

STAFF REPORT

DATE: January 26, 2022

RE: 3741 Eagle Avenue (permit application # T2022-0013)

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

An application was received requesting the removal of (1) Royal Poinciana, (2) Green Buttonwood, and (2) Oleander trees. A site inspection was done and documented the following:

Tree Species: Royal Poinciana (*Delonix regia*)



Photo showing location of tree.



Photo showing side view of tree-main trunks and branches.



Two photos of
tree canopy.





Another photo of tree canopy.

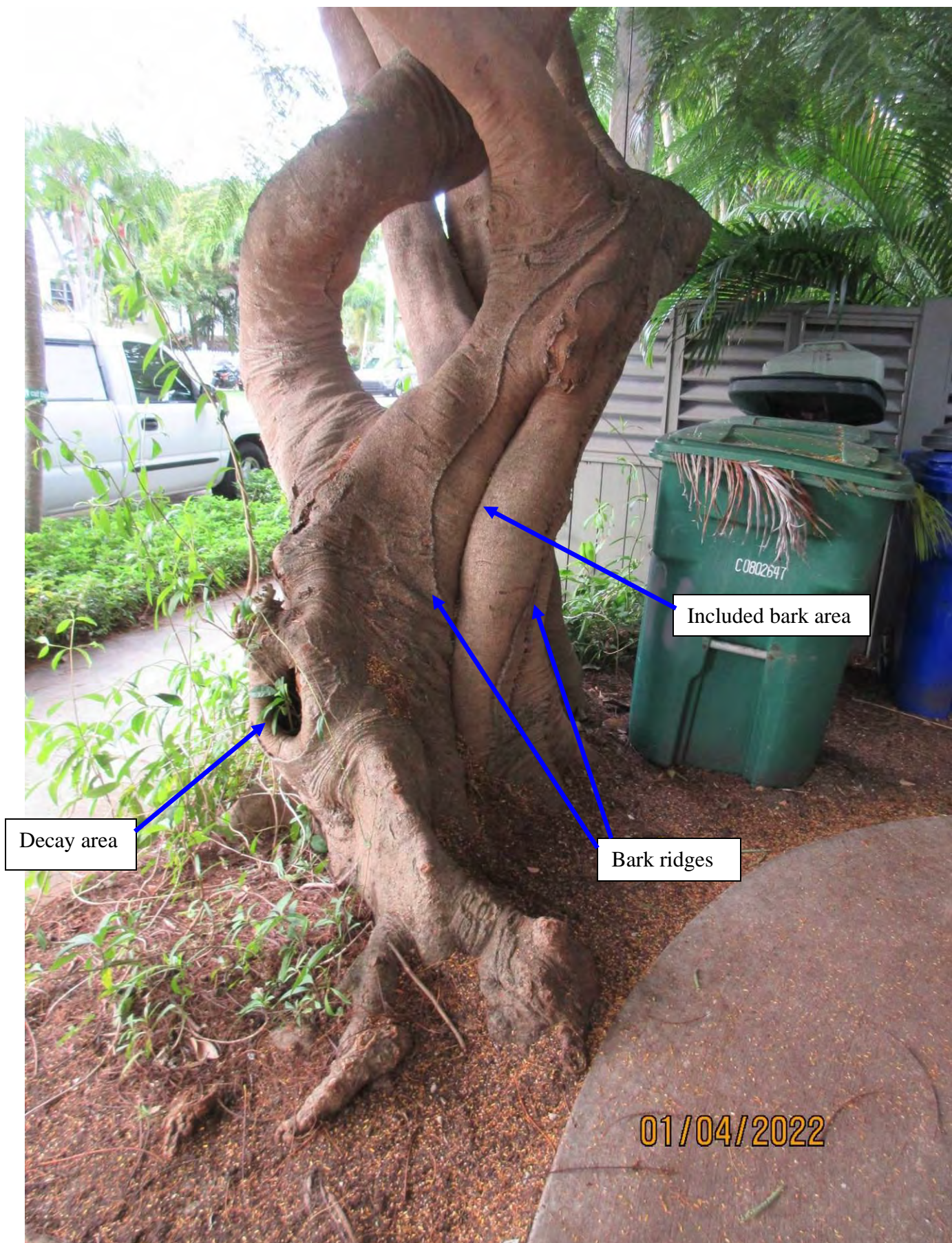


Photo of base of tree and trunks, view 1.



