

STAFF REPORT

DATE: December 26, 2018

RE: **806 Thomas Street (permit application # T2018-0150)**

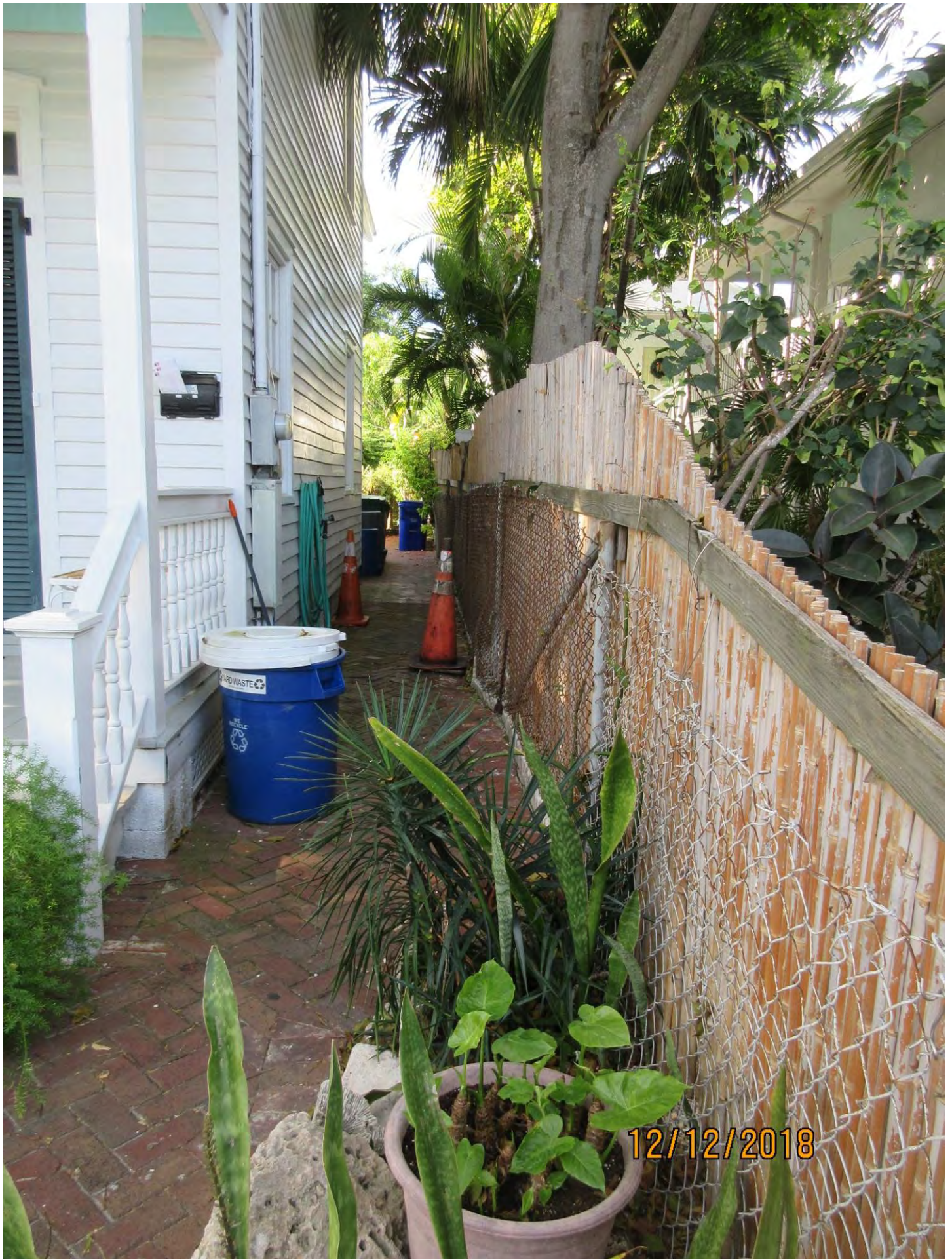
FROM: Karen DeMaria, City of Key West Urban Forestry Manager

