

STAFF REPORT

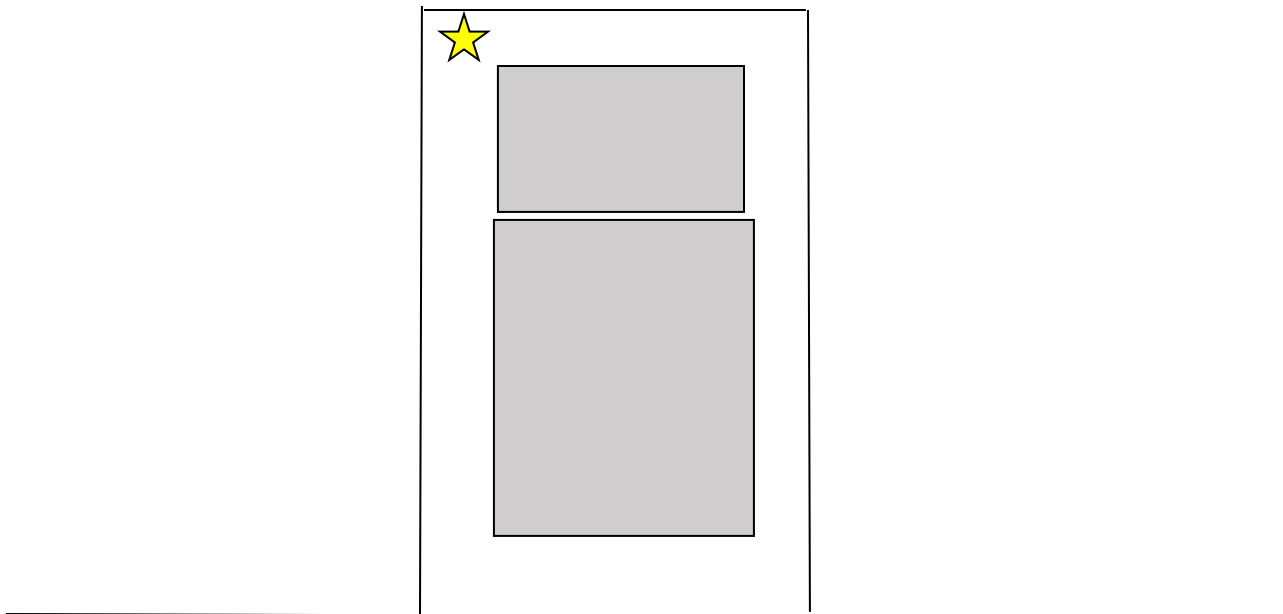
DATE: April 5, 2019

RE: **Settlement Agreement with 804 Catherine Street**

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

At the February 12, 2019, Tree Commission meeting, the property owner agreed to the terms of a settlement agreement requiring the planting of 6" of mango trees on the property. Since the signing of the agreement, the property owner has tried to find appropriate sized mango trees. During the course of landscaping the property, issues are occurring with the location of buried infrastructure (utility lines, etc). There is a location on the property for one large tree, unfortunately, they can not locate a 6" mango. Other areas on the property are suitable for subcanopy, small root system trees. Therefore, the property owner is requesting to be able to plant one mango tree approximately 3" diameter and several other small rooted, sub canopy type fruit trees on the property.

★ : potential location of large tree





**THE CITY OF KEY WEST
Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409
Telephone: 305-809-3723

**TREE COMMISSION OF THE CITY OF KEY WEST, FLORIDA
COMPLIANCE SETTLEMENT AGREEMENT**

This ("Agreement"), is made and entered into this 15th day of February 2019, by and between **James and Mary Rando**, having an address of **804 Catherine Street, Key West, Florida 33040**, ("Respondent") and the **City of Key West**, a municipal corporation, having an address of 1300 White Street, P.O. Box 1409, Key West, Florida 33041-1409, by and through the Tree Commission of the City of Key West, Florida ("Tree Commission").

