

STAFF REPORT

DATE: May 3, 2019

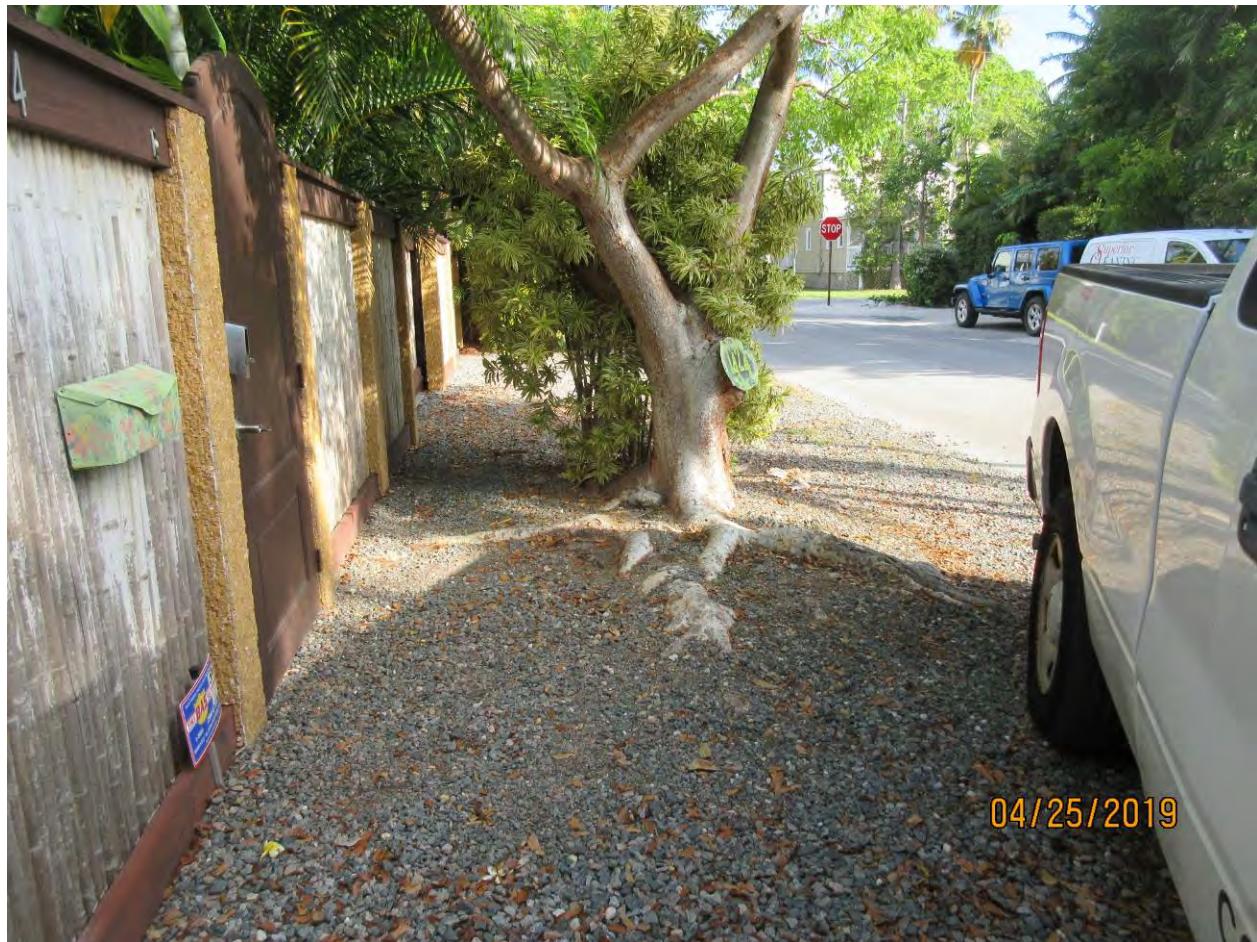
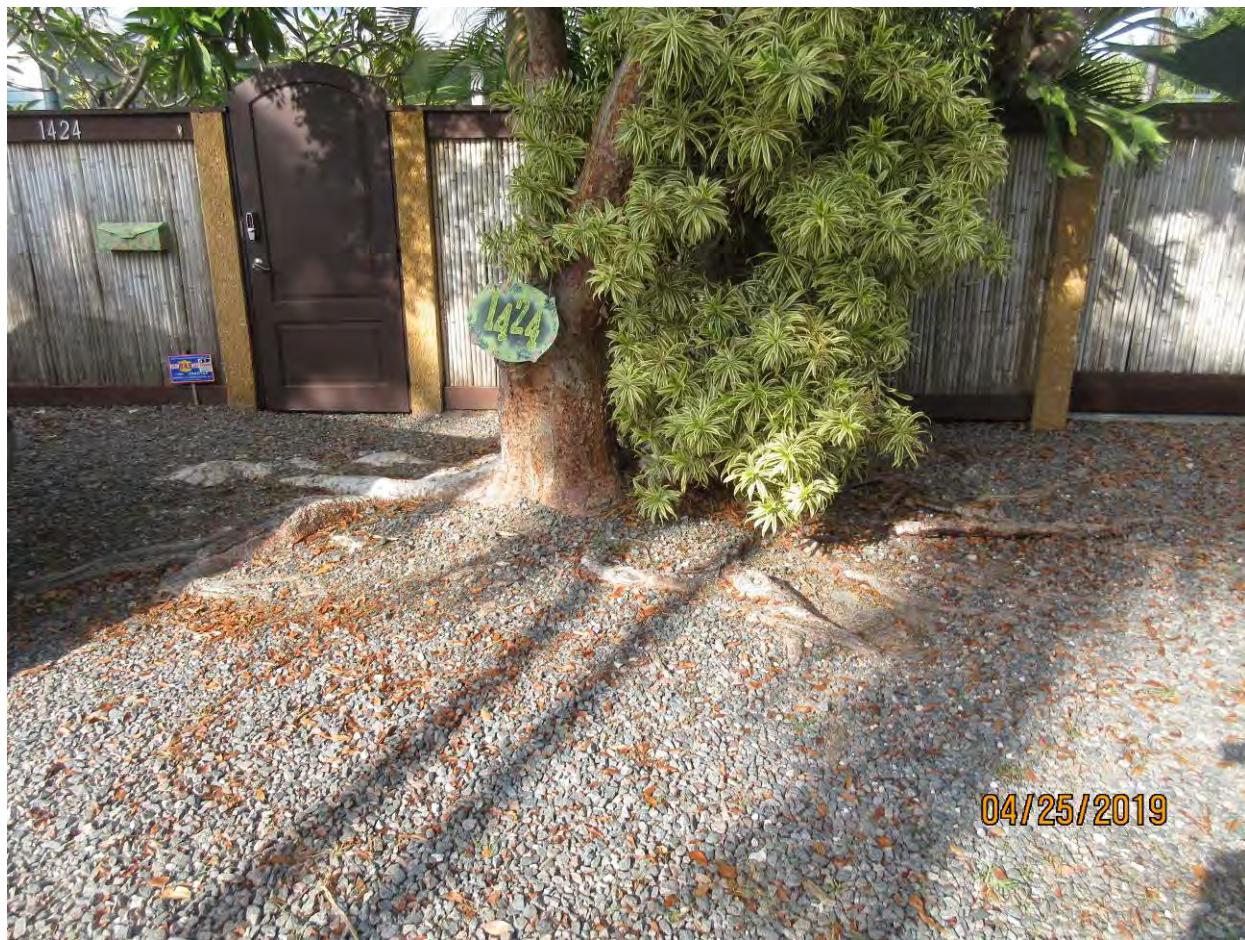
RE: **1424 Whalton Street ROW (permit application # T2019-0195)**