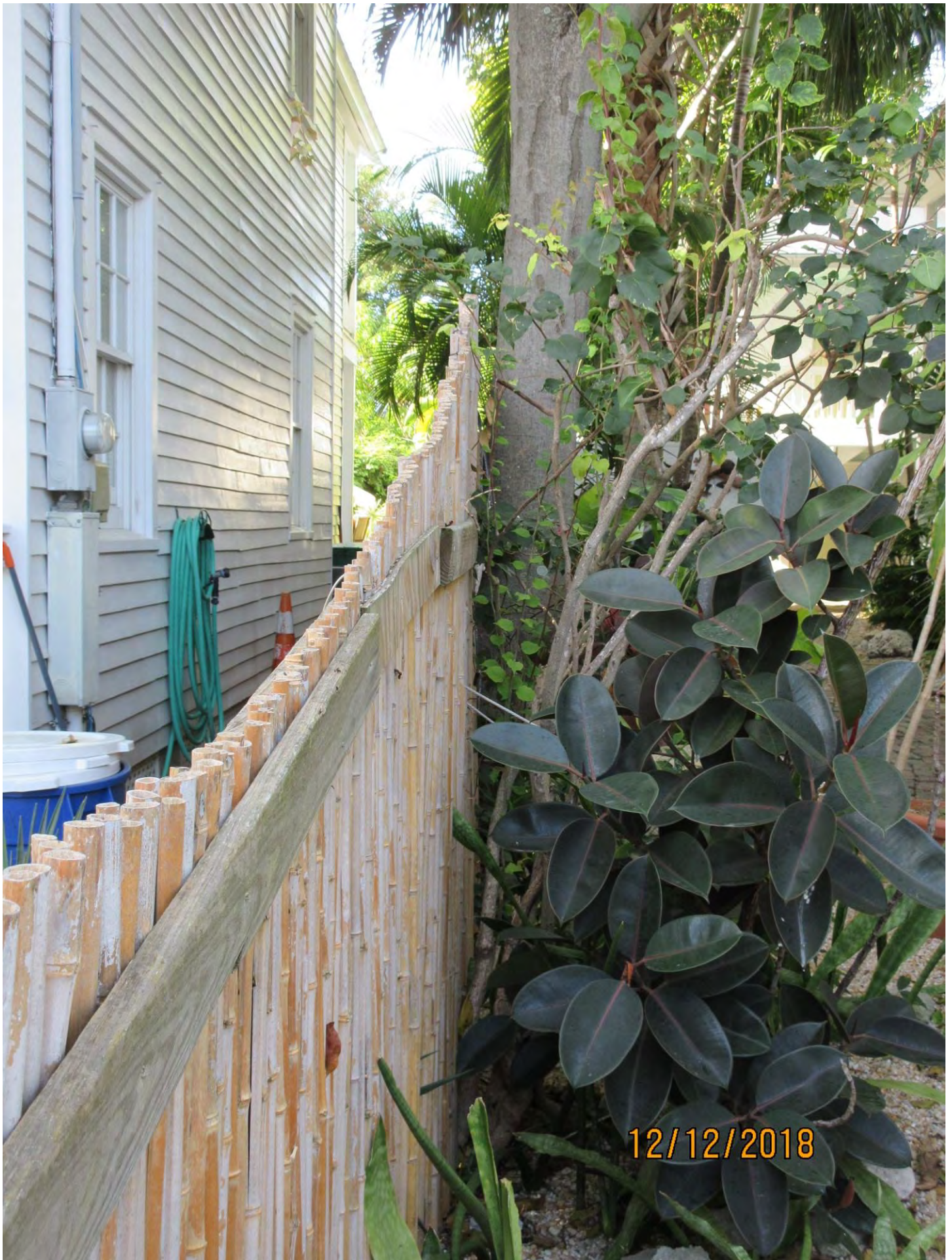
An application was received requesting the removal of **(1) Spanish Lime tree**. A site inspection was done and documented the following:

Tree Species: Spanish Lime (*Melicoccus bijugatus*)











