

**DEPARTMENT OF PUBLIC WORKS
CITY TREES (CITY PROPERTY AND RIGHT-OF-WAY) MAINTENANCE ACTIVITIES PERFORMED SINCE PRIOR REPORT AND PENDING
APRIL 2013**

Page 1 of 2

<u>ADDRESS</u>	<u>TYPE OF TREE</u>	<u>DIAMETER</u>	<u>ALTERED (TRIM)</u>	<u>REMOVED</u>	<u>COMMENTS</u>
ROW at 254 Glen Drive	Pittosporum Quercus	37.7-in CBH	Decision: View Claims Valid 31JAN12 Decision appealed 9FEB12 23FEB12		TRP 11-174 (Pittosporum) & TRP 11-394 (Quercus) received. View claim found valid. Decision appealed. Appeal pending. Active litigation. Trimming postponed.
ROW at 42 & ½ Caledonia	2) Indian Laurel Fig	8'5" CBH (only one tree measured)		Completed 4-8-13	Large tear in main trunk where limb has failed. Removal by Tree Pros following approval of replacement plan. Posted 2/6/13 clears 2/21/13. Replacement plan developed – to request budget for FY13/14.
ROW at 34 Willow Lane	6) Black Acacias			Pending	Undesirable trees, some vulnerable to failure due to trunk configuration, excessive lean and end weight in close proximity to property. Not in danger of falling. DPW posted 2/11/13 objection noted – on hold pending receipt of compelling



**DEPARTMENT OF PUBLIC WORKS
CITY TREES (CITY PROPERTY AND RIGHT-OF-WAY) MAINTENANCE ACTIVITIES PERFORMED SINCE PRIOR REPORT AND PENDING
APRIL 2013**

Page 2 of 2

<u>ADDRESS</u>	<u>TYPE OF TREE</u>	<u>DIAMETER</u>	<u>ALTERED (TRIM)</u>	<u>REMOVED</u>	<u>COMMENTS</u>
					documentation as to why the proposed alterations should not be permitted (see attached letter dated April 25, 2013
Tracy Way/Parking Lot 1	2) Indian Laurel Figs			Pending	Emergency removal due to falling limbs and vehicle damage to be accomplished by Elite Tree Service on 5-2-13. Arborist Ed Gurka personal communication of imminent hazard, written report in preparation.





CITY OF SAUSALITO

Herb Weiner, Mayor

Adam Politzer, City Manager
420 Litho Street, Sausalito, California 94965
Telephone: 415-289-4100 • WWW.CI.SAUSALITO.CA.US

Via Electronic Mail and US Mail

April 25, 2013

Ronald P. Albert, Esq.
Albert Law Corporation
66 George Lane, Suite 101
Sausalito, CA 94965-1890

**Subject: Tree Removal or Alteration Permit Application
Six Black Acacia Trees
Willow Grove Open Space Easement**

Dear Mr. Albert:

As you are aware, the City has received an application for removal or alteration of six Black Acacia trees located on property known generally as the "Willow Grove." The Willow Grove is the subject of a Grant of Exclusive Open Space Easement recorded on May 22, 1978 (the "Easement," copy attached). Under the terms of the Easement, the City is responsible for all maintenance and upkeep of the Willow Grove as a nature preserve for passive appreciation by the residents and visitors of the City. Similarly, the City may, under the terms of the Easement, "in order to provide for public access and to enhance the appearance of the Willow Grove ... prune or thin trees ...; provided however, that such maintenance shall not compromise the essential character of the Willow Grove as a natural preserve." The City has reviewed the application for removal or alteration of the trees and has no objection to the proposed removals and alterations – specifically, the Arborist's Report dated September 24, 2012 (copy attached) recommends removal of the two Black Acacias numbered 1 and 4 (leaving the root balls in the ground), and thinning of Black Acacias numbered 2, 3, 5 and 6.