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

An application was received from the property owner at 1424 Whalton Street requesting the removal of **(1) Gumbo Limbo tree**. A site inspection was done and documented the following:

Tree Species: Gumbo Limbo (*Bursera simaruba*)



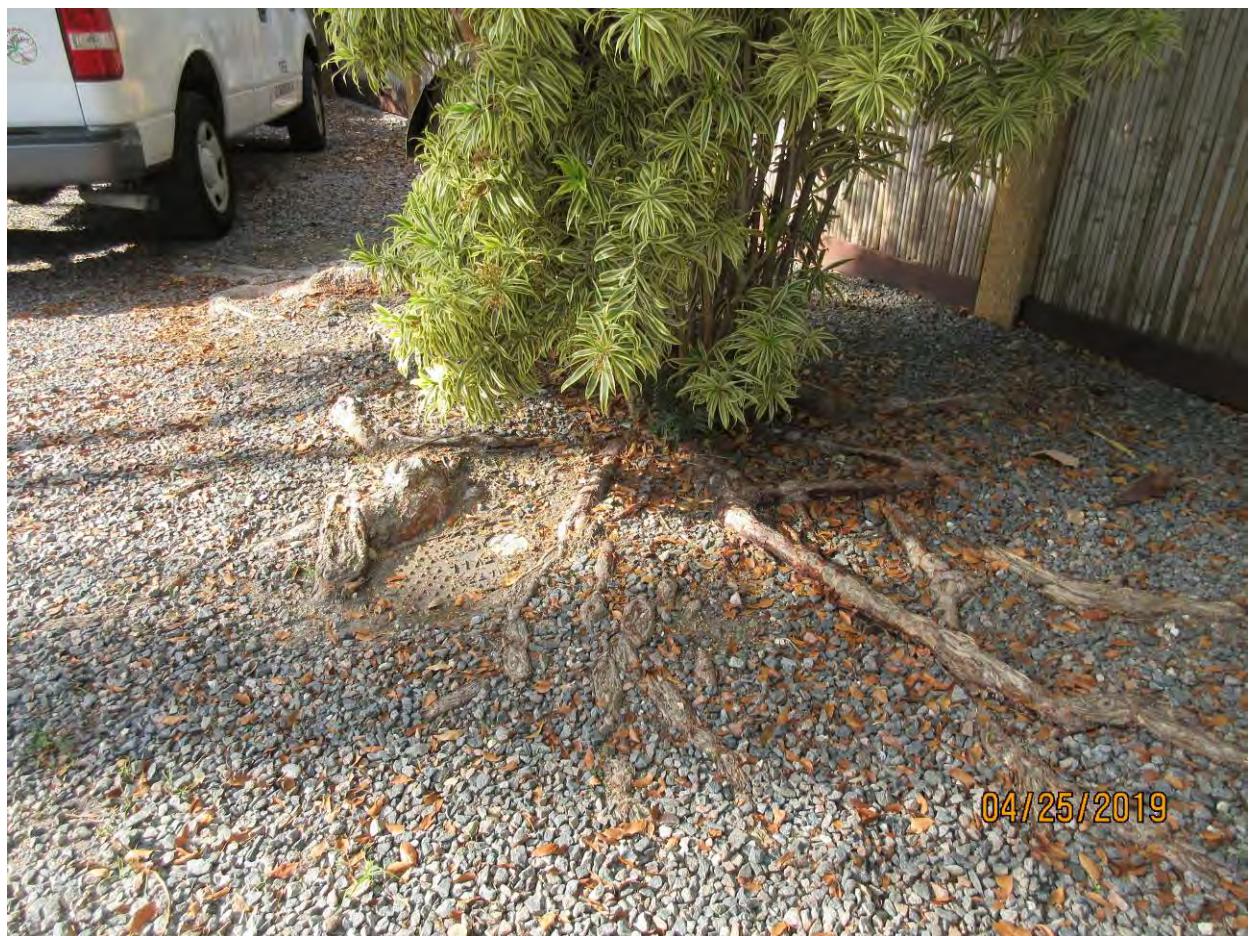
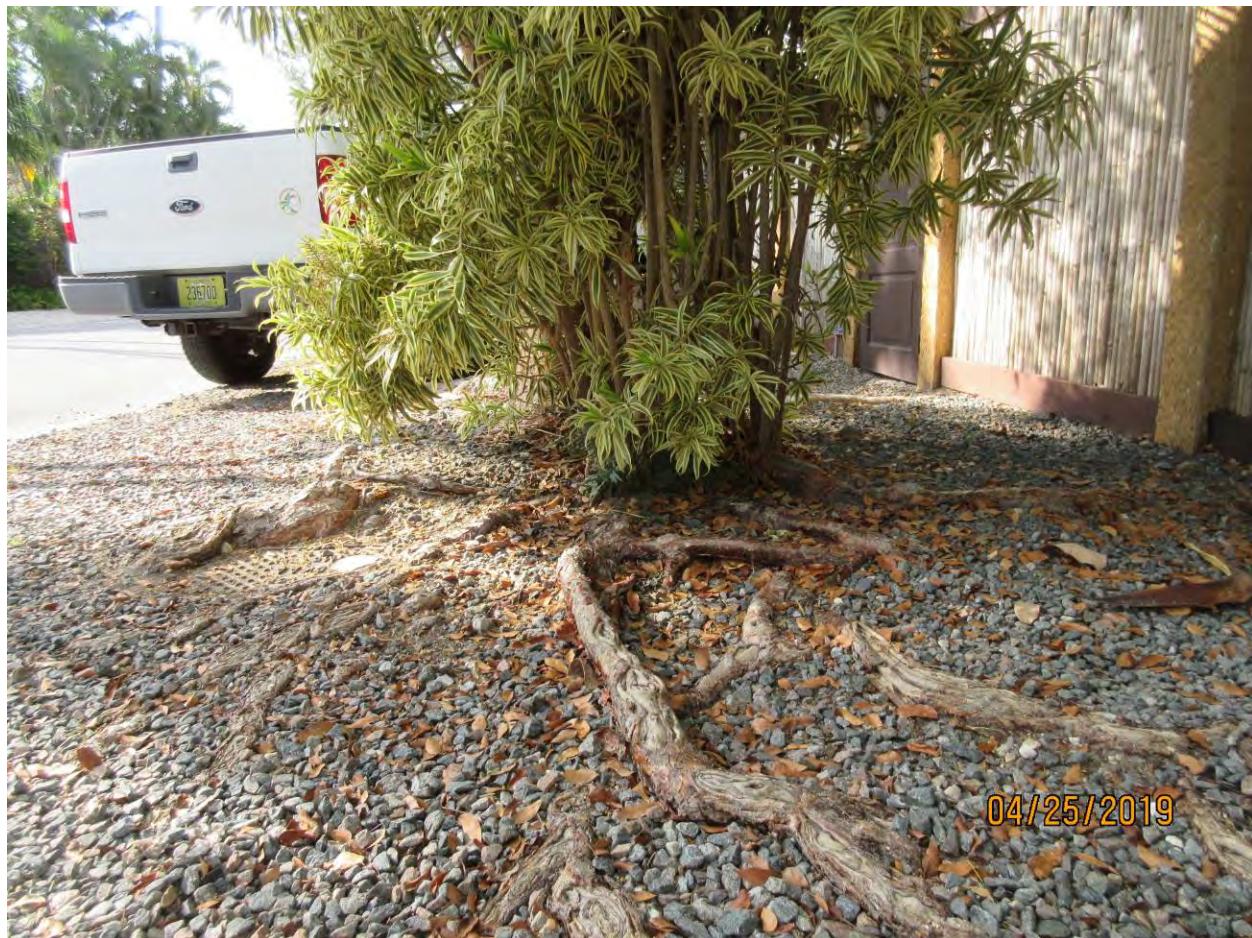