Photo of base of tree and trunks, view 2.

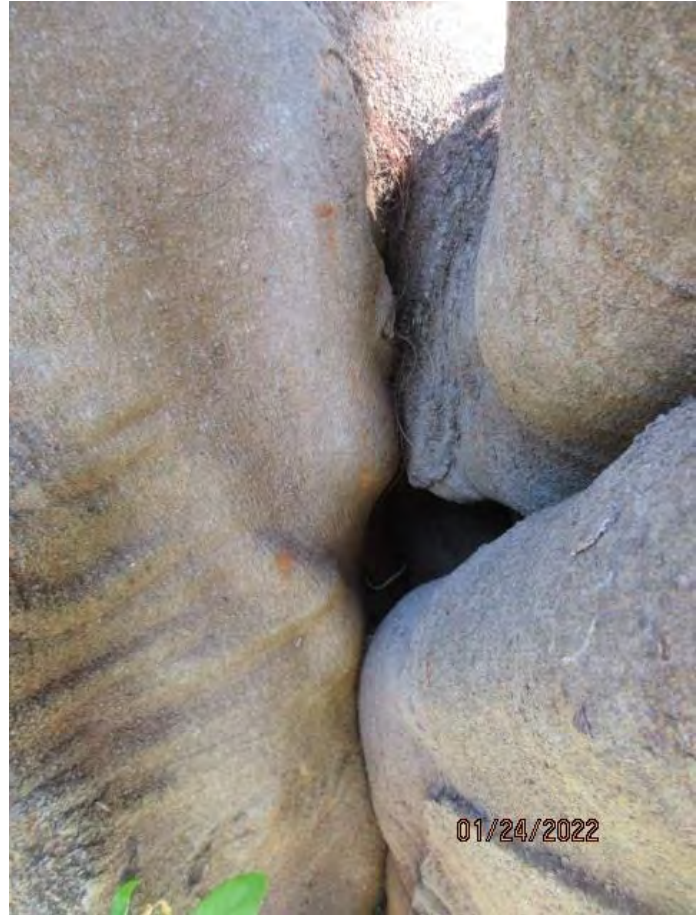


Two photos of base of tree
and decay/hole area.





Above photo is a close up picture inside base of tree decay area.



Above photo is looking down into the intersection of the main trunks.



Two photos of main trunk areas with canoe growth.



Branches from second
Royal Poinciana tree-
to remain.



Photo of whole tree-prior to recent trimming.

Diameter: 48.7" (three main trunks)

Location: 70% (growing in front yard next to sidewalk-very visible.)

Species: 100% (on protected tree list)

Condition: 40% (poor, decay at base of tree, numerous cross branching with included bark, decay throughout tree.)

Total Average Value = 70%

Value x Diameter = 34.0 replacement caliper inches

Tree Species: Green Buttonwood (*Conocarpus erectus*)

Green Buttonwood #1 (GB#1)



Standing on the side of the house looking toward backyard at buttonwood clump.



Photo of base
area of tree.
GB#1 consists
of three main
trunk from one
rootball, view
1.



Photo of
canopy,
view 1.



Photos of two of the tree trunks.



Two photos
of canopy,
views 2 & 3.





Photo of
base of tree,
view 2.



Standing in
backyard
looking
toward tree
area.