Following the City's posting of notice of pending alteration or removal, you objected to the removal of the acacia trees on behalf of your client, because a landscape contractor has determined that removal of the trees will exacerbate existing drainage problems in your client's yard. On the basis of your objection, the City has stayed issuance of the permit for alteration and removal. With this letter, you are hereby notified that the City requires documentation supporting your client's objection to the actions specified in the attached application and summarized above – i.e., removal of the two Black Acacias numbered 1 and 4, leaving the root balls in the ground, and thinning of Black Acacias numbered 2, 3, 5 and 6. Should the information submitted be compelling, then the City will revise its tentative approval of the permit application. Conversely, should the information submitted fail to demonstrate a reasonable cause to the contrary, the City will permit the proposed removals and alterations.

Ronald P. Albert, Esq.
Albert Law Corporation
April 25, 2013
Page 2

Please let me know via email jgoldman@ci.sausalito.ca.us or call 415-289-4176 if you have any questions, or if there are problems with the attachments.

Sincerely,
City of Sausalito

Jonathon Goldman
Director of Public Works

Attachments: Grant of Exclusive Open Space Easement recorded May 22, 1978
Artistry in Trees Proposal dated September 24, 2012

cc: Ms. Lori Randell
Mr. and Ms. Paul Monahan
File – City Trees 34 Willow Lane 2013

24855

24855

BAGSHAW, MARTINELLI, CORRIGAN & JORDAN

CITIZENS BUILDING
550 BROADWAY
SAN RAFAEL, CALIF. 94903

RECORDED AT REQUEST OF

City of Sausalito
ATTORNEY

AT 20 MIN. PAST 2 P. M.

MAY 22 1978

Official Records of Marin County, Calif.

No. R. J. Giacomini

FEE \$ 6.10 RECORDER

Recording Requested By:

City of Sausalito
Post Office Box #127
Sausalito, California 94965

When Recorded Return to Same

BOOK 3377 PAGE 357

GRANT OF EXCLUSIVE

OPEN SPACE EASEMENT

1. Grant of Easement: Duffel Financial and Construction Company (hereinafter "Grantor"), for valuable consideration, hereby grants an exclusive easement to the City of Sausalito, State of California, a non-appurtenant easement in gross over and across that certain real property situated in the City of Sausalito, County of Marin, State of California, known generally as the Willow Grove, shown and described on Exhibit "A" attached hereto and by this reference incorporated herein as though set forth in full.

2. Description of Easement: The easement granted herein is for the use thereof by the City of Sausalito (hereinafter called the "City") as a nature preserve for passive appreciation by the residents and visitors of the City.

It is the intention of the Grantor and the Grantee (by acceptance thereof) to create an "open space easement" which qualifies as an enforceable restriction pursuant to the provisions of California Revenue and Taxation Code Section 422.

3. Use by City: The use of the easement area granted hereby (the "The Willow Grove") shall be limited to the use by the City, its residents and visitors, as a nature preserve for passive appreciation. City may construct thereon a single path extending diagonally across the property from the vicinity of the intersection of

BOOK 3377 PAGE 357

Bridgeway and Nevada Streets to the boundary of the property on Tomales Street. City shall be responsible for all maintenance and upkeep of the Willow Grove and shall not construct any other improvements without the express written permission of the Grantor, except the pathway described herein and improvements such as benches and drainage facilities related to said pathway consistent with the passive use to which the Willow Grove is hereby limited. In order to provide for public access and to enhance the appearance of the Willow Grove, City may, at its discretion, remove dead vegetation and "weed" growth (such as blackberries) and prune or thin trees and shrubs; provided, however, that such maintenance shall not compromise the essential character of the Willow Grove as a natural preserve.

4. Use by Grantor: Neither Grantor nor its successors shall construct or permit the construction of any improvements upon the real property described in Exhibit "A", except such improvements as may be approved by City and are consistent with the purposes of the easement conveyed hereby.