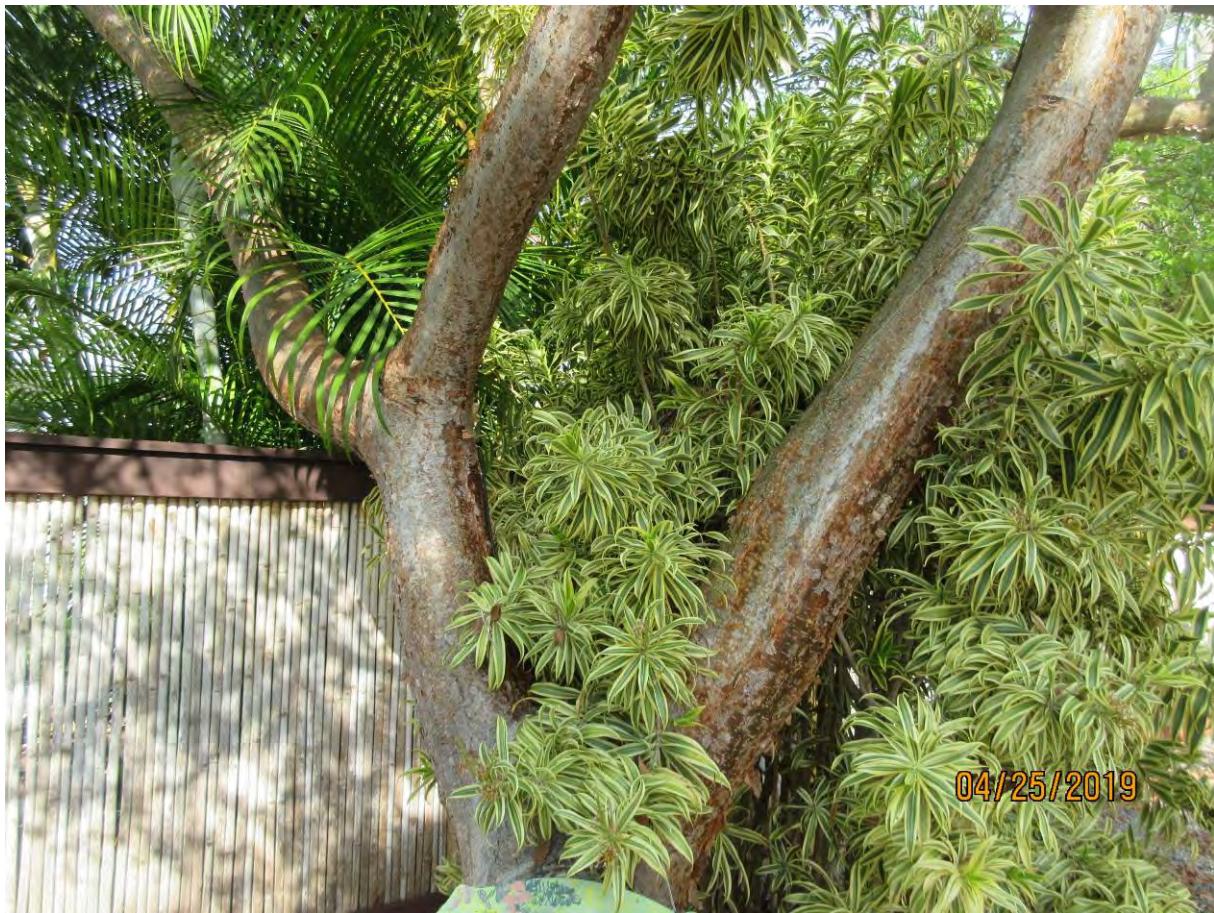


04/25/2019



04/25/2019









The City Manager signed the application and representation form to allow the property owner to seek approval for the removal of the tree. The City has not taken a stance regarding the potential removal of the tree and at the time of submittal of the application, has not researched other options to removal of the tree.

Diameter: 18.4"

Location: 50% (the tree is located on City right of way, roots of tree wrapping around water line and meter area, roots also impacting safe access to front gate)

Species: 100% (on protected tree list)

Condition: 80% (good overall)

Total Average Value = 76%

Value x Diameter = 13.9 replacement caliper inches

Questions: Can the roots be pruned to minimize potential trip hazard conditions? Is there an alternative access? Can a barrier/warning area be created around the roots?

Can the water meter and lines be moved? Where is the sewer line and what is the route of the water line toward to house?

Additional Information

Karen DeMaria

From: Karen DeMaria
Sent: Friday, May 3, 2019 11:57 AM
To: John M Lally
Cc: Kiera L. Lally
Subject: RE: 1424 Whalton St KW FL

The Gumbo Limbo is located on City right of way and as such, is a City tree. The City Manager signed an application and representation form to allow you to speak at the May 13 Tree Commission meeting regarding the potential removal of the tree. The City at this time has not taken a stance as to what to do about the tree.

Whenever tree removal is reviewed by the Tree Commission questions regarding alternatives are asked. Can the water meter be relocated? That is why I asked what the route of the water line to the house was. Have you spoken to FKAA about the tree and meter?

Can some of the roots be pruned and/or a protective barricade be placed around the tree? Access to the front gate does not have to be a straight line from the road. This is an alternative the City would look at doing prior to discussion of removal.

If the tree removal is approved, would you take responsibility for planting the replacements and removing the tree?

Please note that any additional information must be submitted to my office by May 9 in order to be properly reviewed by the Tree Commissioners.

Sincerely,

Karen

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

From: John M Lally <jmlally@lallycpas.com>
Sent: Friday, April 26, 2019 2:24 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Cc: Kiera L. Lally <thelallys21@gmail.com>; mcgintymarine@aol.com; mcgintymarine@icloud.com
Subject: RE: 1424 Whalton St KW FL

Karen,

Thanks for your email.

