

Karen DeMaria

From: Karen DeMaria
Sent: Friday, July 31, 2020 3:02 PM
To: Karen DeMaria
Subject: FW: Tree Permit T17-8719 reply from John Ralph 3731 Eagle Ave.

From: Jack Ralph <kwestjnp@bellsouth.net>
Sent: Thursday, July 30, 2020 3:07 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Subject: Re: Tree Permit T17-8719 reply from John Ralph 3731 Eagle Ave.

On 7/30/2020 2:33 PM, Karen DeMaria wrote:

Jack:

I received your letter and check. I am holding onto the check because it seems you want to discuss the required mitigation with the Tree Commission. Is that your desire? If so, I will not cash the check but hold it until you have a chance to discuss the mitigation with the Tree Commission. I am not sure when the next Tree Commission meeting will be but we are hoping to have a meeting in the chambers on Monday September 21, 2020. Will this work for you and is this what you want me to do?

Sincerely,

Karen

Urban Forestry Manager
City of Key West
305-809-3768

Thank you for your reply. I was hoping you could just give my letter to the commission on 9/21 or whenever and let them make a determination. Everything that needs to be said is in the letter. They will either find in my favor and close the permit and return my check or take my money. One or the other. John Ralph

John Ralph
3731 Eagle Avenue
Key West

July 17, 2020

City of Key West Tree Commission and Karen DeMaria

Re: Tree Permit T17-8719 3731 Eagle Avenue Key West

Enclosed find a check for \$250.00 (Mitigation fees). I make this payment under protest. It is not at all correct for the City of Key West to require a mitigation fine/penalty when a homeowner must remove a tree to avoid property damage liability or more importantly bodily injury liability when a tree grows onto an adjacent property over time. Bad enough that the removal of this tree cost me \$1,000.00 then the city wants me to spend time and money to make reparations like I was wrong to remove it. Actually, why do I have to pay for the permit in the first place rather than just be issued one free of charge under the circumstances.

I explain again the situation that led to the removal of this palm below.

Please forward this letter to tree commissioners. Hopefully, they will concur that this mitigation fine is not appropriate under the circumstances and return my check.

The subject tree was 35 feet high when I purchased the property in 1998. Over the next 20 years I had Ken King trim the fronds and coconuts with his boom truck once or twice a year. The tree took a severe turn to the west over my neighbor's property the last ten years and grew another 10 feet higher. The palm was set back on the property far enough that Ken King finally told me he could no longer reach it for trimming. The condition became a "life safety" and property damage liability issue for me with regard to my neighbor. I had no choice but to remove it.

Ken King can attest to all of the above as well as my neighbor if you require more evidence.

Kind regards

John Ralph



City of Key West

Tree Permit Job Completion



To close out the tree permit, the owner/agent must send in this completed form when the approved work has been completed and the replacement(s) has been completed.

In lieu of planting tree(s), you may choose to pay mitigation fees to the City Tree Fund, please make your check payable to "City of Key West" and refer to number **00100003660100** on your check. Mitigation fees are as follows: **\$250 per tree** for palm trees, and/or \$200 per required replacement caliper inch for dicot/canopy or fruit trees, and/or \$225 per required replacement caliper inch for Royal Poinciana trees.

Permit # T17-8719

Work done or type of tree(s) planted check 1194
or Mitigation funds attached

Has been completed at _____
Location of tree(s)

Owner Name: J Ralph Signature [Signature]
Print Name

Mailing Address: Kwestjnp @ bell.south.net

Phone Number: 305 587 0800 Date: _____

Below please sketch location of replacement tree(s) including structure and cross / corner street names. Please identify trees with colored tape.

Please send the complete form to the following address:

**City of Key West
Tree Commission
P.O. Box 1409**

Key West, FL 33041-1409

Key to the Caribbean-average yearly temperature 77 ° Fahrenheit

Karen DeMaria

From: Karen DeMaria
Sent: Monday, July 6, 2020 2:29 PM
To: Jack Ralph
Subject: RE: Reply regarding Re: 3731 Eagle Ave tree permit
Attachments: Approved Replacement Palm List 2018Dec.pdf; Updated Job Completion Form.pdf

Jack:

Sorry for the delay in getting back to you. It was nice meeting you a few weeks ago at your property. Unfortunately, none of the palms you planted, Areca and Fishtail palms, are acceptable replacement palms and as such, I can not accept them as replacement palms and the tree removal permit remains open. I have attached a copy of the approved palm list for your use. If you can not plant an approved replacement palm on the property the City code allows for the following options; you can purchase a palm and donate it to a not for profit organization for them to plant including any school or church (you would contact that organization, ask them what they want then purchase and have the palm delivered to them for planting. Once the palm is planted and inspected, the file will be closed) or you can pay a fee into the City of Key West Tree Fund. The approved donation is \$250 per palm (as stated in City code Sec 110-327 and 331).

As I stated during our meeting, I can only close out the file if the proper replacement is planted and inspected. If you want to dispute the need for the required replacement let me know and I can schedule you onto the next Tree Commission agenda meeting. Only the Tree Commission can change the permit requirements. I am hopeful that the next Tree Commission meeting would be August 11 or September 15.

Sincerely,

Karen

From: Jack Ralph <kwestjnp@bellsouth.net>
Sent: Wednesday, June 17, 2020 7:48 AM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Subject: Reply regarding Re: 3731 Eagle Ave tree permit

We can meet anytime. Call or text me at 305 587 0800

On 6/16/2020 4:58 PM, Karen DeMaria wrote:

John:

When are you or someone available to meet with me on the property, 3731 Eagle, to do a site inspection regarding closure of the tree removal permit? I think seeing what you have planted since Irma will be helpful.

