



**THE CITY OF KEY WEST  
Tree Commission**

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

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

October 22, 2018

Tree Commission  
City of Key West  
Petitioner,

Vs.

1301 Truman LLC  
45 NW 21<sup>st</sup> St  
Miami, FL 33127

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, November 13, 2018**, at 5:00 p.m., at **Josephine Parker City Hall at Historic Glynn R. Archer School, 1300 White Street, Key West, Florida.**

This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. The purpose of this hearing will be to determine if a code violation has been committed by the above named Respondents. **Your presence is required at this Tree Commission meeting.**

**Date of alleged violation: prior to October 19, 2018 at 1301 Truman Avenue, Key West, FL:**

**Sec. 110-321. Required.**

(a) Unless a tree removal permit approved by the tree commission and issued by the Urban Forestry Manager has been obtained, no person, whether on publicly or privately owned land, shall cause tree abuse or other harm, or major maintenance to, hatracking, transplanting, topping or removal of the following:

(1) Any tree listed as "specially protected" in section 110-253

**Factual allegation: Two (2) protected Royal Poinciana trees have been removed from the property without benefit of a tree removal permit.**



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

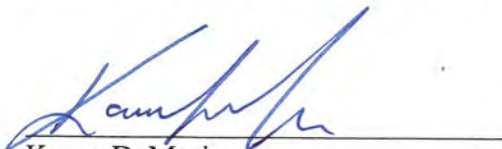


If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the City of Key West pursuant to section 110-294 of the Key West City Code.

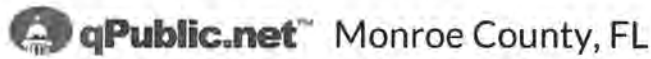
Attendees are hereby notified that a complete and accurate record of the proceeding is required under Florida Statute 286.0105 if an appeal is sought. Appellants are responsible for providing transcription services.

I hereby certify that the forgoing notice has been mailed to the Respondents and has been sent regular mail and certified U.S. Mail to the above named Respondent's listed address on this **23th day of October 2018.**

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



Karen DeMaria  
Urban Forestry Manager  
[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)



**Disclaimer**

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

**Summary**

Parcel ID 00024600-000000  
 Account # 1025399  
 Property ID 1025399  
 Millage Group 10KW  
 Location 1301 TRUMAN Ave , KEY WEST  
 Address  
 Legal Description KW W C MALONEY DIAGRAM PB1-22 PT LT 2 AND ALL LT 3 SQR 2 TR 7 G35-205/206 G38-349/50 G42-520521 OR416-121 DOCKET 11-34 OR525-901 OR570-148D/C OR688-678/79 OR735-279 OR884-2444 OR1076-2354/55 OR1167-1488/90 OR1631-36/38 OR1641-615/17C OR2752-1543/44  
 (Note: Not to be used on legal documents)  
 Neighborhood 6284  
 Property Class MULTI FAMILY LESS THAN 10 UNITS (0800)  
 Subdivision  
 Sec/Twp/Rng 05/68/25  
 Affordable No  
 Housing



**Owner**

1301 TRUMAN LLC  
 45 NW 21st St  
 Miami FL 33127

**Valuation**

	2018	2017	2016	2015
+ Market Improvement Value	\$394,673	\$394,673	\$349,928	\$346,122
+ Market Misc Value	\$27,903	\$27,934	\$27,990	\$27,754
+ Market Land Value	\$501,951	\$560,422	\$514,263	\$483,487
= Just Market Value	\$924,527	\$983,029	\$892,181	\$857,363
= Total Assessed Value	\$924,527	\$981,399	\$892,181	\$748,232
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$924,527	\$983,029	\$892,181	\$857,363

**Land**

Land Use	Number of Units	Unit Type	Frontage	Depth
MULTI RES DRY (080D)	6,246.90	Square Foot	68	109.6

**Buildings**

Building ID	1904	Exterior Walls	ABOVE AVERAGE WOOD
Style		Year Built	1938
Building Type	R8 / R8	EffectiveYearBuilt	1995
Gross Sq Ft	4834	Foundation	WD CONC PADS
Finished Sq Ft	3178	Roof Type	GABLE/HIP
Stories	2 Floor	Roof Coverage	METAL
Condition	AVERAGE	Flooring Type	CONC S/B GRND
Perimeter	362	Heating Type	NONE with 0% NONE
Functional Obs	0	Bedrooms	8
Economic Obs	0	Full Bathrooms	8
Depreciation %	31	Half Bathrooms	0
Interior Walls	WALL BD/WD WAL	Grade	550
		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
FAT	FINISHED ATTIC	1,175	0	0
FLA	FLOOR LIV AREA	3,178	3,178	0
OPU	OP PR UNFIN LL	223	0	0
OUU	OP PR UNFIN UL	186	0	0
OPF	OP PRCH FIN LL	72	0	0
<b>TOTAL</b>		<b>4,834</b>	<b>3,178</b>	<b>0</b>

## Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
WALL AIR COND	1981	1982	1	1 UT	1
WALL AIR COND	1981	1982	1	1 UT	2
BRICK PATIO	1983	1984	1	110 SF	2
WOOD DECK	1983	1984	1	1454 SF	2
UTILITY BLDG	1983	1984	1	81 SF	3
LC UTIL BLDG	1983	1984	1	90 SF	2
FENCES	1987	1988	1	175 SF	2
FENCES	2001	2002	1	208 SF	2
RES POOL	1981	1982	1	512 SF	2

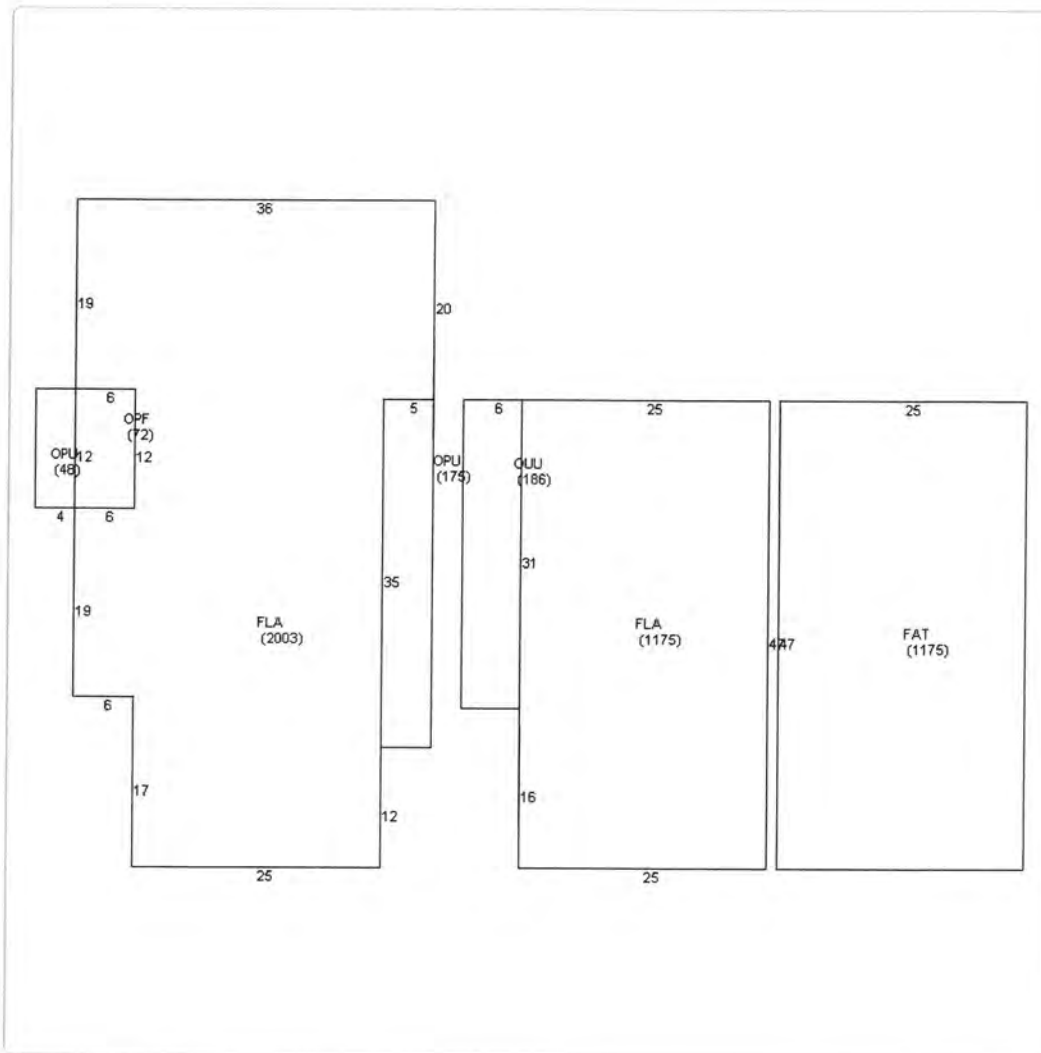
## Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
7/17/2015	\$1,050,000	Warranty Deed		2752	1543	O2 - Qualified	Improved
4/27/2000	\$650,000	Warranty Deed		1631	0036	Q - Qualified	Improved
12/1/1988	\$450,000	Warranty Deed		1076	2354	M - Unqualified	Improved
6/1/1983	\$85,000	Warranty Deed		884	2444	Q - Qualified	Improved
9/1/1977	\$42,500	Conversion Code		735	279	Q - Qualified	Improved

## Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
18-822	3/2/2018		\$5,000	Residential	INSTALL NEW KITCHEN CABINETS REPLACE EXT SIDING IN NUMEROUS AREAS AS NEEDED PAINT HWITE TO MATCH
13-2007	5/9/2013	5/9/2013	\$11,000	Residential	ALL 44 OPENINGS WITH ALUMINUM HURRICANE PANELS. DADE APPROVED IMPACT/WINDLOAD RATED CLASS A.
7-2897	6/14/2007	7/9/2008	\$3,600		INSTALL 8 SQRS OF 5 VCRIMP ELEVATED M/B FLAT ROOFING
01-1259	4/11/2001	11/15/2001	\$1,740		WOOD FENCE
0001825	7/5/2000	8/10/2000	\$6,000		NEW 400 AMP SERVICE
9901551	5/6/1999	11/29/1999	\$1,750	Residential	REPAIR TO EXTERIOR
9600583	1/1/1996	8/1/1996	\$2,500		RENOVATIONS
B941874	6/1/1994	11/1/1994	\$500		BUILDING DECK

## Sketches (click to enlarge)



Photos



Map



TRIM Notice

Trim Notice

2018 Notices Only

No data available for the following modules: Commercial Buildings, Mobile Home Buildings, Exemptions.

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Last Data Upload: 10/22/2018 1:41:17 AM



## Karen DeMaria

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**From:** Wayne Smith <WSmith@thesmithlawfirm.com>  
**Sent:** Tuesday, October 30, 2018 5:26 PM  
**To:** Karen DeMaria  
**Cc:** Brett Smith; Jodell Roberts; Christina Ortiz  
**Subject:** 1301 Truman, LLC

Karen,

1301 Truman, LLC has asked me to represent them with regard to the two Royal Poinciana trees. Is it possible to enter into a compliance agreement in advance of the November 13 Tree Commission meeting?

Thanks,

Wayne

Wayne LaRue Smith\*  
The Smith Law Firm  
509 Whitehead Street  
Key West, Florida 33040  
Voice: 305-296-0029  
Fax: 305-296-9172  
E-mail: [wsmith@thesmithlawfirm.com](mailto:wsmith@thesmithlawfirm.com)


\* AV<sup>®</sup> Rated Lawyer

\*av<sup>®</sup> peer-review rating is awarded by LexisNexis Martindale-Hubbell and identifies a lawyer ranked by his or her peers as having achieved the highest level of professional excellence.



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## Karen DeMaria

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**From:** Wayne Smith <WSmith@thesmithlawfirm.com>  
**Sent:** Wednesday, October 31, 2018 3:05 PM  
**To:** Karen DeMaria  
**Subject:** RE: 1301 Truman, LLC

Karen,

You have consent to go on the 1301 Truman property to take the measurements that you need. Please let me know when you have accomplished this so that we can discuss your recommendation.

Thank you,

Wayne

Wayne LaRue Smith\*  
The Smith Law Firm  
509 Whitehead Street  
Key West, Florida 33040  
Voice: 305-296-0029  
Fax: 305-296-9172  
E-mail: [wsmith@thesmithlawfirm.com](mailto:wsmith@thesmithlawfirm.com)


\* AV<sup>®</sup> Rated Lawyer

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**From:** Karen DeMaria [mailto:[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)]  
**Sent:** Tuesday, October 30, 2018 5:44 PM  
**To:** Wayne Smith  
**Subject:** RE: 1301 Truman, LLC