Attached is the survey for 1424 Whalton Street dated May 11, 2011 with the location of the subject Gumbo Limbo tree identified by the red box. The water valve is nestled in the roots of the Gumbo Limbo tree. I am not sure where the water line or sewer line goes from the street to the home, however, both would be identified prior to the commencement of a removal.

Karen DeMaria

From: John M Lally <jmlally@lallycpas.com>
Sent: Saturday, May 4, 2019 12:07 PM
To: Karen DeMaria
Cc: Kiera L. Lally
Subject: RE: 1424 Whalton St KW FL

Karen,

Thank you for your email. I hope your time away was enjoyable.

We have spoken to FKAA about the roots but have not discussed with them whether they would move the valve / meter that is nestled in the existing roots. We will follow up with them this coming week.

I cannot answer the question regarding pruning the roots but we will inquire this week. As far as entering our front gate, visitors and neighbors regularly use the off street parking in front of our driveway gates and thus block a path to the front gate where there are no roots above ground. I would guess that 75% of all visitors, including service providers, delivery services and our mail person, need to negotiate through the roots. Elderly individuals and those in wheelchairs or on crutches have a particularly difficult time getting past the roots.

We had planned on taking responsibility for the tree removal and replacement. Would replacement need to be in the same location (i.e. on City property) or could the replacement be located on our property?

Again, thank you for your understanding and in communicating your concerns as we lead up to the May 13th meeting. Much appreciated.

Thanks,

John

Please click here to send me files securely

.....

John M. Lally, CPA, MBA, CVA

Lally & Co., LLC.
5700 Corporate Drive, Suite 800
Pittsburgh, Pennsylvania 15237-5851
412.367.8190 office
412.366.3111 fax
jmlally@lallycpas.com
<http://www.lallycpas.com>

.....

Confidentiality Notice: This email and any files transmitted with it contain information that may be confidential and privileged. The message is intended for a specific individual and purpose, and its unintended use is prohibited by law. If you are not the intended recipient you may not disseminate, distribute, or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. If you are not

the intended recipient you are notified that disclosing, copying, distributing, or taking any action in reliance on the contents of this information is strictly prohibited.

Warning: Although Lally & Co., LLC. has taken reasonable precautions to ensure that no viruses are present in this email, we cannot accept responsibility for any loss or damage arising from the use of this email or attachments.

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

From: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Sent: Friday, May 3, 2019 11:57 AM
To: John M Lally <jmlally@lallycpas.com>
Cc: Kiera L. Lally <thelallys21@gmail.com>
Subject: RE: 1424 Whalton St KW FL

The Gumbo Limbo is located on City right of way and as such, is a City tree. The City Manager signed an application and representation form to allow you to speak at the May 13 Tree Commission meeting regarding the potential removal of the tree. The City at this time has not taken a stance as to what to do about the tree.

Whenever tree removal is reviewed by the Tree Commission questions regarding alternatives are asked. Can the water meter be relocated? That is why I asked what the route of the water line to the house was. Have you spoken to FKAA about the tree and meter?

Can some of the roots be pruned and/or a protective barricade be placed around the tree? Access to the front gate does not have to be a straight line from the road. This is an alternative the City would look at doing prior to discussion of removal.

If the tree removal is approved, would you take responsibility for planting the replacements and removing the tree?

Please note that any additional information must be submitted to my office by May 9 in order to be properly reviewed by the Tree Commissioners.

Sincerely,

Karen

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

From: John M Lally <jmlally@lallycpas.com>
Sent: Friday, April 26, 2019 2:24 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Cc: Kiera L. Lally <thelallys21@gmail.com>; mcgintymarine@aol.com; mcgintymarine@icloud.com
Subject: RE: 1424 Whalton St KW FL

Karen,

Thanks for your email.

Attached is the survey for 1424 Whalton Street dated May 11, 2011 with the location of the subject Gumbo Limbo tree identified by the red box. The water value is nestled in the roots of the Gumbo Limbo tree. I am not sure where the water line or sewer line goes from the street to the home, however, both would be identified prior to the commencement of a removal.

Thanks,

John

Please click here to send me files securely

John M. Lally, CPA, MBA, CVA

Lally & Co., LLC.

5700 Corporate Drive, Suite 800

Pittsburgh, Pennsylvania 15237-5851

412.367.8190 office

412.366.3111 fax

jmlally@lallycpas.com

https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.lallycpas.com&c=E,1,1Zxyb8a2zlFj6wB257XDhdmFfW35sOQeC_W25Mwc1vvrTwrRZ6Cq2On9iSD_s8JIMdMStiOWFhIBDS475VnDU1leScugvIxiaUr4Fpmdr3t&typo=1

.....

Confidentiality Notice: This email and any files transmitted with it contain information that may be confidential and privileged. The message is intended for a specific individual and purpose, and its unintended use is prohibited by law. If you are not the intended recipient you may not disseminate, distribute, or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing, or taking any action in reliance on the contents of this information is strictly prohibited.

Warning: Although Lally & Co., LLC. has taken reasonable precautions to ensure that no viruses are present in this email, we cannot accept responsibility for any loss or damage arising from the use of this email or attachments.