Diameter: 43.9" (three main trunks)

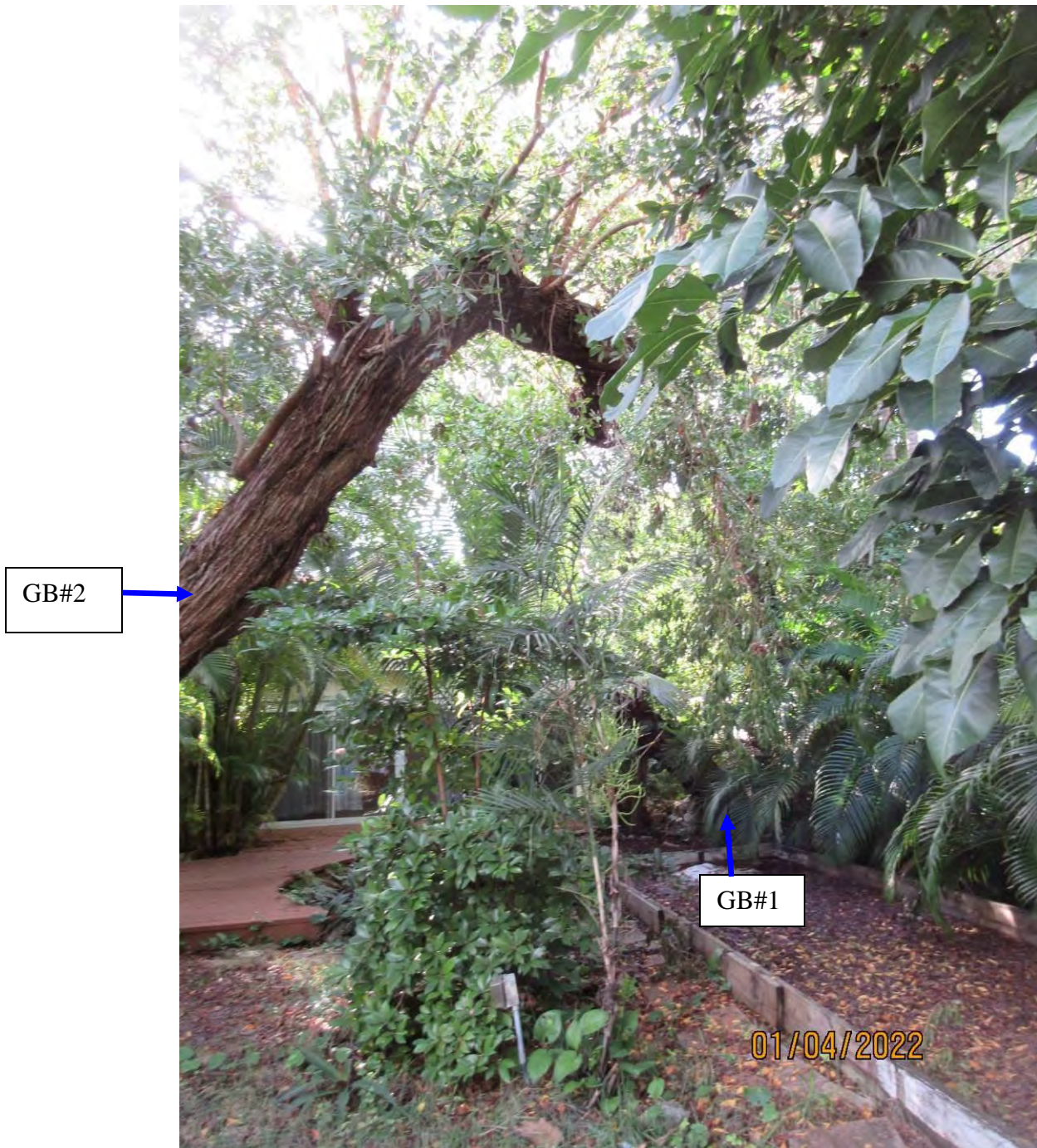
Location: 50% (growing in backyard along side property line. One trunk growing over neighboring property and close to house, another growing against fence.)

Species: 100% (on protected tree list)

Condition: 60% (overall condition is fair, lots of stub cuts in canopy, sprawling tree)

Total Average Value = 70%

Value x Diameter = 30.7 replacement caliper inches



Green Buttonwood # 2 (GB# 2)



Photo of tree
and its main
trunk.



