



Heavy
Maintenance

8348

Tree Permit Application

Date: 02/06/2017

Please Clearly Print All Information unless indicated otherwise.

Tree Address 913 & 919 White Street
Cross/Corner Street Truman / White
List Tree Name(s) and Quantity Royal Poinciana
Species Type(s) check all that apply () Palm (x) Flowering () Fruit (x) Shade () Unsure
Reason(s) for Application:
() REMOVE () Tree Health () Safety () Other/Explain below
() TRANSPLANT () New Location () Same Property () Other/Explain below
(x) HEAVY MAINTENANCE (x) Branch Removal (x) Crown Cleaning/Thinning (x) Crown Reduction
Other/Explain Tree requires heavy maintenance. Branches, canopy, possible minimum root pruning to ensure health and longevity of the tree. We will also
Reason for Request be fixing nearby property damage. Work completed will be done in accordance to the attached exhibits.
Property Owner Name Bernard Hecht, Timothy McLane, Felicia Pettit, Juan Pettit
Property Owner eMail Address Scott@USLegalteam.com; kwlawyer@bellsouth.net
Property Owner Mailing Address 1990 W. New Haven Ave. Suite 201
Property Owner Mailing City Melbourne **State** FL **Zip** 32904
Property Owner Phone Number (321) 255 - 2332
Property Owner Signature

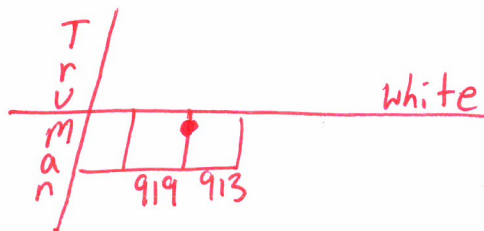
Representative Name Widerman Malek & Robert Cintron Jr.
Representative eMail Address Scott@USLegalTeam.com; MGushiken@USLegalTeam.com; kwlawyer@bellsouth.net
Representative Mailing Address 1990 W. New Haven Ave. Suite 201
Representative Mailing City Melbourne **State** FL **Zip** 32904
Representative Phone Number (321) 255 - 2332

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.

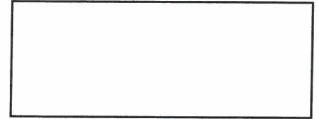
Tree Representation Authorization form attached ()

<<<<< 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: 02/06/2017

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 913 & 919 White Street

Property Owner Name Bernard Hecht, Timothy Mclane, Felicia Petitt, Juan Petitt
Property Owner eMail Address Scott@USLegalteam.com;
Property Owner Mailing Address 1990 W. New Haven Ave. Suite 201
Property Owner Mailing City Melbourne **State** FL **Zip** 32904
Property Owner Phone Number (321) 255 - 2332
Property Owner Signature _____

Representative Name Widerman Malek & Robert Cintron Jr.
Representative eMail Address Scott@USLegalteam.com; kwlawyer@bellsouth.net
Representative Mailing Address 1990 W. New Haven Ave. Suite 201
Representative Mailing City Melbourne **State** FL **Zip** 32904
Representative Phone Number (321) 255 - 2332

I _____, 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 _____ day _____.

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

NOTARY PUBLIC

Sign Name: _____ Notary Public - State of Florida (seal)

Print Name: _____

My Commission Expires: _____

JOINT STIPULATION FOR HEAVY TREE MAINTENANCE

Plaintiffs, BERNARD R. HECHT and TIMOTHY G. MCLANE ("Plaintiffs"), by and through the undersigned counsel, and Defendants FELIX H. PETITT, SR and JUANITA T. PETITT, by and through the undersigned counsel, hereby stipulate to the Joint Tree Permit Application.

WHEREFORE, Plaintiffs BERNARD R. HECHT and TIMOTHY G. MCLANE and Defendants FELIX H. PETITT, SR and JUANITA T. PETITT stipulate to Joint Tree Permit Application and request the tree commission grant our heavy maintenance permit regarding same.