5. Miscellaneous: In the event of any controversy, claim or dispute relating to this instrument, or the breach thereof, the prevailing party shall be entitled to recover from the losing party

attorneys fees and costs. This instrument

STATE OF CALIFORNIA,

COUNTY OF CONTRA COSTA

ss.

ON March 14, 19 78,

before me, the undersigned, a Notary Public in and for the said State, personally appeared Joseph A. Duffel, known to me to be the

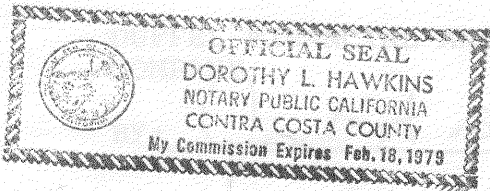
President, and _____, known to me

to be the _____ Secretary of Duffel Financial and

Construction Company

the Corporation that executed the within Instrument, known to me to be the persons who executed the within Instrument, on behalf of the Corporation herein named, and acknowledged to me that such Corporation executed the within Instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.



Dorothy L. Hawkins
Notary Public in and for said State.

BOOK 3377 PAGE 359

Bridgeway and Nevada Streets to the boundary of the property on Tomales Street. City shall be responsible for all maintenance and upkeep of the Willow Grove and shall not construct any other improvements without the express written permission of the Grantor, except the pathway described herein and improvements such as benches and drainage facilities related to said pathway consistent with the passive use to which the Willow Grove is hereby limited. In order to provide for public access and to enhance the appearance of the Willow Grove, City may, at its discretion, remove dead vegetation and "weed" growth (such as blackberries) and prune or thin trees and shrubs; provided, however, that such maintenance shall not compromise the essential character of the Willow Grove as a natural preserve.

4. Use by Grantor: Neither Grantor nor its successors shall construct or permit the construction of any improvements upon the real property described in Exhibit "A", except such improvements as may be approved by City and are consistent with the purposes of the easement conveyed hereby.

5. Miscellaneous: In the event of any controversy, claim or dispute relating to this instrument, or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorneys fees and costs. This instrument shall bind and inure to the benefit of the respective successors of the parties hereto.

EXECUTED by the parties hereto on this 14th day of March, 1978.

DUFFEL FINANCIAL AND CONSTRUCTION
COMPANY

CITY OF SAUSALITO

BY: Joseph A. Duffel

BY: R.W. De Bruyn

Grantor

Grantee

APPROVED AS TO FORM:

Pursuant to Resolution NO. 2749

Leland H. Jordan
LELAND H. JORDAN, City Attorney
City of Sausalito

BOOK 3377 PAGE 358

A PORTION OF THAT PARCEL OF LAND DELINEATED ON THE RECORD OF SURVEY MAP FILED IN BOOK 8 OF LICENSED SURVEYOR'S MAPS, AT PAGE 19, IN THE OFFICE OF THE MARIN COUNTY RECORDERS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID PARCEL, (8 L.S.M.19); THENCE SOUTH $51^{\circ} 35' 40''$ WEST, 150.00 FEET; THENCE NORTH $38^{\circ} 24' 30''$ WEST, 120.00 FEET; THENCE SOUTH $51^{\circ} 35' 40''$ WEST, 100.00; THENCE NORTH $38^{\circ} 23' 40''$ WEST, 50.00 FEET; THENCE SOUTH $51^{\circ} 35' 40''$ WEST, 149.97 FEET; THENCE NORTH $38^{\circ} 23' 40''$ WEST, 20.00 FEET; THENCE NORTH $51^{\circ} 36' 20''$ EAST, 190.00 FEET; THENCE NORTH $06^{\circ} 36' 20''$ EAST, 58.00 FEET; THENCE NORTH $51^{\circ} 36' 20''$ EAST, 5.00 FEET; THENCE NORTH $06^{\circ} 36' 20''$ EAST, 50.89 FEET; THENCE NORTH $51^{\circ} 36' 20''$ EAST, 43.00 FEET; THENCE NORTH $38^{\circ} 23' 40''$ WEST, 55.00 FEET; THENCE NORTH $51^{\circ} 36' 20''$ EAST, 85.00 FEET; THENCE SOUTH $38^{\circ} 23' 40''$ EAST, 321.91 FEET TO THE POINT OF BEGINNING; CONTAINING 1.29 ACRES, MORE OR LESS.