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

From: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>

Sent: Thursday, April 25, 2019 9:54 AM

To: John M Lally <jmlally@lallycpas.com>

Cc: Kiera L. Lally <thelallys21@gmail.com>; mcgintymarine@aol.com; mcgintymarine@icloud.com

Subject: RE: 1424 Whalton St KW FL

I went by the property this morning and need the following information:

Is this tree a City tree or your tree? Please provide a survey.

Where does the water line go to the house? Can you draw a map that shows the meter, the location of the line to the house, and the tree. Where is the sewer line?

Have you have a water line break? If so, can you provide receipts for the repairs please.

This information will be helpful in allowing the Tree Commissioners to make an informed final decision regarding the status of the tree. If this is a City tree, I will need to get authorization from the City Manager.

Sincerely,

Karen

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

From: John M Lally <jmlally@lallycpas.com>
Sent: Wednesday, April 24, 2019 7:50 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Cc: Kiera L. Lally <thelallys21@gmail.com>; mcgintymarine@aol.com; mcgintymarine@icloud.com
Subject: Re: 1424 Whalton St KW FL

Karen,

I will be in Key West on May 13th and will represent myself. Thank you.

Thanks, John

Sent from my iPad Air2

> On Apr 24, 2019, at 3:36 PM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

>

> In order for this application to be placed the May 13 Tree Commission agenda I need the letter of rep form signed and notarized an in my office by April 30. If you choose to represent the property yourself, then please send me an e-mail stating so. Someone must attend the meeting to represent the tree and property.

>

> Sincerely,

>

> Karen

>

> -----Original Message-----

> From: Karen DeMaria
> Sent: Tuesday, April 23, 2019 1:14 PM
> To: John M Lally <jmlally@lallycpas.com>
> Cc: Kiera L. Lally <thelallys21@gmail.com>
> Subject: RE: 1424 Whalton St KW FL

>

> I saw the application in the basket. The application must be heard by the Tree Commission which meets once a month as the tree is a protected tree. I do not know if it will make the May 13 agenda or be placed on the June 11 meeting agenda. Someone must be at the meeting to represent the tree and property. I saw that the application had Kevin McGinty as a representative but there was no signed and notarized authorization form attached to the application therefore, until I get that signed form (see attached), he can not represent you at the meeting.

>

> Please note, if a permit is approved to remove the tree, replacements are required to be planted on the property. Palms are not appropriate replacements for dicot trees and Bismarck Palms are not even on our approved palm list.

>

> Sincerely,

>

> Karen

>

>
>
> -----Original Message-----
> From: John M Lally <jmlally@lallycpas.com>
> Sent: Tuesday, April 23, 2019 1:04 PM
> To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
> Cc: Kiera L. Lally <thelallys21@gmail.com>
> Subject: 1424 Whalton St KW FL
>
> Karen,
>
> I dropped off our Tree Commission application today to request permission to remove a tree that has a root system that is causing human safety issues, restricts handicapped individuals from entering our residence, and has encircled the water department public access to a shut off valve. We have attached photographs to our application to demonstrate the issues. We would replace the current tree with a Bismarck Palm.
>
> Please advise us if you have any questions I believe you may have Kiera's contact information. Feel free to contact either of us
>
> Thanks. John
> Sent from my iPhone
> <TEMPLATE-Tree Representation Authorization Form-20140222.pdf>

Application



canopy
removal

2019 - 0195

Tree Permit Application

Date: 5-1-19

Please Clearly Print All Information unless indicated otherwise.

Tree Address

1424 Whalton St ROW

Cross/Corner Street

Between Van Phister + Washington

List Tree Name(s) and Quantity

1- Guabo 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**
see attached application submitted
by property owner
(house is a vacation rental)

Property Owner Name

City of Key West

Property Owner eMail Address

PO Box 1409

Property Owner Mailing Address

Key West

State

FL

Zip 33041

Property Owner Phone Number

() -

JKSchaff

Representative Name

John Lally

Representative eMail Address

theLallys21@gmail.com

Representative Mailing Address

512 Woodland Rd + 1424 Whalton (KW)

Representative Mailing City

Pittsburgh

State

PA

Zip 15237

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.



Tree Representation Authorization

Date: 5-1-19

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 1424 Whalton St Raw

Property Owner Name City of Key West

Property Owner eMail Address

Property Owner Mailing Address PO Box 1409

Property Owner Mailing City Key West **State** FL **Zip** 33041

Property Owner Phone Number () -

Property Owner Signature JKScholl

Representative Name John Lally

Representative eMail Address theLallys21@gmail.com

Representative Mailing Address 512 Woodland Rd + 1424 Whalton (kw)

Representative Mailing City Pittsburgh **State** PA **Zip** 15237

Representative Phone Number (412) 897 - 8220

I J. K. Scholl, hearby 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 JKScholl

The forgoing instrument was acknowledged before me on this 1st day May 2019.

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

NOTARY PUBLIC

Sign Name: Natalie L. Hill Notary Public - State of Florida (seal)

Print Name: Natalie L. Hill

My Commission Expires: 11/29/2020



RECEIVED
APR 23 2019
MM



CANOPY
REMOVAL

2019-0195

Tree Permit Application

Date: 4-22-19

Please Clearly Print All Information unless indicated otherwise.