Scott D. Widerman, Esquire
WIDERMAN MALEK, PL
Florida Bar No. 0585823
1990 W. New Haven Ave., Ste 201
Melbourne, Florida 32904

Robert Cintron, Jr., Esquire
CINTRON & HOGAN, P.A.
Florida Bar No. 0325031
317 Whitehead Street
Key West, Florida 33040

Mhvvlfd#P1#Vodxjkwu

Vxemhfw=

IZ #Wdu}dq

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

From: Sandra Downs [mailto:janesjunglwork@gmail.com]

Sent: Friday, February 3, 2017 9:48 AM

To: Mark Gushiken <mgushiken@uslegalteam.com>

Subject: Tarzan

The Tarzan Tree Care crew consists of skilled trimmers , grounds men and an ISA certified arborist. If we do the trimming on the tree shared by Bernie Hecht and Phil Petit, we will remove dead or decaying limbs throughout. We will balance the canopy and remove some limbs by the roof. There is no easy or safe way to trim the tree over the street area. Royal poinciana limbs are known for breaking and the street canopy is over, in and around nearly a dozen power lines, cable, phone, etc. with some lines even being attached or anchored to the tree limbs. The riser on the Petit house is not up to code and if the limb which the lines are tied to blew in a heavy wind, it would pull the riser off the home which would result in a \$6000 bill and upgrade to code. The city and electric company should rethink these wires if the tree is to stay. For there is currently no way to maintain the street canopy with the current situation with lines.

The required clearances for utility lines cannot be met unless the lines are moved from under a myriad of limbs. We will be happy to trim that part of the tree if all the lines are disconnected, but this will remain a problem for the future and the liability to passerby people and cars will continue to grow as the tree declines with age. The canopy over the street cannot be eliminated because the tree canopy left would not be enough to sustain this very large and aged trunk and root system. My opinion is this tree will continue to cause structural problems with sidewalks, walls, fences ,etc. And also falling limbs are common in this species which puts people on the sidewalk and cars in the street at risk. If the tree is to remain it needs regular inspection and maintenance. But we are willing to trim and inspect now and in the future. As I said before, the situation with the lines should be addressed asap. Thank you.

Sandra Downs and Tarzan Tree Care crew



JAMES LEGETTE
Certified Arborist
Consulting Arborist, member, ASCA
Lauderdale Tree Service, Inc.



954-583-1888
Fax 954-452-0257
www.lauderdaletreeservice.com
4320 S.W. 74 Avenue • Davie, Florida 33314

January 6, 2017

VIA E-MAIL TO: mgushiken@uslegalteam.com

Bernard Hecht and Timothy McLane
c/o Mark Gushiken, Esquire
Wideman Malek, Attorneys at Law
1990 West New Haven Avenue, Suite 201
Melbourne, FL 32904

Re: Royal Poinciana Tree Evaluation

Property Location: 913 White Street, Key West, Florida 33040

Dear Mr. Hecht and Mr. McLane:

Please find enclosed the summary of my recommendations regarding the Royal Poinciana tree located in the adjacent yard of your above property which explains my observations, analysis and conclusions for the subject tree.

I sincerely appreciate the opportunity you have extended to Lauderdale Tree Service, Inc. If you have any questions or comments, please do not hesitate to contact me by phone or via e-mail at your convenience.

Very truly yours,


James LeGette

Enc: Royal Poinciana Tree Evaluation: Recommendations as to health and structural condition and its impact on the immediate surroundings.



JAMES LEGETTE
Certified Arborist
Consulting Arborist, member, ASCA
Lauderdale Tree Service, Inc.



954-583-1888
Fax **954-452-0257**
www.lauderdaletreesevice.com
4320 S.W. 74 Avenue • Davie, Florida 33314

January 6, 2017

ROYAL POINCIANA:

Recommendations as to Health, Structural Stability and Impact on Immediate Surroundings

Prepared for:

Bernard Hecht and Timothy McLane
c/o Mark Gushiken, Esquire
Widerman Malek, Attorneys at Law
1990 West New Haven Avenue, Suite 201
Melbourne, FL 32904

Prepared by:

James LeGette
Certified Arborist, ISA #0502
Consulting Arborist, Member, ASCA
Lauderdale Tree Service, Inc.
4320 S.W. 74th Avenue
Davie, FL 33314

Lauderdale Tree Service, Inc.

Evaluation of Royal Poinciana for Mr. Bernard Hecht and Mr. Timothy McLane

January 6, 2017

Page -4-

disease and damage as its branches become less flexible. In Key West, which is hurricane prone, this can be catastrophic. (Robinson, Robin, 05/17/2015. Article in <http://keysnews.com>.)

An additional concern with this species is the root system. Royal Poinciana trees typically produce buttress roots which, due to the island's shallow soil base of approximately 18", tend to grow outward instead of downward. Throughout the city, these roots tend to grow in what little empty space is available and impact the adjacent sidewalks, driveways and other structures. In this case, the cement wall, driveway and gated entrance of our client's home have been affected.

