



**THE CITY OF KEY WEST
Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409
Telephone: 305-809-3725

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

October 28, 2020

Tree Commission
City of Key West
Petitioner,
Vs.

Charles & Carmela Wicht
1301 1st Street
Key West, F 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, May 11, 2021**, at 5:00 p.m., at **Josephine Parker City Hall at Historic Glynn R. Archer School, 1300 White Street, Key West, Florida.**


As discussed at the April 12, 2021 Tree Commission meeting, the administrative hearing will review file TC2021-0001, removal of (4) Gumbo Limbos and (1) Pigeon Plum tree without benefit of a tree removal permit from the front yard of 1301 1st Street and will discuss compliance to the signed Settlement Agreement, file TC2020-0014, regarding the improper trimming of (1) Gumbo Limbo, (1) Strangler Fig, and (1) Green Buttonwood in the rear of the property (1301 1st Street). The Settlement Agreement also involved the issuance of a tree removal permit, T2018-0160. This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. **Your presence is required at this Tree Commission meeting.**

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 mailed to the Respondents and has been sent via e-mail, regular mail, and certified U.S. Mail to the above named Respondent's listed address on this **28th day of April 2021.**

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


Karen DeMaria
Urban Forestry Manager
kdemaria@cityofkeywest-fl.gov

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



THE CITY OF KEY WEST

Tree Commission

Post Office Box 1409 Key West, FL 33041-1409

Telephone: 305-809-3723

TREE COMMISSION OF THE CITY OF KEY WEST, FLORIDA

COMPLIANCE SETTLEMENT AGREEMENT

This ("Agreement"), is made and entered into this 11th day of January 2019, by and between **Charles Wicht**, having an address of **29054 Violet Drive, Big Pine Key, FL 33043**, ("Property Owner"), and the **City of Key West**, a municipal corporation, having an address of **1300 White Street, P.O. Box 1409, Key West, Florida 33041-1409**, by and through the Tree Commission of the City of Key West, Florida ("Tree Commission").

WITNESSETH

Whereas, Chapter 110 of the Code of Ordinances for the City of Key West provides for hearings of violations, notice, procedure and compliance settlement with regard to the damage or destruction of certain protected trees; and

Whereas, in accordance with Chapter 110 of the Code of Ordinances for the City of Key West, the Tree Commission conducted a hearing and rendered a decision with respect to a certain violation of Chapter 110.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties agree as follows:

1. **Acceptance of Responsibility for Damage or Destruction:**

Property owner accepts full and complete responsibility for the damage or destruction of protected trees on real property located at **1301 1st Street**, in the City of Key West, Florida, in violation of Chapter 110 of the Code of Ordinances for the City of Key West, as found in the findings made and decision issued by the Tree Commission at its hearing held on December 11, 2018 and January 8, 2019.

2. **Remedy:**

Pursuant to Section 110-291 of the Code of Ordinance for the City of Key West, the Tree Commission has ordered, and Violator agrees to, the following remedy:

- 1-29-19 ✓
- The property owner shall pay a fine of \$500 to the City of Key West Tree Fund within 30 days of the date of this signed document.
 - The property owner shall replant the lot with 65.1 caliper inches of approved trees, FL#1, on site, within 6 months of the date of this signed agreement, as approved by permit T2018-0160.
 - The violator shall plant according to current 'Best Management Practices' and the City of Key West, Urban Forestry Program manager shall be contacted for inspection of required tree installation.

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

- d. Consistent with permitting requirements, the replacement trees shall remain alive for a minimum of 1 year after planting or replace with like.

The remedy as indicated above is based upon the value of the damaged or destroyed trees, as found by the Tree Commission.

3. Penalty for Non-Performance:

Failure of Violator to comply with the remedy indicated in Paragraph 2 above shall result in the institution of any and all permitted administrative and legal actions.

4. Sale of Property:

In the event the subject property is sold prior to the completion of compliance with this Agreement, the new owner shall be subject to the terms and conditions of this Agreement. It shall be the duty of the selling property within ten days of the effective date of the sales contract to provide the buyer with a copy of this Agreement. The Urban Forestry Manager shall issue a letter to the property owner when compliance is achieved.

IN WITNESS WHEREOF, Violator and the Tree Commission have caused this instrument to be executed as of the date first written.

TREE COMMISSION

City of Key West, Florida, a municipal corporation, by and through the Tree Commission of the City of Key West

Chairperson: _____


David Jackson

Witness: _____

Print Name: _____


Karen DeMaria

Date: _____

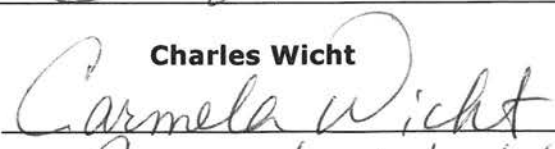
1-15-19

PROPERTY OWNER:


Charles Wicht

Witness: _____

Print Name: _____


Carmela Wicht

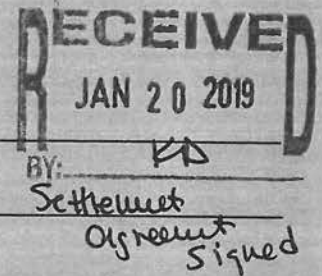
Date: _____

1/20/19



CITY OF KEY WEST

TREE PERMIT



Permit# 2018-0160 Date Issued January 8, 2019

Address 1301 1st Street

This it to certify that Charles Wicht / Treeman, LLC

has permission to Remove (1) Buttonwood tree, (1) Strangler Fig tree, & (2) Gumbo Limbo trees. Replacement of 65.1 caliper inches, FL #1 native dicot or fruit tree(s) of choice from approved list, to be planted on site. Replacements shall be planted in the six (6) months from the approval date as described here in. All plants shall be planted according to current 'Best Management Practices'. Submit completed Job Completion form to Urban Forestry Manager for tree replacement inspection. All replacement trees shall be maintained as trees in perpetuity.

as per application approved January 9, 2019

The person accepting this permit shall conform to the terms of the application on file in the office of the Tree Commission of Key West. All work shall conform to the requirements of the Code of Ordinances of the City of Key West, Chapter 110-Article VI. Tree Protection.

This Tree Permit is effective for 6 months from the date issued.

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

IMPORTANT NOTICE

This card must be posted in a location clearly visible from the street and in a protected covering.

APPROVED BY David Jackson - Tree Commission Chairman

City of Key West
Tree Commission
PO Box 1409
Key West, FL 33041
Phone: (305) 809-3725



CANOPY
REMOVAL

2018-0160

Tree Permit Application

Date: 12/17/18

Please Clearly Print All Information unless indicated otherwise.

Tree Address 1301 1st St
Cross/Corner Street Fogarty
List Tree Name(s) and Quantity (1) Buttonwood (1) Ficus (1) Gumbo Limbo
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 Roots causing damage to fence, foundation and wall. Imbalanced trees.

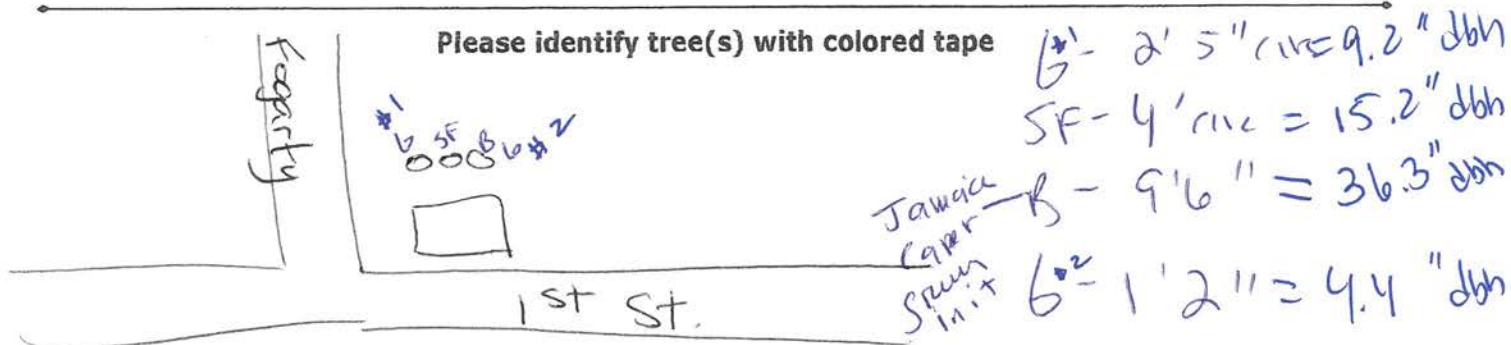
Property Owner Name Charles Wicht
Property Owner eMail Address CCPkeys@AOL.com
Property Owner Mailing Address 2905.4 Violet Drive
Property Owner Mailing City Big Pine Key State FL Zip 33043
Property Owner Phone Number (305) 797-3471
Property Owner Signature _____

Representative Name Treeman, LLC - Sean Creedon
Representative eMail Address Keystreeman@gmail.com
Representative Mailing Address P.O. Box 430204
Representative Mailing City Big Pine Key State FL Zip 33043
Representative Phone Number (305) 900-8448

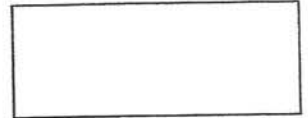
NOTE: A Tree Representation Authorization form must accompany this application if someone other than the owner will be representing the owner at a Tree Commission meeting or picking up an issued Tree Permit.

Tree Representation Authorization form attached ☐

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



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: 12/17/18

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 1301 1st St
Property Owner Name Charles Wicht
Property Owner eMail Address CCPKeys@aol.com
Property Owner Mailing Address 29054 Violet Dr.
Property Owner Mailing City Big Pine Key State FL Zip 33043
Property Owner Phone Number (305) 797-3471
Property Owner Signature _____
Representative Name Treeman, LLC - Sean Creedon
Representative eMail Address keystreeman@gmail.com
Representative Mailing Address P.O. Box 430204
Representative Mailing City Big Pine Key State FL Zip 33043
Representative Phone Number (305) 900-8448

I Charles Wicht, 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 _____

The forgoing instrument was acknowledged before me on this 12 day DEC, 2018.

By (Print name of Affiant) Charles Wicht who is personally known to me or has produced FL ID as identification and who did take an oath.

NOTARY PUBLIC

Sign Name: [Signature]

Print Name: Yelini Valle

My Commission Expires: 5/23/19

Notary Public - State of Florida (seal)