Sincerely,
Karen

Karen DeMaria

Good day.

I am responding to your letter dated March 13, 2020 to me regarding tree permit T17-8719 at 3731 Eagle Avenue. I replied to your last letter regarding this issue back in June 2019. At that time, I explained that the subject palm tree was leaning well into my neighbors property and had to be removed to avoid injury to my neighbors and their children. The tree was set back on the my property and had grown to a height that Ken King's tree boom could no longer reach and trim the coconuts and super large fronds. I had been paying him for 20 years to trim it twice a year at a cost of \$800 annually. Call it a hardship removal or life safety removal but the fact is I was not able to trim it any longer and could not risk the liability of an injury and subsequent law suit.

So, I am again requesting that you close out this permit without the requirement to replace with an approved tree or pay a mitigation fee.

Hurricane Irma destroyed all the plantings on my property. I removed stumps and planted (42) 8-10 foot palms and other plantings which now have grown to a height of 12-14 feet. I am an avid planter. If you want to inspect the site please call me and do so. There is no evidence of the tree that was removed since the stump was ground below ground but you can check out the situation if you please. You will also note if you inspect that my property is a tropical jungle and there is no place to install even one more tree.

I hope you will help me resolve this permit issue.

Regards

John Ralph kwestjnp@bellsouth.net 3055870800

Address:
3731 Eagle Ave
KW 33040

e-mail sent
6-16-20
requesting site
visit

6-22-20
Avecat Fishtail
palms
Send e-mail



Karen DeMaria

From: Karen DeMaria
Sent: Wednesday, July 3, 2019 1:45 PM
To: kwestjup@bellsouth.net
Subject: 3731 Eagle Avenue tree permit

John:

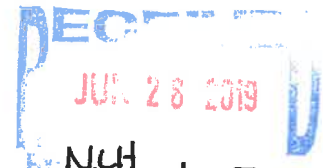
I received your letter and tried to look at your property. Your letter states that you planted a number of palms on your property. I am very interested to know what species of palms you planted so I can determine if any of those can be used to close out the file.

Sincerely,

Karen

Karen DeMaria
Urban Forestry Manager
Certified Arborist FL# 6585A
City of Key West Planning Department
1300 White Street, Key West, FL 33040
305-809-3768





In response to your letter dated June 18th 2019 referencing a tree permit number T17-8719 in 2017, I do not intend to supply and install a replacement palm per your letter for the following reasons.

1. The subject tree that was removed was situated exactly on the property line between my property at 3731 Eagle and my neighbor's property at 3729 Eagle. Over the years it had grown to a height that could no longer be maintained by a tree trimmers bucket truck. It also had taken a curve west to my neighbor's property and the coconuts threatened to damage my neighbor's house house roof. It had become a danger to property and possible human life. So I removed it. Call it a necessity removal, hardship removal or whatever you want. It had to go before someone was injured or property destroyed.

2. After hurricane Irma, in January 2018 , I replaced/installed 45 10 foot high palms on my property. I feel I have been extremely proactive about installing and maintaining plantings. If you would like to inspect the property to verify this please do.

So, I am requesting that you close out this permit.

Regards

John Ralph

7-2-19
can't tell what
planted



THE CITY OF KEY WEST
Tree Commission
Post Office Box 1409
Key West, FL 33041-1409

June 18, 2019

John Ralph
3731 Eagle Avenue
Key West, FL 33040

Dear Applicant:

Our files indicate that a close out inspection was never conducted on the property located at 3731 Eagle Ave. for Tree Commission permit **T17-8719**. The permit authorized the **Removal of (1)-Coconut Palm** to be replaced with **1-native palm tree, minimum 4ft. tall FL #1 from the approved list, to be planted on site**. Our records indicate that you are the property owner of record.

This inspection is part of the requirement to complete your obligation for the Tree Commission permit.

This is a letter to inform you that an inspection is **required** to close the file. Please complete the attached form and return it to our office.

Please do not hesitate to contact the office at 305-809-3725 or at the number listed below for additional information and for verification so that the Tree Commission permit file can be closed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karen DeMaria", is written over a light blue horizontal line.

Karen DeMaria
Urban Forest Manager
305-809-3768
kdemaria@cityofkeywest-fl.gov

gphivm
mm



Palm
Removal

8719

Tree Permit Application

Date: 11/15/2017

Please Clearly Print All Information unless indicated otherwise.

Tree Address 3731 Eagle Avenue
Cross/Corner Street _____
List Tree Name(s) and Quantity Palm (1) coconut palm
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 too high for bucket trucks to trim any longer

Property Owner Name John Ralph
Property Owner eMail Address 3731 Eagle Avenue email: Kwestjupc@ellsouth.net
Property Owner Mailing Address Key West State FL Zip 33040
Property Owner Phone Number (305) 587-0800
Property Owner Signature

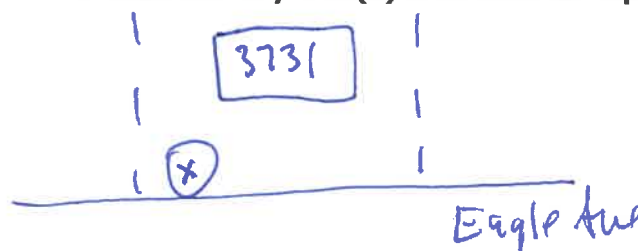
Representative Name _____
Representative eMail Address _____
Representative Mailing Address _____
Representative Mailing City _____ State _____ Zip _____
Representative Phone Number (____) ____ - ____

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



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