THE ABOVE DESCRIBED LAND BEING A SCENIC EASEMENT AS SHOWN ON THE "MAP OF WHISKEY SPRINGS" SUBDIVISION RECORDED IN VOLUME 17 OF MAPS AT PAGE 9, ON THE 29TH DAY OF SEPTEMBER, 1977, AND "MAP OF WHISKEY SPRINGS" A CONDOMINIUM SUBDIVISION RECORDED IN VOLUME 17 OF MAPS AT PAGE 18, ON THE 18TH DAY OF NOVEMBER, 1977.

EXHIBIT "A"

BOOK 3377 PAGE 360

RESOLUTION NO. 2749

RESOLUTION ACCEPTING GRANT OF
EXCLUSIVE OPEN SPACE EASEMENT

WHEREAS, Duffel Financial and Construction Company has tendered to the City of Sausalito a document entitled "Grant of Exclusive Open Space Easement" which conveys to the City of Sausalito an open space easement over that certain land more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the public convenience and welfare require that the City of Sausalito accept such conveyance:

NOW THEREFORE, it is hereby resolved, ordered and declared as follows:

That there be and there is hereby accepted by and on behalf of the City of Sausalito that certain conveyance hereinabove more particularly described.

PASSED AND ADOPTED at a meeting of the City Council of the City of Sausalito on the 18th day of April, 1978, by the following vote:

AYES: Councilmen: Stanford, Sweeny, Van Meter, Mayor De Bruyn

NOES: Councilmen: None

ABSENT: Councilmen: Warren

R.W. De Bruyn
MAYOR OF THE CITY OF SAUSALITO

ATTEST:

Janet F. Tracy
CITY CLERK

A PORTION OF THAT PARCEL OF LAND DELINEATED ON THE RECORD OF SURVEY MAP FILED IN BOOK 8 OF LICENSED SURVEYOR'S MAPS, AT PAGE 19, IN THE OFFICE OF THE MARIN COUNTY RECORDERS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID PARCEL, (8 L.S.M.19); THENCE SOUTH $51^{\circ} 35' 40''$ WEST, 150.00 FEET; THENCE NORTH $38^{\circ} 24' 30''$ WEST, 120.00 FEET; THENCE SOUTH $51^{\circ} 35' 40''$ WEST, 100.00; THENCE NORTH $38^{\circ} 23' 40''$ WEST, 50.00 FEET; THENCE SOUTH $51^{\circ} 35' 40''$ WEST, 149.97 FEET; THENCE NORTH $38^{\circ} 23' 40''$ WEST, 20.00 FEET; THENCE NORTH $51^{\circ} 36' 20''$ EAST, 190.00 FEET; THENCE NORTH $06^{\circ} 36' 20''$ EAST, 58.00 FEET; THENCE NORTH $51^{\circ} 36' 20''$ EAST, 5.00 FEET; THENCE NORTH $06^{\circ} 36' 20''$ EAST, 50.89 FEET; THENCE NORTH $51^{\circ} 36' 20''$ EAST, 43.00 FEET; THENCE NORTH $38^{\circ} 23' 40''$ WEST, 55.00 FEET; THENCE NORTH $51^{\circ} 36' 20''$ EAST, 85.00 FEET; THENCE SOUTH $38^{\circ} 23' 40''$ EAST, 321.91 FEET TO THE POINT OF BEGINNING; CONTAINING 1.29 ACRES, MORE OR LESS.