Tree Address

Cross/Corner Street

List Tree Name(s) and Quantity

Species Type(s) check all that apply

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

Other/Explain Potential damage to Water Line (public line)

Reason for Request

Safety HAZARD: Entry to property inaccessible for handicapped person & also tripping hazard. Also potential for significant *

JOHN & Riva Lally

the lallys21@gmail.com

512 Woodland Road

Pittsburgh

State

PA

15237

(412) 897-8220

John M Lally

Kevin McGinty (Key West Hideaways)

mcgintymarie@aol.com

828 White Street #3

Key West

State

FL

33040

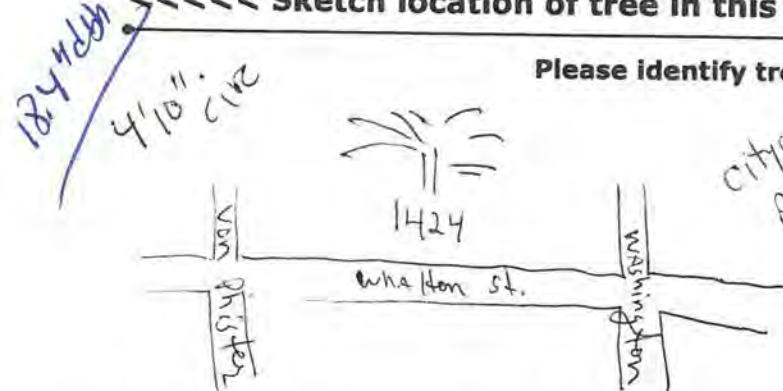
(410) 430-6863

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



* damage to Public water line. Also checked with FKAA.

* We would like to plant a BISMARCK palm in its place.

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

Karen DeMaria

From: John M Lally <jmlally@lallycpas.com>
Sent: Friday, April 26, 2019 2:24 PM
To: Karen DeMaria
Cc: Kiera L. Lally; mcgintymarine@aol.com; mcgintymarine@icloud.com
Subject: RE: 1424 Whalton St KW FL
Attachments: Survey 1424 Whalton.pdf

Karen,

Thanks for your email.

Attached is the survey for 1424 Whalton Street dated May 11, 2011 with the location of the subject Gumbo Limbo tree identified by the red box. The water valve is nestled in the roots of the Gumbo Limbo tree. I am not sure where the water line or sewer line goes from the street to the home, however, both would be identified prior to the commencement of a removal.

Thanks,

John

Please click [here](#) to send me files securely

.....

5.11.19
Tree on
city law. PD

John M. Lally, CPA, MBA, CVA

Lally & Co., LLC.
5700 Corporate Drive, Suite 800
Pittsburgh, Pennsylvania 15237-5851
412.367.8190 office
412.366.3111 fax
jmlally@lallycpas.com
<http://www.lallycpas.com>

.....

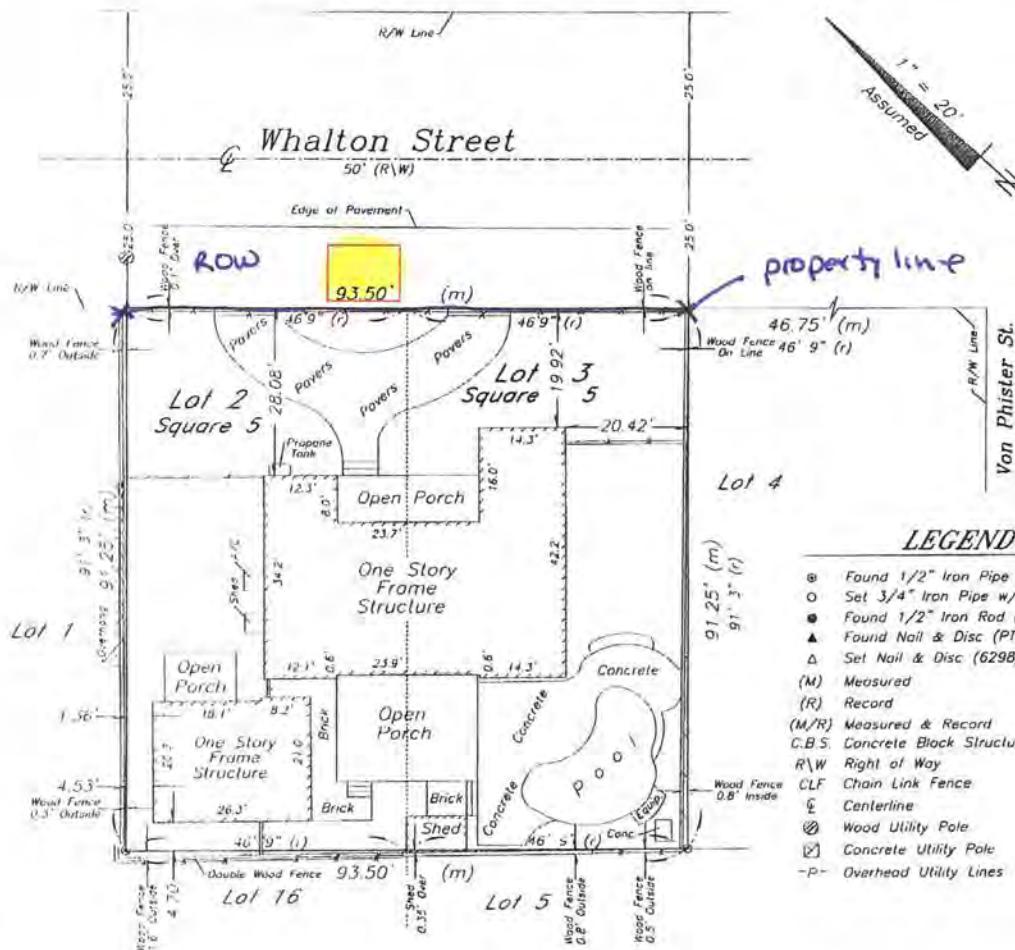
Confidentiality Notice: This email and any files transmitted with it contain information that may be confidential and privileged. The message is intended for a specific individual and purpose, and its unintended use is prohibited by law. If you are not the intended recipient you may not disseminate, distribute, or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing, or taking any action in reliance on the contents of this information is strictly prohibited.