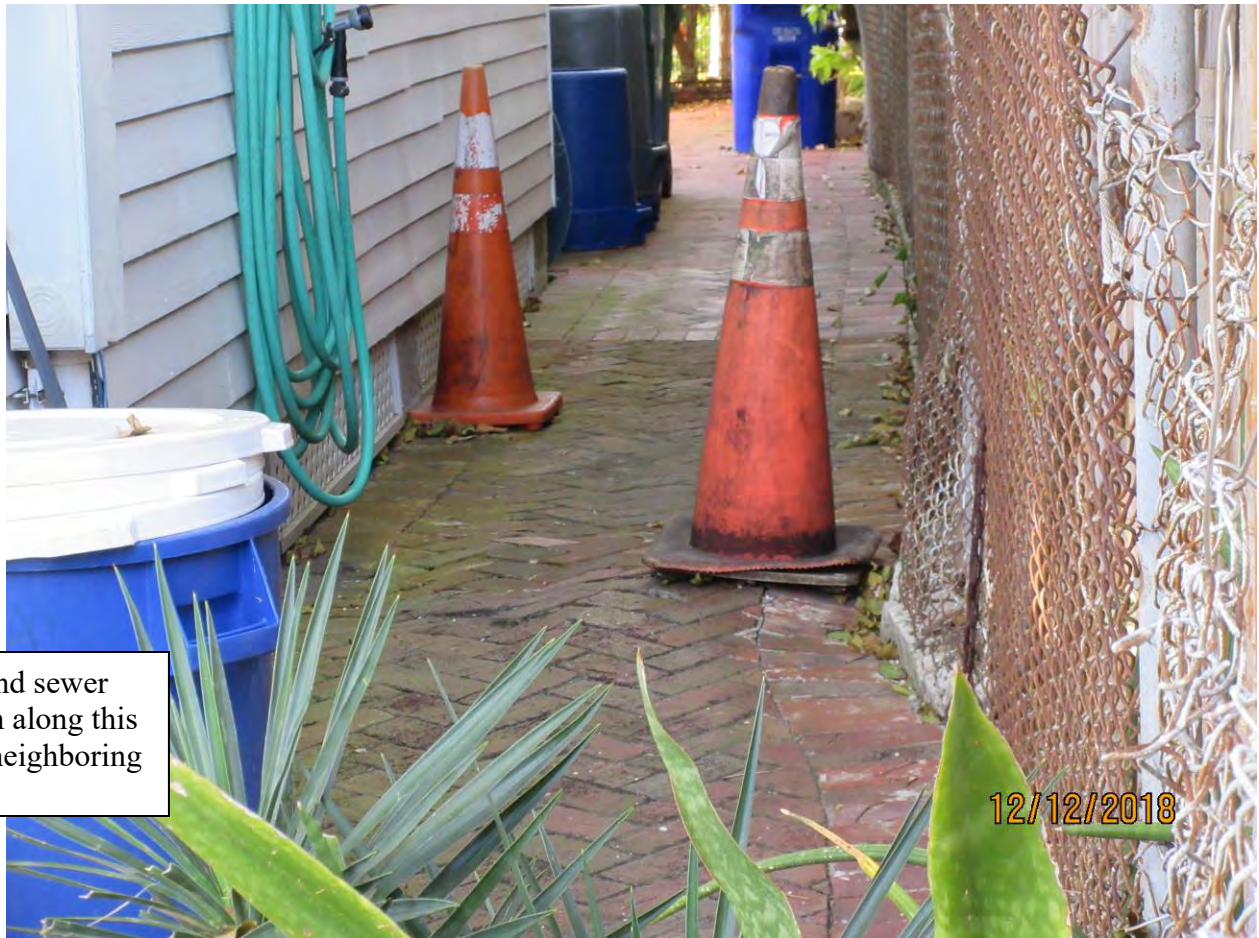




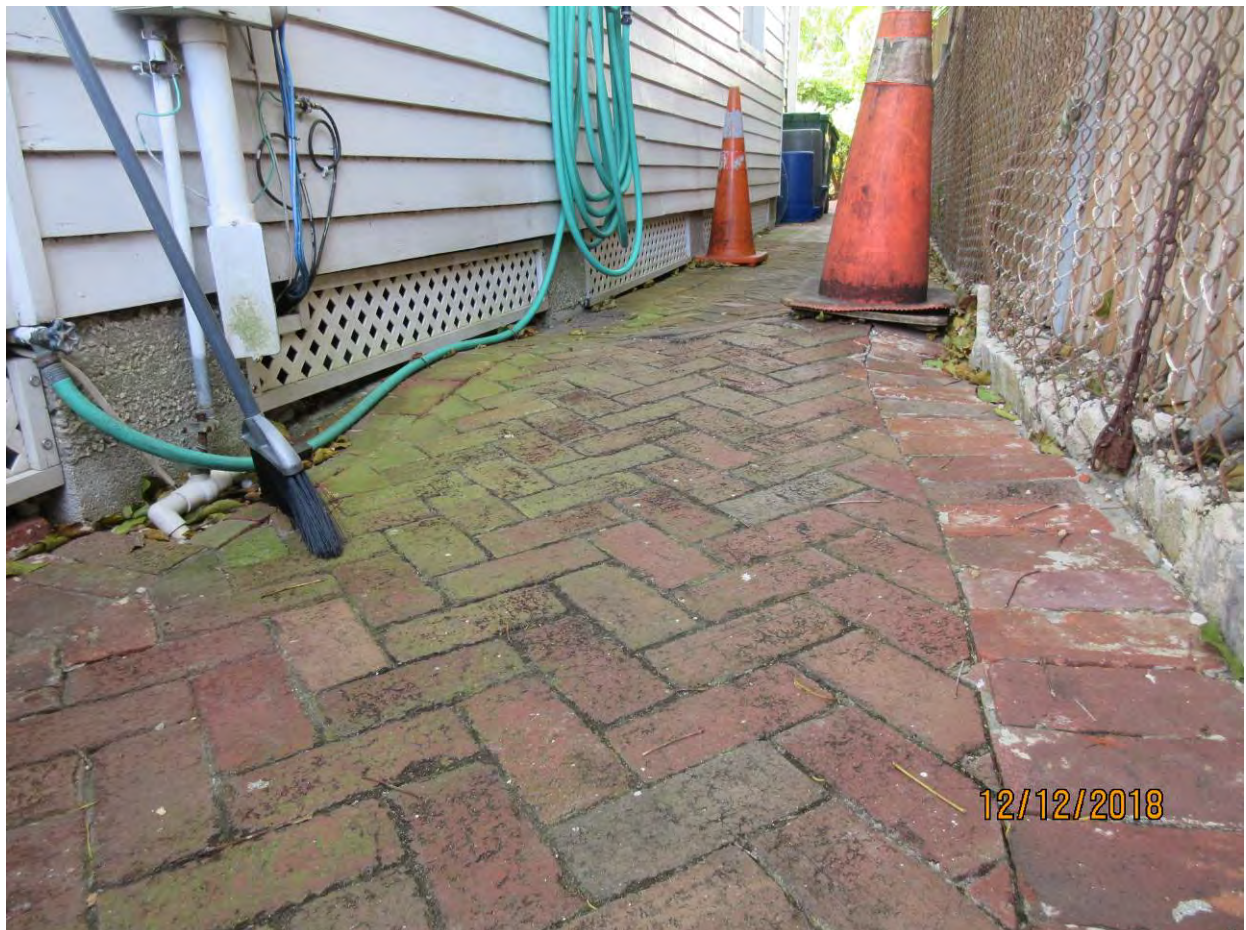
Root issues in
neighboring walkway

12/12/2018





Water and sewer lines run along this side of neighboring house.





Diameter: 15.9"

Location: 40% (root issues with neighboring walkway, utilities and possible structure, young tree growing on property line)

Species: 100% (on protected tree list)

Condition: 70% (good, young healthy tree, lopsided canopy due to closeness with neighboring house and other large canopy trees nearby.)

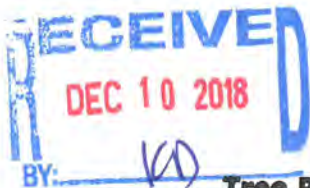
Total Average Value = 70%

Value x Diameter = 11.1 replacement caliper inches

Note: Root pruning is not a viable option due to the location of the tree and where the roots would have to be cut. Removal of the roots to remove the potential safety issue would potentially destabilize the tree since main structural roots would have to be cut completely from the whole side.

Recommendation: Recommend approval of the removal of one (1) Spanish Lime tree at 806 Thomas Street to be replaced with 11.1 caliper inches of dicot or fruit trees from approved list, FL#1, to be planted on site.

Application



CANOPY
REMOVAL

2018-0150

BY: VD

Tree Permit Application

Date: 12-4-18

Please Clearly Print All Information unless indicated otherwise.

Tree Address 806 Thomas Street, K.W.
Cross/Corner Street Between Petronis St and Olivia Street
List Tree Name(s) and Quantity Female Spanish Lime Tree
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 The tree sits on property boundary. Roots are lifting bricks of neighboring walkway and are an imminent danger to the neighbors foundation and sewer/plumbing main line. Roots can be pruned as they are primarily stabilizing roots and removal would destabilize tree and present

Property Owner Name James P. Marsh
Property Owner eMail Address jmarsh@jpmarsh.com
Property Owner Mailing Address 2501 Sunrise Ave
Property Owner Mailing City Key West State FL Zip 33040
Property Owner Phone Number 330-780-0555
Property Owner Signature [Signature]