Even though the Royal Poinciana tree is not native, it is protected as a heritage tree by the Key West Tree Ordinances. Therefore, removal of same would require approval which would only be granted in extreme circumstances. In this case, however, a permit for major maintenance trimming of the tree is being sought due to the damage that has occurred and will continue to occur on our client's property.

CONCLUSION

I was hired by Attorney Mark Gushiken on behalf of his clients, Bernard Hecht and Timothy McLane, to render my professional opinion if the Royal Poinciana tree in question is healthy and structurally sound. The clients also wanted to know how the principal tree parts interact with the surrounding area and whether or not this specific tree has resulted in damage to their residence including, but not limited to, the concrete wall, driveway and gated entrance. I was also retained to evaluate this tree for purposes of obtaining a tree major maintenance permit as required by the City of Key West.

It is my professional opinion that the subject tree is relatively healthy. It is evident to the naked eye that the Royal Poinciana tree and its parts are significantly affecting the surrounding area. There is also the potential for tripping hazard to people due to the buckling sidewalk and roadway and large overhanging limbs as this is a pedestrian and vehicular thoroughfare. Trees prune themselves, and they shed unwanted and dead limbs. The fact that the tree canopy extends over this pedestrian and vehicular area further adds to the potential for damage and/or injury from falling tree parts.

RECOMMENDATIONS

One potential solution would be to remove the tree. However, with the current municipal codes and the attitude of the local population of saving these protected species of trees, it is highly unlikely to be approved for removal. Also, it may set a precedent for the removal of all other trees in similar situations of which there are many.

To improve canopy balance and integrity, optimum results would be achieved if the entire canopy was pruned at the same time, however, not to exceed a 30% reduction of tree parts.

Proper pruning by an **ISA Certified Arborist** is strongly suggested. The larger and longer limbs should be subordinated so that they are in proper aspect ratio with the parent stem. The subordination of excessively long limbs should be at the discretion of the performing arborist so that limb load vs. attachment point ratios are within limits. Some **root pruning** may be necessary to achieve the desired results and in order to repair the wall/driveway area. The arborist should work in concert with wall restoration personnel. It is my recommendation that a tree permit for the above major maintenance should be obtained as soon as possible. A tree fertilization regiment may be considered, as this would promote the biological health of the tree.

Historically, the suggested resolution of the tree/wall conflict is to demolish the section of the wall that is being displaced by the tree and then use either pin or auger piles to create footer attachment points to float a beam over the affected root zone. The wall may then be recreated using the newly-formed floating footer. This is the least invasive option to preserve the tree's root system and integrity and is quite effective, has reasonable longevity and would be a cost effective solution.

The entrance gate could be repaired by shimmed gate hinges to achieve alignment.

Key West's land mass is only 4.2 square miles. Compromise must be reached to accommodate both nature and people so that they may co-exist on this island.



ONE CALL CONSTRUCTION, INC.

"One Call Does It All"

1901 Flagler Ave - Key West, FL 33040
Tel: 305-294-0945 - Fax: 305-359-3226
E-mail: info@constructionkeywest.com

CGC1507029
CGC1327352
SL3188768

One Call Construction Project Proposal

Proposal Number: 16000555.0

Prepared Exclusively For: Bernard Hecht

On Proposal Creation Date: 2/3/2017

For The Project : Drive and Entry Gate (Plan B with tree in)

Located At: 913 White Street
Key West FL 33040

By The Contractor: One Call Construction, Inc.
1901 Flagler Ave
Key West, FL 33040
CGC1507029

Customer

Contractor

Project Scope Of Work:

- Provide stamped and sealed drawings.
- Removal and salvage of front gate and gate hardware.
- Removal of front corner post and rail section approximately 14 feet back.
- Installation of form work on end of fence section where removed to form 8" x 8" column.
- Installation of auger all approximately 16 inches off-center of existing auger hold towards other side of gate.
- Installation of number five steel in order whole and formed areas.
- Installation of 4000 psi concrete in formed areas.
- Installation of 16" x 16" column blocks over auger base to form new column.
- Installation of rough electrical is necessary new column for post light.
- Apply stucco bonding, base coat and topcoat over new concrete work.
- Fabricate and install fence section with horizontal contemporary ballasts to be approximately 13 feet long with 2 foot 90° angle to bolt in to new column from and of existing fence. To be powder coated customers color choice.
- Installation of salvage electrical and gate hardware.
- Fabrication of gate to new opening size.
- Installation of fabricated salvage gate.
- Removal of job debris.