Warning: Although Lally & Co., LLC. has taken reasonable precautions to ensure that no viruses are present in this email, we cannot accept responsibility for any loss or damage arising from the use of this email or attachments.

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

From: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>

Boundary Survey Map of Lots 2 & 3, Square 5, Webb Realty
Subdivision, Island of Key West



NOTES.

1. The legal description shown hereon was furnished by the client or their agent.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 1424 Whalton Street, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. Ownership of fences is undeterminable, unless otherwise noted.
9. Date of field work: May 10, 2011

BOUNDARY SURVEY OF: On the Island of Key West and being a part of Tract Eighteen (18) according to WM A. Whitehead's map of said Island, delineated in February, A.D. 1829, but being better described as Lots Two (2) and Three (3), Square Five (5) of said Tract Eighteen (18), according to the Webb Realty Company's Subdivision recorded in Plat Book 1, page 42, Monroe County, Florida, Records.

BOUNDARY SURVEY FOR: John M. Lally and Kiera L. Lally;
Centennial Bank;
First American Title Insurance Company.

J. LYNN O'FLYNN, INC.

J. Lynn O'Flynn, PSM
Florida Reg #6298

May 11, 2011

THIS SURVEY
IS NOT
ASSIGNABLE

J. LYNN O'FLYNN, Inc.

Professional Surveyor & Mapper
PSM #6298

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244

Karen DeMaria

From: Karen DeMaria
Sent: Thursday, April 25, 2019 9:54 AM
To: John M Lally
Cc: Kiera L. Lally; mcgintymarine@aol.com; mcgintymarine@icloud.com
Subject: RE: 1424 Whalton St KW FL

I went by the property this morning and need the following information:

Is this tree a City tree or your tree? Please provide a survey.

Where does the water line go to the house? Can you draw a map that shows the meter, the location of the line to the house, and the tree. Where is the sewer line?

Have you have a water line break? If so, can you provide receipts for the repairs please.

This information will be helpful in allowing the Tree Commissioners to make an informed final decision regarding the status of the tree. If this is a City tree, I will need to get authorization from the City Manager.

Sincerely,

Karen

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

From: John M Lally <jmlally@lallycpas.com>
Sent: Wednesday, April 24, 2019 7:50 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Cc: Kiera L. Lally <thelallys21@gmail.com>; mcgintymarine@aol.com; mcgintymarine@icloud.com
Subject: Re: 1424 Whalton St KW FL

Karen,

I will be in Key West on May 13th and will represent myself. Thank you.

Thanks, John
Sent from my iPad Air2

> On Apr 24, 2019, at 3:36 PM, Karen DeMaria <kdemaria@cityofkeywest-fl.gov> wrote:

>
> In order for this application to be placed the May 13 Tree Commission agenda I need the letter of rep form signed and notarized and in my office by April 30. If you choose to represent the property yourself, then please send me an e-mail stating so. Someone must attend the meeting to represent the tree and property.

>
> Sincerely,
>
> Karen
>
> -----Original Message-----

Karen DeMaria

From: Karen DeMaria
Sent: Tuesday, April 23, 2019 1:14 PM
To: John M Lally
Cc: Kiera L. Lally
Subject: RE: 1424 Whalton St KW FL
Attachments: TEMPLATE-Tree Representation Authorization Form-20140222.pdf

I saw the application in the basket. The application must be heard by the Tree Commission which meets once a month as the tree is a protected tree. I do not know if it will make the May 13 agenda or be placed on the June 11 meeting agenda. Someone must be at the meeting to represent the tree and property. I saw that the application had Kevin McGinty as a representative but there was no signed and notarized authorization form attached to the application therefore, until I get that signed form (see attached), he can not represent you at the meeting.

Please note, if a permit is approved to remove the tree, replacements are required to be planted on the property. Palms are not appropriate replacements for dicot trees and Bismarck Palms are not even on our approved palm list.

Sincerely,

Karen

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

From: John M Lally <jmlally@lallycpas.com>
Sent: Tuesday, April 23, 2019 1:04 PM
To: Karen DeMaria <ckdemaria@cityofkeywest-fl.gov>
Cc: Kiera L. Lally <thelallys21@gmail.com>
Subject: 1424 Whalton St KW FL

Karen,

I dropped off our Tree Commission application today to request permission to remove a tree that has a root system that is causing human safety issues, restricts handicapped individuals from entering our residence, and has encircled the water department public access to a shut off valve. We have attached photographs to our application to demonstrate the issues. We would replace the current tree with a Bismarck Palm.

Please advise us if you have any questions I believe you may have Kiera's contact information. Feel free to contact either of us

Thanks. John
Sent from my iPhone





