject: FW: 607-609 Ashe Street tree removal application

FYI--the file will be postponed from the May 13 meeting and placed on the June 11 Tree Commission meeting. I have time next week to meet and will respond to your other e-mail.

Sincerely,

Karen

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

From: Karen DeMaria
Sent: Tuesday, May 7, 2019 3:32 PM
To: Jed Dodds <jed@tskw.org>
Cc: Richard McChesney <richard@spottswoodlaw.com>
Subject: RE: 607-609 Ashe Street tree removal application

Received, thank you. I will place the file onto the June 11 Tree Commission agenda.

Sincerely,

Karen

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

From: Jed Dodds <jed@tskw.org>
Sent: Tuesday, May 7, 2019 3:30 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Cc: Richard McChesney <richard@spottswoodlaw.com>
Subject: 607-609 Ashe Street tree removal application

Dear Karen,

Per your conversation just now with Richard McChesney, I'm writing to request a postponement of the hearing on tree removal at our property on 607-609 Ashe Street until the June 11 meeting of the Tree Commission.

Thank you,

Jed Dodds

Executive Director
The Studios of Key West

Karen DeMaria

From: Guillermo Orozco <gaorozco@msn.com>
Sent: Tuesday, May 7, 2019 10:46 AM
To: Karen DeMaria
Cc: John Mumford
Subject: 607-09 as he street
Attachments: ash street pool revised.pdf

Good morning Karen,

This is Guillermo Orozco and I'm writing in regard to a pool and spa addition to 607-09 She street.

My understanding is that you have been communicating with John Munford about the location of a pool and spa addition.

We have come up with a preliminary sketch with the location of the pool in relationship with the existing trees trees and would like to discuss it with you at your convenience.

Thank you very much for your assistance in this case.

Best regards,

Guillermo

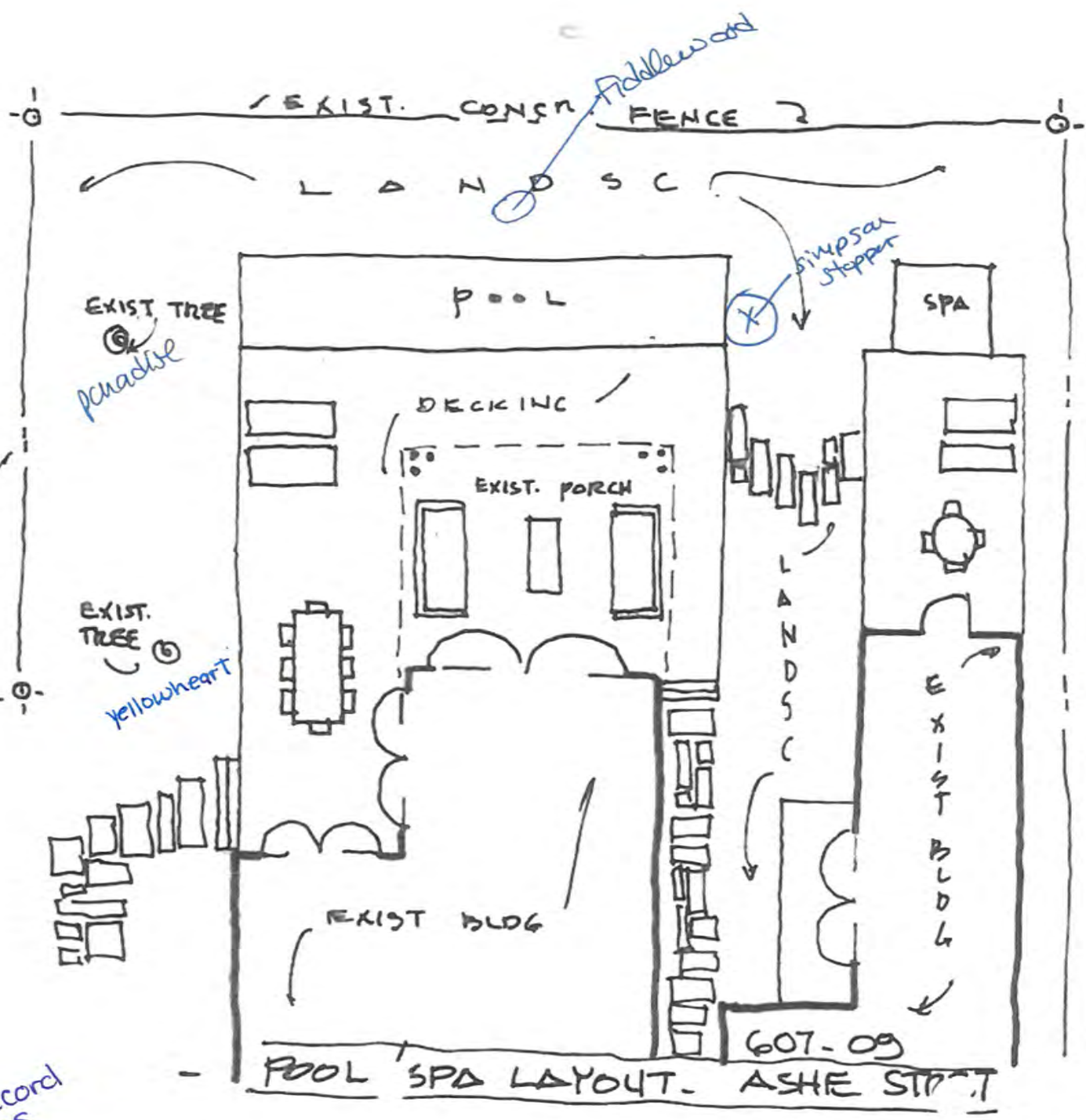
Guillermo A Orozco, Inc.
1901 S Roosevelt Blvd. Apt 207S
Key West, FL 33040-5267
www.gaorozco.com
(305) 292-1694