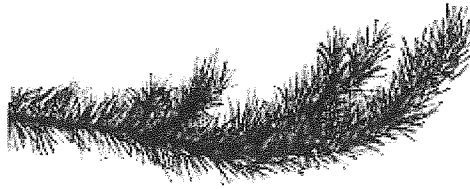
THE ABOVE DESCRIBED LAND BEING A SCENIC EASEMENT AS SHOWN ON THE "MAP OF WHISKEY SPRINGS" SUBDIVISION RECORDED IN VOLUME 17 OF MAPS AT PAGE 9, ON THE 29TH DAY OF SEPTEMBER, 1977, AND "MAP OF WHISKEY SPRINGS" A CONDOMINIUM SUBDIVISION RECORDED IN VOLUME 17 OF MAPS AT PAGE 18, ON THE 18TH DAY OF NOVEMBER, 1977.

EXHIBIT "A"

BOOK 3377 PAGE 362

RANDY HARRIS, PRESIDENT
WCISA Certified Arborist
#420
CA State Contractor's
License #630158
Insured PL/PD
Workers' Compensation

ARTISTRY IN TREES



P.O. BOX 2358, MILL VALLEY, CA 94942
459-4399

PROPOSAL

Date: September 24, 2012

Job Site:

Client:

City Property, near
The Willows of Sausalito
34 Willow Lane
Sausalito

Sara Miller
Hill & Co Property Management Inc.
1700 Jackson Street
San Francisco, CA 94109

Home Phone:
Work Phone: 415-321-3127
Cell Phone:
Alt. Phone:

Work Description:

Job Date:

- | | |
|-----------------------------------------------------------------------------------------------|-----------|
| 1. Black Acacia – Suppressing Redwood – Remove to ground level..... | \$ 480.00 |
| 2. Black Acacia – Remove Ivy and major deadwood, thin..... | \$ 160.00 |
| 3. Black Acacia – Remove Ivy and major deadwood, reduce end weight and thin..... | \$ 400.00 |
| 4. Black Acacia – Remove to ground level..... | \$1280.00 |
| 5. Black Acacia – Remove Ivy and thin..... | \$ 160.00 |
| 6. Black Acacia – (Three Stems) Middle stem, reduce weight, remove Ivy and thin..... | \$ 400.00 |
| 1 st & 3 rd Stems, Remove Ivy and thin..... | \$ 720.00 |
| 7. Willow – Reduce and thin two high tops..... | \$ 80.00 |

Submitted by:

Accepted by:

Total

TBD

Randy Harris

Payment Due at Time of Service

Special Instructions/Equipment:

KB
3680

Kent Basso

From: Jonathon Goldman
Sent: Thursday, September 20, 2012 2:32 PM
To: Kent Basso; Loren Umbertis
Cc: Sara Miller
Subject: Fw: 34 Willow Lane
Attachments: Willows P14.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Kent/Loren: please review, investigate and advise.

Sent from Jonathon Goldman's City of Sausalito Motorola mobile device!

-----Original message-----

From: Sara Miller <smiller@hill-co.com>
To: Jonathon Goldman <JGoldman@ci.sausalito.ca.us>
Sent: Thu, Sep 20, 2012 14:24:00 MST
Subject: 34 Willow Lane

Jonathon,

The owner of 34 Willow Lane is concerned with the trees on City property that border his unit. We asked the Willows arborist to inspect, before we knew the trees were not on Willows property; he returned the opinion copied below. The owner is also interested in obtaining approval to have the trees pruned, if the city will not prune them. Would you please arrange to have the appropriate people from the city check on this? Also, if I should contact someone else directly for these requests, please let me know who.

Thanks, Sara

Sara Miller
Property Manager
Hill & Co. Property Management Inc.
1700 Jackson Street
San Francisco, CA 94109
415-321-3127 direct
415-202-2440 direct fax
415-292-1777 office
www.hill-co.com

From: Randy Harris [<mailto:RHarris@ArtistryInTrees.com>]
To: Sara Miller
Subject: Willows P14.doc

Hello Sara,

RE: City Trees near 34 Willow Lane.