Project Total :**\$11,465.17**

Customer _____

Contractor _____

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Planning

Planning Labor

HARC Information Package \$77.62

Subtotal Planning Labor \$77.62

City Permitting

Electrical Permit Application Fee \$51.75

Electrical Permit Fee \$161.72

Fence Application Fee \$64.69

Fence Permit Fee \$388.12

HARC Application Fee \$64.69

HARC Inspection Fee \$64.69

NOC Application \$28.46

Subtotal City Permitting \$824.12

Design

Drafting and Design Services \$900.45

Engineering \$646.88

Subtotal Design \$1,547.33

Administration Labor

Document Courier Labor \$30.40

Permit Package Administration \$152.01

Subtotal Administration Labor \$182.41

Subtotal Planning \$2,631.48

Site Preparation

Safety Preparation Labor

Safety Containment Set Up Labor \$111.26

Subtotal Safety Preparation Labor \$111.26

Protection and Safety Material

Fence Stakes \$40.80

Safety Fence - Material \$114.76

Subtotal Protection and Safety Material \$155.56

Subtotal Site Preparation \$266.82

Customer

Contractor



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Demolition

General Demolition Labor

Carpentry Demolition Labor \$879.75

Subtotal General Demolition Labor \$879.75

Demolition Material

12" Diamond Blade \$118.51

Subtotal Demolition Material \$118.51

Subtotal Demolition \$998.26

Exterior Finishes

Stucco Labor

Base Coat Labor \$250.10

Bonding Application Labor \$75.07

Topcoat Labor \$225.11

Subtotal Stucco Labor \$550.28

Stucco Material

Bond It \$19.49

Stucco Base Coat \$76.51

Stucco Top Coat \$78.01

Subtotal Stucco Material \$174.01

Subtotal Exterior Finishes \$724.29

Painting

Exterior Painting Labor

Preparation Labor \$72.61

Prime Labor \$128.34

Topcoat Finish Labor \$238.49

Subtotal Exterior Painting Labor \$439.44

Exterior Painting Material

Caulk \$4.48

Duration Gloss \$147.02

Hot Stucco Primer \$114.01

Misc. Exterior Paint Supplies \$33.00

Subtotal Exterior Painting Material \$298.51

Customer

Contractor



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Tel: 305-294-0945 - Fax: 305-359-3226
E-mail: info@constructionkeywest.com

CGC1507029
CGC1327352
SL3188768

Subtotal Painting

\$737.95

Site Improvements

Fence Labor

16' Swing Gate Installation	\$549.84
Aluminum Fence Section Labor	\$669.36
Auger Labor	\$133.26
Gate Fabrication	\$329.91
Post Installation Labor	\$36.65

Subtotal Fence Labor

\$1,719.02

Concrete Fence Labor

Block Labor	\$450.22
Steel Labor	\$112.56

Subtotal Concrete Fence Labor

\$562.78

Concrete Fence Material

#5 rebar	\$48.51
16" Colum Blocks	\$77.41
4000 PSI concrete	\$120.02
Mortar Mix	\$25.51

Subtotal Concrete Fence Material

\$271.45

Subtotal Site Improvements

\$2,553.25

Supervision

Supervisor Labor

Supervision Labor	\$411.41
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Subtotal Supervisor Labor

\$411.41

Subtotal Supervision

\$411.41

Construction Clean-Up

Clean Up Labor

Cleaning Labor	\$294.98
Transfer Station Labor	\$91.22

Subtotal Clean Up Labor

\$386.20

Clean Up Material

Fuel	\$12.74
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Customer

Contractor



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E-mail: info@constructionkeywest.com

CGC1507029
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Transfer Fee Dump Truck	\$420.05
Subtotal Clean Up Material	\$432.79
Subtotal Construction Clean-Up	\$818.99
Electrical	
Electrical Labor	
Electrical Finish Labor	\$414.00
Rough Electrical Labor	\$1,531.80
Subtotal Electrical Labor	\$1,945.80
Electrical Material	
Rough Wiring Material	\$234.40
Subtotal Electrical Material	\$234.40
Luminaires	
Exterior Sconce	\$142.52
Subtotal Luminaires	\$142.52
Subtotal Electrical	\$2,322.72
Project Total:	\$11,465.17

Customer _____

Contractor _____



February 22, 2017

VIA US MAIL AND EMAIL TO kdemaria@cityofkeywest-fl.gov

Karen DeMaria
Urban Forestry Manager
3140 Flagler Ave.
Key West, FL 33040

Re: *Bernard Hecht and Timothy McLane v. Felix and Juanita Pettit*
Joint Tree Application

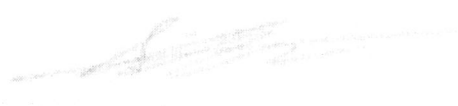
Ms. DeMaria,

Please see the following attached documentation for your approval: Joint Tree Permit Application, Stipulation for Heavy Tree Maintenance, Procedures provided by Ms. Sandra Downs and Mr. Jim LeGette and a quote from One Call Construction.