Photo of
rootball area.



Photo of
base of tree.



Photo
showing
tree
canopy.



Photo showing
location of
tree.

Diameter: 18.1"

Location: 70% (growing in backyard)

Species: 100% (on protected tree list)

Condition: 40% (what remains is the regrowth of a larger tree that fell over, typical buttonwood growth in the hammock areas. Basically, a large stump with regrowth, partial uplifted roots.)

Total Average Value = 70%

Value x Diameter = 12.6 replacement caliper inches

Tree Species: Oleander (Nerium oleander)



Two photos showing location of trees along rear fence/property line.

Oleander # 1:

Photo of whole
tree.



Photo of trunk area.



Photo of branch system.

Diameter: 13.3"

Location: 50% (along rear property line, under utility lines)

Species: 50% (not on protected or not protected tree list)

Condition: 40% (poor condition overall, heavy growth lean to one side, poor shape.)

Total Average Value = 46%

Value x Diameter = 5.3 replacement caliper inches



Oleander Tree #2 side view.



Photo of tree branches



Photo showing trunk of tree.

Diameter: 5.7"
 Location: 50% (along rear property line, under utility lines)
 Species: 50% (not on protected or not protected tree list)
 Condition: 40% (poor condition overall, heavy growth lean to one side, poor shape.)
 Total Average Value = 46%
 Value x Diameter = 2.6 replacement caliper inches

Total required replacements if all trees approved for removal: 85.2"

Application



Canopy removal T2022-0013
canopy transplant T2022-0014
palm removal T2022-0015

Tree Permit Application

Please Clearly Print All Information unless indicated otherwise. Date: 1/11/22

Tree Address 3141 Eagle Ave
Cross/Corner Street 20th Street
List Tree Name(s) and Quantity Poinciana 2 Green Bursera 2 Oleander 1 Majesty Palm
Species Type(s) check all that apply ☒ Palm ☒ Flowering ☐ Fruit ☒ Shade ☐ Unsure ☐ Gumbo Relocate
Reason(s) for Application:
☒ Remove ☐ Tree Health ☐ Safety ☐ Other/Explain below
☒ Transplant ☐ New Location ☒ Same Property ☐ Other/Explain below
☐ Heavy Maintenance Trim ☐ Branch Removal ☐ Crown Cleaning/Thinning ☐ Crown Reduction

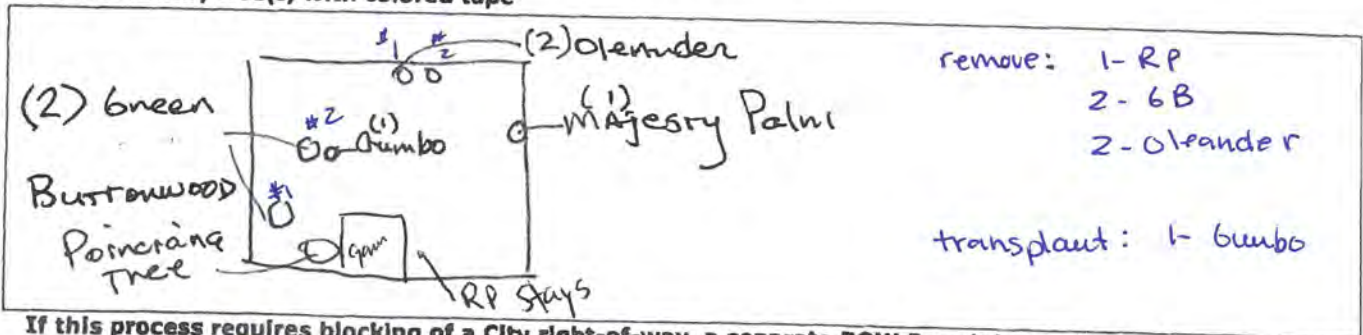
Additional Information and Explanation unusable Roof System after Irma Damage in Burseras Poinciana on left front has large decay areas. Irregular crown cleaner trees to be removed to allow future native plant in area.
Property Owner Name DAVID P. TOPPINO