Representative Name Ken King of Golden Bough & MARCI L. Rose (Neighbor)
Representative eMail Address scuttrenee@aol.com
Representative Mailing Address 0 810 Thomas Street
Representative Mailing City Key West State FL Zip 33040
Representative Phone Number (305) 293-1881

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

see attached Survey

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

Issued: 02/22/2014

12-12-18
4'2" circ
15.9" dbh



Tree Representation Authorization

Date 12-6-18

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 806 Thomas Street, Key West, FL 33

Property Owner Name James P. Marsh
 Property Owner eMail Address jmarsh@jmarsh.com
 Property Owner Mailing Address 1501 Crabtree Ave
 Property Owner Mailing City Key West State FL Zip 33040
 Property Owner Phone Number 305-380-0555
 Property Owner Signature [Signature]

Representative Name Ken King, Golden Bosh and Marcie L. Rose
 Representative eMail Address saucerose@aol.com
 Representative Mailing Address 810 Thomas
 Representative Mailing City Key West State FL Zip 33040
 Representative Phone Number 305-304-6632

I, James P. Marsh, 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 [Signature]

The foregoing Instrument was acknowledged before me on this 6th day December.

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

NOTARY PUBLIC

Sign Name: Barbara J. Kelley
 Print Name: Barbara J. Kelley
 My Commission Expires: 1/27/20

Notary Public - State of Florida (seal)

Attachment to Tree Permit Application
* These trees get enormous. This tree is only a baby. There is already very large tree canopy from trees each over 100 yrs old of same type in front & back.

The Distance between the house and the property line is only 4 feet.
The Tree is on the property line.

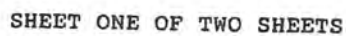
Professional Land Surveyors

Key West, Fl. 33040

Reg. No. 5234

(305) 296-7422

FAX (305) 293-9924



**NOTES:**

1. Underground foundations and utilities were not located.
2. The legal description shown hereon was furnished by the client or their agent.
3. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
4. All angles are 90° (Measured & Record) unless otherwise noted.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Street address: 810 Thomas Street, Key West, FL 33040.
7. Date of field work: June 1, 1998.

BOUNDARY SURVEY OF: On the island of Key West, Monroe County, Florida, and designation on Charles W. Tift's plan of said Island as part of Lot Three (3), in subdivision square two (2), in the part of tract three (3), known as Simonton's Addition to the city of Key West: COMMENCING at a point on the southwest side of Thomas Street distant One Hundred and Twenty-six (126) feet and Four (4) inches from the corner of Thomas and Petronia Streets and running thence along Thomas Street in a southeasterly direction Twenty-eight (28) feet, thence at right angles in a southwesterly direction One Hundred and Thirty-eight (138) feet and Six (6) inches; thence at right angles in a northwesterly direction Twenty-eight (28) feet; thence at right angles in a northeasterly direction One Hundred Thirty-eight (138) feet and Six (6) inches back to the Place of Beginning.

Quit Claim Deed

On the Island of Key West, Monroe County, Florida and designated on Charles W. Tift's Plan of said island as part of Lot three (3) in Subdivision of Square Two (2), in the part of Tract Three (3), known as Simonton's Addition to the City of Key West, recorded in Deed Book I at page 421 of the Public Record of Monroe County, Florida said parcel being described by metes and bounds as follows:

Commence at the intersection of the southeasterly right-of-way boundary line of Petronia Street with the southwesterly right-of-way boundary line of Thomas Street and run thence along the said right-of-way line of Thomas Street in a southeasterly direction for a distant of 154.34 feet to the Point of Beginning of the triangular shaped parcel being described herein;

Thence at right angles in a southwesterly direction for a distance if 138.5 feet to a point, said point being a fence corner; thence in a northeasterly direction along said fence for a distance of 138.5 feet to the said right-of-way line of Thomas Street; thence in a northwesterly direction along the said Thomas Street for a distance of 1.8 feet back to the Point of Beginning.

BOUNDARY SURVEY FOR: Marci L. Rose;
 Flagship Financial Services, Inc., ISA/OA, ATIMA;
 Attorneys' Title Insurance Fund, Inc. ISA/OA, ATIMA;

NORBY & ASSOCIATES, INC.

Thomas A. Norby, PLS
 Florida Reg. #5234

June 5, 1998

Karen DeMaria

From: squirerose@aol.com
Sent: Monday, December 10, 2018 10:05 AM
To: Karen DeMaria
Cc: jmarsh@jpmarsh.com
Subject: Re: spanish lime imminent root problem
Attachments: SKMBT_36318121010510.pdf

Hi Karen:

Attached are the forms for the application for removal of the immature Spanish Lime at 806 Thomas Street. The Tree Representation Authorization form and the Tree Permit Application are attached hereto along with attached additional information and explanation and Survey depicting the tree, its approximate location, the roots that are the problem and the surrounding mature full canopy.