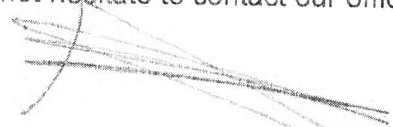
We spoke with Tarzan Tree Care and they have ensured us that an ISA certified arborist would oversee all heavy maintenance done on the tree. With our joint application and your approval, the company will balance the canopy and remove dead or decaying limbs to ensure the health and longevity of the tree.

We also spoke with One Call Construction, which will be fixing the damaged wall. They will install an auger 16 inches off-center of the existing auger. They will then install a column of blocks over the auger base to form a new column. The company will fabricate and install the fence section with horizontal contemporary ballasts into the new column. This process will ensure minimal if any contact with the tree.

Pursuant to Sec. 110-321(c) Key West Ordinance, we request you approve of the heavy maintenance permit without the need for a hearing in front of the tree commission. Should you have any questions, please do not hesitate to contact our office.



Scott D. Widerman, Esquire
WIDERMANN MALEK, P.L.
Florida Bar No. 0585823
1990 W. New Haven Ave., Ste 201
Melbourne, Florida 32904

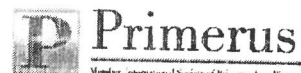


Robert Cintron, Jr., Esquire
CINTRON & HOGAN, P.A.
Florida Bar No. 0325031
317 Whitehead Street
Key West, Florida 33040

SDW/wmdg

MAIN OFFICE
1990 W. NEW HAVEN AVE.
SECOND FLOOR
MELBOURNE, FL 32904
321.255.2332

USLEGALTEAM.COM



OFFICES IN MELBOURNE, FL | ORLANDO, FL | ALEXANDRIA, VA | EVANSVILLE, IN

Karen DeMaria

From: Robert Cintron <kwlawyer@bellsouth.net>
Sent: Wednesday, March 01, 2017 12:32 PM
To: Ronald Ramsingh
Cc: Karen DeMaria
Subject: Re: Joint Tree Permit Application

Yes, the Pettits are in agreement and will sign the application.

Robert

On Feb 27, 2017, at 2:21 PM, Ronald Ramsingh <r Ramsingh@cityofkeywest-fl.gov> wrote:

Hello Robert.

I hope that all is well. Please see the attached email from Karen regarding the Poinciana tree on White St. Please advise if your clients consent to the application.

Thanks,
Ron

From: Karen DeMaria
Sent: Friday, February 24, 2017 4:13 PM
To: Ronald Ramsingh <r Ramsingh@cityofkeywest-fl.gov>
Subject: FW: Joint Tree Permit Application

Ron:

I received this e-mail today regarding the Royal Poinciana tree at 919 White Street from the attorneys for 913 White Street. The initial application for removal of the tree was postponed. It appears we now have an application to do heavy maintenance trimming of the tree. Heavy maintenance is usually a staff approval process.

I do need to make sure that the Pettit's agree with this application and I need their signatures on the forms as the tree is owned by the Pettit's. Can you contact Mr. Cintron with this information so I can make sure all of the proper paperwork is signed, submitted and all are agreeing to the plan.

Sincerely,

Karen

From: Mark Gushiken [<mailto:mgushiken@uslegalteam.com>]
Sent: Friday, February 24, 2017 2:29 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Cc: kwlawyer@bellsouth.net; Jessica M. Slaughter <jessica@uslegalteam.com>
Subject: Joint Tree Permit Application

Good Afternoon Ms. DeMaria,

I hope this email finds you well. Please see attached a joint tree permit application package which has been approved of by both parties. If this package is acceptable by you, we will acquire any additional required signatures and would like to move forward in having the permit granted. We would like the permit to be granted without the need to go in front of the tree commission. Please advise whether this is possible as soon as possible. If we must go before the commission, our intent is to submit the documents in time for the next meeting.

Thank you,

Mark D. Gushiken

<image001.jpg>

Mark Gushiken, Attorney at Law
1990 W. New Haven Ave. Suite 201
Melbourne, FL 32904
(321) 255-2332 (321)255-2351

<image002.jpg>

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<2017-02-24_Tree Permit App..pdf>

<919 white Royal. Evaluation. PDF.pdf>