WITNESSETH

Whereas, Chapter 110 of the Code of Ordinances for the City of Key West provides for hearings of violations, notice, procedure and compliance settlement with regard to the damage or destruction of certain protected trees; and

Whereas, in accordance with Chapter 110 of the Code of Ordinances for the City of Key West, the Tree Commission conducted a hearing and rendered a decision with respect to a certain violation of Chapter 110.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties agree as follows:

1. Acceptance of Responsibility for Damage or Destruction:

Respondent accepts full and complete responsibility for the damage or destruction of regulated trees on real property located at **1207 William Street Unit #7/804 Catherine Street**, in the City of Key West, Florida, in violation of Chapter 110 of the Code of Ordinances for the City of Key West, as found in the findings made and decision issued by the Tree Commission at its hearing held on February 12, 2019.

2. Remedy:

Pursuant to Section 110-291 of the Code of Ordinance for the City of Key West, the Tree Commission has ordered, and Respondent agrees to, the following remedy:

- a. The respondent shall plant a total of 6 caliper inches of FL #1, Mango trees within 6 months of the date of this signed agreement, anywhere on the property.
- b. The respondent shall plant according to current 'Best Management Practices'.
- c. Consistent with permitting requirements, the replacement trees shall remain alive for a minimum of 1 year after planting or replace with like.
- d. The City of Key West, Urban Forestry Program manager shall be contacted for inspection of required tree installation.

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

The remedy as indicated above is based upon the value of the damaged or destroyed tree, as found by the Tree Commission.

3. Penalty for Non-Performance:

Failure of Respondent to comply with the remedy indicated in Paragraph 2 above shall result in the institution of any and all permitted administrative and legal actions.

4. Sale of Property:

In the event the subject property is sold prior to the completion of compliance with this Agreement, the new owner shall be subject to the terms and conditions of this Agreement. It shall be the duty of the selling property within ten days of the effective date of the sales contract to provide the buyer with a copy of this Agreement. The Urban Forestry Manager shall issue a letter to the property owner when compliance is achieved.

IN WITNESS WHEREOF, Respondent and the Tree Commission have caused this instrument to be executed as of the date first written.

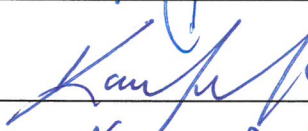
TREE COMMISSION

City of Key West, Florida, a municipal corporation, by and through the Tree Commission of the City of Key West

Chairperson: **David Jackson**



Witness:



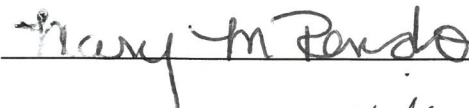
Print Name:

Karen Dularia

Date:

2-15-19

Respondent: Mary Rando



Witness:

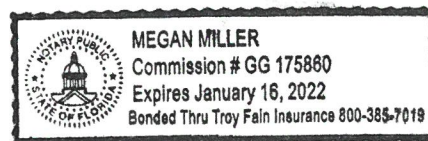


Print Name:

Megan Miller

Date:

2/19/19



Karen DeMaria

From: james rando <smoothedge10@hotmail.com>
Sent: Friday, March 15, 2019 6:23 PM
To: Karen DeMaria
Subject: Mango tree

Dear Karen, we would like to be put in front of the board again. Because we cannot fit a six caliber mango tree in our backyard because of the infrastructure We would like to ask if we could put a three inch Calebra mango tree, a Keylime, Myers lemon tree. And a fig tree. In exchange for the six caliber mango tree. Thank you very much for your attention on this situation. We would like to hear back from you as soon as you can thank you. Have a great weekend and look forward to hearing from you next week.

Rando

Sincerely,

Mary and James

Sent from my iPhone

Karen DeMaria

From: james rando <smoothedge10@hotmail.com>
Sent: Friday, March 15, 2019 6:24 PM
To: Karen DeMaria
Subject: Mango tree

Also Karen I forgot to write in the letter the availability of mangoes tree a very hard right now

Sent from my iPhone