Property Owner email Address DAVID.T@CHARLEYTOPPINO.COM John
Property Owner Mailing Address P.O. Box 787 Key West, FL 33041 (2395957262)
Property Owner Phone Number 305-797-1645 call for access
Property Owner Signature [Signature]

Representative Name Shade Tree Inc Michael Sr. Amour
Representative email Address shadetreeservices@yahoo.com
Representative Mailing Address P.O. Box 1341 Key West FL 33041
Representative Phone Number 305-340-8094

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



remove: 1- RP
2- GB
2- Oleander

transplant: 1- Gumbo

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

RP- 2.7" dbh
3.8
4.1
5.0
2.9" dbh
5.4
3.5
43.9" dbh
#2 68
4.9
18.1" dbh
#1 3.6" = 13.3"
1.6' = 5.7" dbh



Tree Representation Authorization

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.

Date 1/11/22
Tree Address 3741 Eagle Ave
Property Owner Name Daniel P. Toppino
Property Owner Mailing Address P.O. Box 787
Property Owner Mailing City, State, Zip Key West, FL 33041
Property Owner Phone Number 205-797-1645
Property Owner email Address DAVID T. CHARLEY TOPPINO . com
Property Owner Signature Dal T
Representative Name Shade Tree Inc. Michael J Amour
Representative Mailing Address P.O. Box 1341
Representative Mailing City, State, Zip Key West, Florida 33041
Representative Phone Number 305-340-8094
Representative email Address Shade-tree-services@yahoo.com

I, Daniel Toppino 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 Dal T

The forgoing instrument was acknowledged before me on this 18 day January 2022
By (Print name of Affiant) Jayde Sawyer who is personally known to me or has produced as identification and who did take an oath.

Notary Public

Sign name: Jayde Sawyer

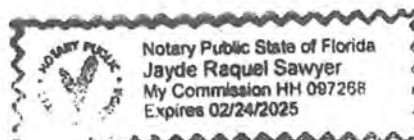
Print name: Jayde Sawyer

My Commission expires: 02/24/2025

Notary Public-State of

Florida

(Seal)



Prepared by and return to:

Richard J. McChesney

Spottswood, Spottswood, Spottswood & Sterling, PLLC

500 Fleming Street

Key West, FL 33040

305-294-9556

File Number: 64-21.00482 RM

Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 20th day of December, 2021 between James J. Gerbracht and Adele W. Gerbracht, husband and wife whose post office address is 3635 Seaside Drive, #116, Key West, FL 33040, grantor, and Daniel P. Toppino, as Trustee of the First Restatement of the Daniel P. Toppino Living Trust u/t/d January 20, 2017 whose post office address is 33 Calle Uno, Big Coppitt Key, FL 33040, grantee:

(Whenever 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, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida to-wit:

The Easterly 40 feet of Lot 3 and all of Lot 2, in Block 13, of KEY WEST FOUNDATION CO.'S PLAT NO. 1, according to the map or plat thereof, as recorded in Plat Book 1, Page 155, of the Public Records of Monroe County, Florida.

Parcel Identification Number: 0053620-000000

SUBJECT TO: Taxes for the current and subsequent years.

SUBJECT TO: Conditions, limitations, easements and restrictions of record, if any.

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 grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants 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, 2021.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Richard McChesney
Witness Name: Richard McChesney

Monica Hornyak
Witness Name: Monica Hornyak

James J. Gerbracht (Seal)
James J. Gerbracht

Adele W. Gerbracht (Seal)
Adele W. Gerbracht

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 20th day of December, 2021 by James J. Gerbracht and Adele W. Gerbracht, who ☐ are personally known or ☒ have produced a driver's license as identification.

[Notary Seal]



Monica Hornyak
Notary Public

Printed Name: _____

My Commission Expires: _____