Please let me know you have received this and that we are on for the January 8, 2019 Tree Commission Meeting.

Also, **please let me know if you would like me to get an opinion from a contractor** regarding the imminent damage to my foundation and main sewer line. I am having anxiety about the potential damage to my foundation and the main sewer line. If you feel I need the opinion from a contractor even though the brick side walk has lifted over 12 inches and it is extremely evident, I will get one. **Just let me know asap please. so that I can get it to you.**

Thank you.
Kindly,
Marci Rose

Marci L. Rose
810 Thomas Street
Key West, Florida 33040
305 296 3249 H
305 293 1881 W
305 304 6832 C

In a message dated 12/4/2018 11:27:43 AM Eastern Standard Time, kdemaria@cityofkeywest-fl.gov writes:

E-mailing of the forms is perfectly fine.

Sincerely,

Karen



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Foreign Limited Liability Company
BI-STATE REALTY, LLC

Filing Information

Document Number M04000003634
FEI/EIN Number 30-0077210
Date Filed 09/02/2004
State OH
Status ACTIVE

Principal Address

2501 STAPLES AVE
KEY WEST, FL 33040

Changed: 02/14/2009

Mailing Address

2501 STAPLES AVE
KEY WEST, FL 33040

Changed: 02/14/2009

Registered Agent Name & Address

MARSH, JAMES P
2501 STAPLES AVE
KEY WEST, FL 33040

Address Changed: 02/14/2009

Authorized Person(s) Detail

Name & Address

Title MGR

MARSH, JAMES P
444 N MAIN ST
HUBBARD, OH 44425

Annual Reports

Report Year	Filed Date
2016	01/18/2016
2017	01/06/2017
2018	01/15/2018

Karen DeMaria

From: squirerose@aol.com
Sent: Friday, December 14, 2018 10:28 AM
To: Karen DeMaria
Cc: jmarsh@jpmarsh.com
Subject: Re: spanish lime imminent root problem
Attachments: SKMBT_36318121411100.pdf

Dear Karen:

Please find the attached letter from John Castro of John A. Castro construction, Inc., a licensed Contractor in the State of Florida regarding the tree at issue. He has determined the roots of said tree to be an "immediate threat to the foundation and main sewer line" of my home, 810 Thomas Street, K.W..

Please let me know if you need anything else from me. I want to be certain that nothing gets continued as this is an urgent matter, that if not dealt with ASAP will cause tremendous damages to my home.

Please let me know you have received this email and attachment.

Thank you very much for your assistance in this matter.
Happy Friday :)
Kindly,
Marci Rose

Marci L. Rose
810 Thomas Street
Key West, Florida 33040
305 296 3249 H
305 293 1881 W
305 304 6832 C

In a message dated 11/30/2018 4:22:14 PM Eastern Standard Time, kdemaria@cityofkeywest-fl.gov writes:

Marci:

Attached are the forms needed regarding the tree work (root prune or removal). Root pruning is a staff approval process. Removal of the tree will require review by the Tree Commission. I have attached the dates and deadlines for the next meeting. The application must be signed by the owner of the tree but they can have you or Kenny be the representative. The letter of rep form must be signed and notarized by the owner and that is for whomever will be picking up the permit and who will be the main speaker at the meeting if the owner can not attend. Someone must be at the meeting to represent the property and tree.

I have also attached the tree replacement list. Please note that Turkey Fig is not on the list but I do accept it as an approved replacement tree. Also, any day now (once we get confirmation from the State), canopy trees listed in the section in red will be 4:1 caliper replacement credit (Royal Poinciana will be 4.25:1).

December 10, 2018

Dear Honorable Tree Commission:

I have inspected the Spanish Lime tree and property at 806 Thomas Street and 810 Thomas Street. The roots (on 810 Thomas) of said tree (on the boundary of 806 Thomas Street) have lifted the brick walkway at 810 Thomas Street by over 1 foot. **The roots have not only caused the walkway to be dangerous to walk on, but more importantly, they are an immediate threat to the foundation and main sewer line at 810 Thomas St., K.W., Florida.**



John A. Castro, President

John A. Castro Construction, Inc.

2303 Seidenberg Avenue
Key West, FL 33040