Simpson stopper
2' 7" transp out?

PROPOSED WD
FENCE

cinnacord
trees

access



Rear Proposed Pool Location
(Plan B)

Karen DeMaria

From: John C Mumford <jmumford@detailsnursery.com>
Sent: Thursday, May 16, 2019 10:32 AM
To: Karen DeMaria
Cc: Guillermo Orozco; GMC; john@johnspottswood.com
Subject: Tree permit for 607-609 Ash St
Attachments: City of Key West Tree Commissioners.docx

Karen,

Would it be possible to ament the application for 607-609 Ash street to transplant the Yellow heart and remove the paradise tree with heavy maintenance on the cinnacord. for the June 11th meeting. I have also attached a letter to the commissioners.

Thank you

John C Mumford
Details Landscaping Design Inc.
305-797-6056

transplant

heavy

City of Key West Tree Commissioners
Key West, Florida 33040

Re: 607-609 Ashe Street

Dear Commissioners,

I met with Greg Conners (buyer) and Guillermo Orozco (architect) at the above-referenced property regarding landscaping and pool installation. The first design had the pool built on the north side of the property. This location was found to impact two existing native trees. They are a Paradise tree (*Simarouba glauca*) and a Yellow heart (*Zanthoxylum flavum*). Inasmuch as the Yellow heart tree is on the endangered species list, a second design for the pool was created putting the pool in the rear of the property. With this second design, two other trees would be impacted, a Fiddlewood tree (*Citharexylum berlandieri*) and a Simpson Stopper (*Myrcianthes fragrans*).

After further discussion with Karen de Maria, it was thought that the Yellow heart would transplant well after proper root-pruning and then placed in a sunny location. Conversations with growers of this variety have confirmed that there would be a 90% survivability rate on this transplant. The Paradise tree, now growing under a giant Mango tree, is mis-shapen and would take years of pruning to bring it back into a presentable shape.

The permit application requests the removal of the Paradise tree and the transplanting of the Yellow heart to a sunnier location.

The Fiddlewood and Simpson Stoppers will not be impacted if the pool can be built on the north side as originally indicated.

Thank you for your consideration of this application.

Very truly yours,

John C. Mumford
Details Landscaping



Karen DeMaria

From: Richard McChesney <richard@spottswoodlaw.com>
Sent: Monday, June 3, 2019 4:51 PM
To: Karen DeMaria
Subject: 607-609 Ashe St
Attachments: Deed.pdf

Good Afternoon Karen,

Please see attached a copy of the deed for the transfer of the above-referenced property. With this, can you please remove The Studios of Key West from the tree permit application that is currently on file with the City?

Please let me know if you need anything else.

Thank you,

Richard J. McChesney, Esq.
Spottswood, Spottswood, Spottswood & Sterling
500 Fleming Street
Key West, FL 33040
(305) 294-9556 - Office
(305) 504-2696 - Fax
richard@spottswoodlaw.com



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THIS INSTRUMENT PREPARED BY AND RETURN TO:

Maura Ziska, Esq

Kochman & Ziska, PLC

222 Lakeview Avenue, Suite 1500

West Palm Beach, Florida 33401

Our File No.: 3581-00

Property Appraisers Parcel Identification (Folio) Number:

Florida Documentary Stamps in the amount of \$10,500.00 have been paid hereon.

SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED

THIS WARRANTY DEED, made the 28th day of May, 2019 by The Studios of Key West, Inc., a Florida not-for profit corporation, whose post office address is 533 Eaton Street, Key West, FL 33040, herein called the Grantor, to David A. Deckelbaum, Trustee of the Huey Trust dated March 31, 2011, as amended, with full power and authority to protect, conserve, sell, lease, encumber, or to otherwise manage and dispose of the real property hereinafter described, pursuant to Florida Statute 689.071, whose post office address is P.O. Box 65124, Washington, DC 20035, hereinafter called the Grantee:

(Wherever 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)

W I T N E S S E T H: That the Grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in MONROE County, State of Florida, viz.:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Subject to easements, restrictions and reservations of record and taxes for the year 2019 and thereafter.

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 Grantors hereby covenant with said Grantees that the Grantors are lawfully seized of said land in fee simple; that the Grantors have good right and lawful authority to sell and convey said land, and hereby warrant 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, 2018.

IN WITNESS WHEREOF, the said Grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Richard McChesney
Witness #1 Signature
Richard McChesney
Witness #1 Printed Name
Monica Hornyak
Witness #2 Signature
Monica Hornyak
Witness #2 Printed Name

The Studios of Key West, Inc., a Florida not-for
Profit corporation
By: Stephen Kitsakos
Stephen Kitsakos, President

State of Florida
County of MONROE

The foregoing instrument was acknowledged before me this 28 day of May, 2019, by Stephen Kitsakos, President of The Studios of Key West, Inc., a Florida Not-for profit corporation who is personally known to me or has produced FL Drivers License as identification and ☐ did ☒ did not take an oath.

SEAL

Monica Hornyak
Notary Public

My commission expires:

Printed Notary Name

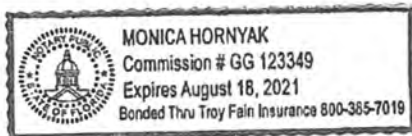


EXHIBIT "A"

LEGAL DESCRIPTION FOR FILE NO.: 3581-00

The land referred to herein below is situated in the County of MONROE, State of Florida, and described as follows:

A parcel of land in a part of Lot 2, Square 55, in the City of Key West, Florida, according to Wm. A. Whitehead's Map of the Island of Key West and being more particularly described by metes and bounds as follows: (PARCEL A) Commencing at the intersection of the Southeasterly property line of Southard Street and the Northeasterly property line of Ashe Street, bear Southeasterly along the Northeasterly property line of Ashe Street for a distance of 67.0 feet to the point of beginning of the land hereinafter described from said point of beginning continue bearing Southeasterly along the Northeasterly property line of Ashe Street for a distance of 56.18 feet to a point; thence at right angles and Northeasterly for a distance of 90.00 feet to a point; thence at right angles and Northwesterly for a distance of 41.18 feet to a point; thence at right angles and Southwesterly for a distance of 34.83 feet to a point; thence at right angles and Northwesterly for a distance of 17.25 feet to a point; thence at right angles and Southwesterly for a distance of 5.61 feet to a point; thence at right angles and Southeasterly for a distance of 2.25 feet to a point; thence at right angles and Southwesterly for a distance of 49.56 feet back to the point of beginning.

(PARCEL B) Commencing at the intersection of the Southeasterly property line of Southard Street and the Northeasterly property line of Ashe Street, bear Southeasterly along the Northeasterly property line of Ashe Street for a distance of 123.18 feet to the point of beginning of the parcel of land hereinafter described; from said point of beginning continue bearing Southeasterly along the Northeasterly property line of Ashe Street for a distance of 21.82 feet to a point; thence at right angles and Northeasterly for a distance of 90.00 feet to a point; thence at right angles and Northwesterly for a distance of 21.82 feet to a point; thence at right angles and Southwesterly for a distance of 90.00 back to the point of beginning.

Karen DeMaria

From: Richard McChesney <richard@spottswoodlaw.com>
Sent: Wednesday, June 5, 2019 9:01 AM
To: Karen DeMaria
Subject: RE: 607-609 Ashe St

Good Morning Karen,

The new owner of the property is The Huey Trust dated March 31, 2011 and the mailing address is P.O. Box 55124, Washington DC 20035. The contact person should be Greg Connors. His email is gmconnors@aol.com and his phone number is (703) 403-2202.

Thank you,

Richard J. McChesney, Esq.
Spottswood, Spottswood, Spottswood & Sterling
500 Fleming Street
Key West, FL 33040
(305) 294-9556 - Office
(305) 504-2696 - Fax
richard@spottswoodlaw.com



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From: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Sent: Tuesday, June 04, 2019 4:42 PM
To: Richard McChesney <richard@spottswoodlaw.com>
Subject: RE: 607-609 Ashe St

Can you please send me the new owners name, address, phone number and e-mail address for our files.

Sincerely,

Karen