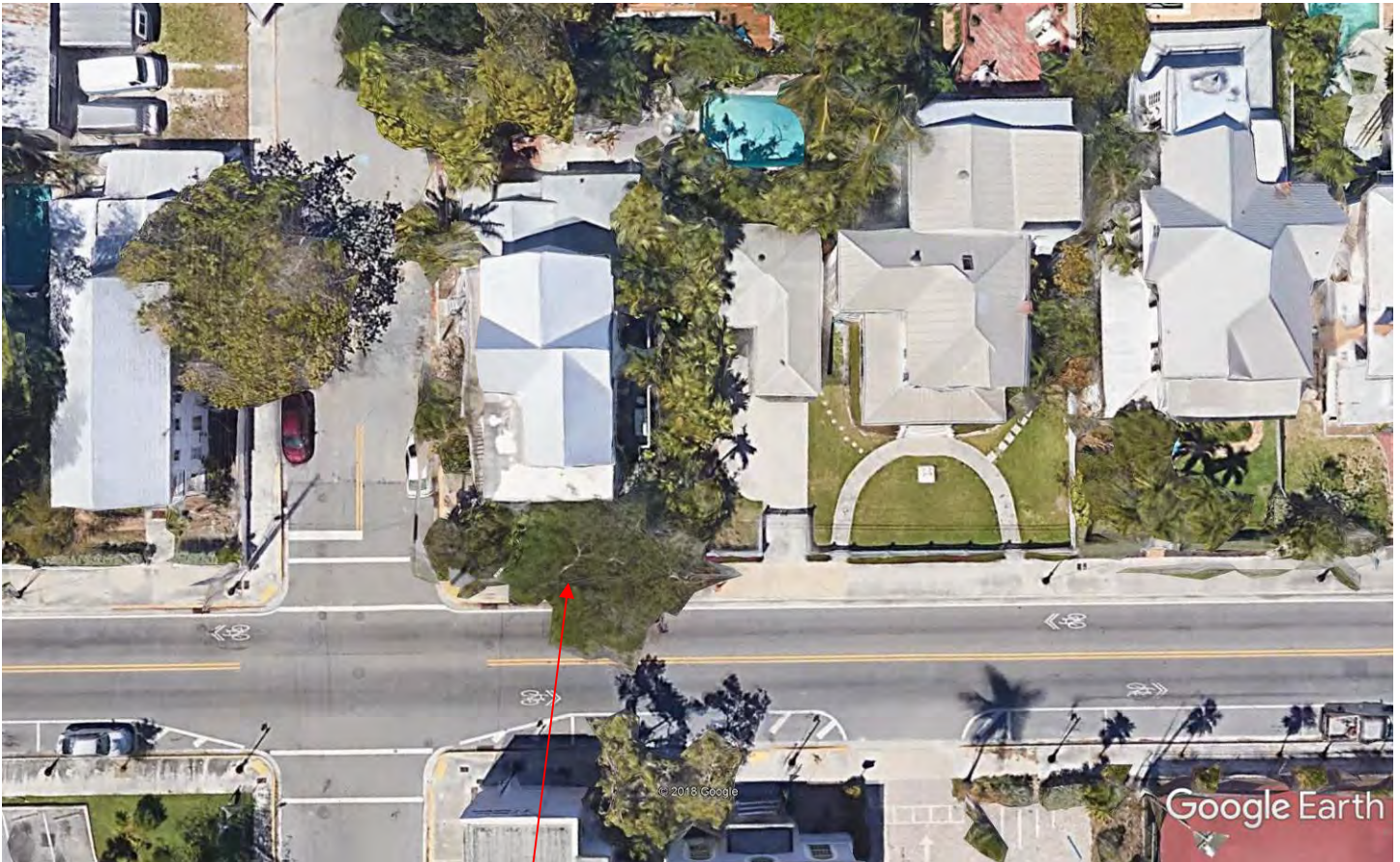
# STAFF REPORT

DATE: November 2, 2018

RE: **Administrative Hearing for 1301 Truman Avenue**

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

On October 19, 2018, a complaint was received about a Royal Poinciana tree having been removed at 1301 Truman Avenue. It was determined that no recent tree removal permits had been issued for the property. A site inspection documented that a clump of Royal Poinciana trees had been removed. At the time the notice was issued, it appeared from the sidewalk that two trees with three trunks had been removed (property had a No Trespassing sign posted at the entrance).



February 2018

Location of tree area on property.





Stump A



Stump A



Stump C

Stump A



Stump B

Stump C



Stump C

Stump B



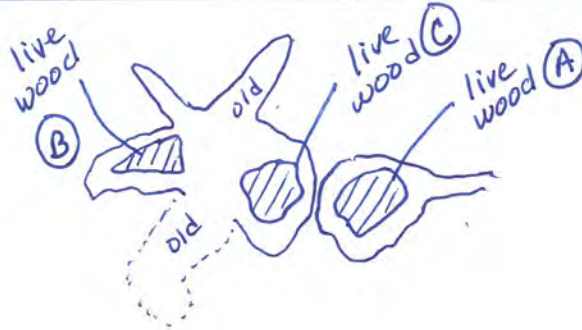
1301 Truman Avenue

Plan/NTS

11-2-18  
KCD

← Truman Ave →

sidewalk →



Measurements were taken of the stumps: 19.1 caliper inch (Stump A)

13 caliper inch (Stump B)

15.2 caliper inch (Stump C)

Total: 47.3 caliper inches.

Stump A appears to be a separate tree trunk. Stump B and C are growing from an old Royal Poinciana stump area.



On November 2, 2018, a site inspection as done with permission from the property owner's representative. There were three main trunk areas as indicated by fresh yellow wood. Circumference measurements were taken of the cuts in order to estimate the approximate caliper of the tree trunks. An approximate total of 47.3 caliper inches of live Royal Poinciana tree trunk has been cut.

At this time it is not known who did the removal work.

Recommendation: Recommend requiring the replanting of trees on the property. The strump area must also be ground/removed.