The trees in question are Black Acacia Trees, they are vulnerable to failure due to the trunk configuration, excessive lean and end weight. All should be removed and replaced with a different type of tree. There are six trees in close proximity to #34 Willow and the owner states, they affect light and are dropping leaves. One tree is crowding a Redwood and the others lean in different directions, two trees may damage the patio or side of the building at 34 Willow should the trees fail. (#4 & #6) Other than #4 & one stem of #6 if the trees fail they will likely fall into open areas or into the City Corporation Yard.

Please call anytime if you have questions,
Thank You,
Randy

Randy Harris
415-459-4399 office
415-286-3757 cell
rharris@artistryintrees.com
artistryintrees.com

Artistry In Trees
PO Box 2358
Mill Valley, CA 94942

PTN. RANCHO SAUSALITO

Blk 53

Tax Rate Area 9-000 64-38

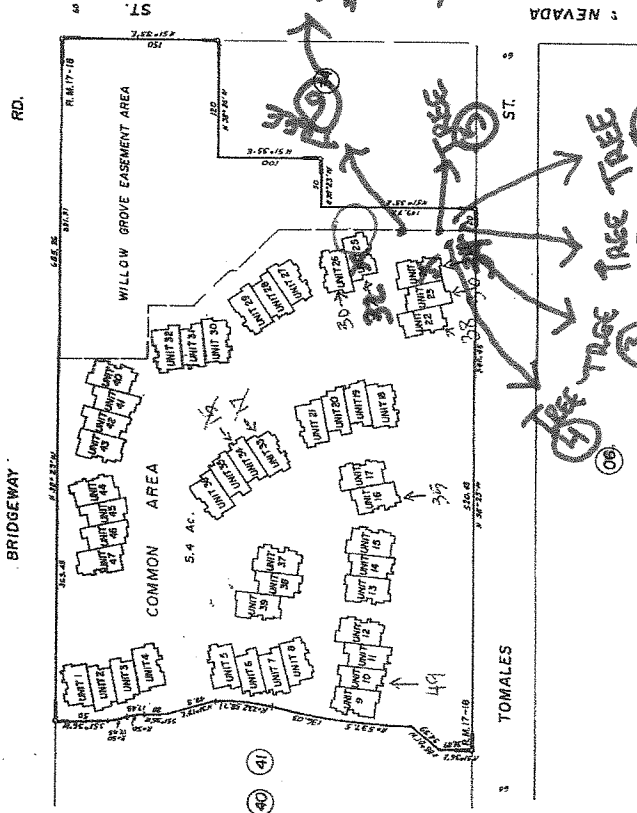


GENERAL CONDOMINIUM NOTES

1. The "Common Area" of this project is the land and real property included within the boundary of the Map of Multiple Springs Condominium, except those units through 47 as shown on the map in P.M. Blk. 17 - Pg. 18.

2. Assessment parcel numbers shown opposite each unit include 1994 Nevada title plus an undivided 1/47 in. 191041 in 1/8 Common Area.

UNIT NO.	PARCEL NO.	UNIT NO.	PARCEL NO.
1	64-380-01	26	64-380-26
2	64-380-02	27	64-380-27
3	64-380-03	28	64-380-28
4	64-380-04	29	64-380-29
5	64-380-05	30	64-380-30
6	64-380-06	31	64-380-31
7	64-380-07	32	64-380-32
8	64-380-08	33	64-380-33
9	64-380-09	34	64-380-34
10	64-380-10	35	64-380-35
11	64-380-11	36	64-380-36
12	64-380-12	37	64-380-37
13	64-380-13	38	64-380-38
14	64-380-14	39	64-380-39
15	64-380-15	40	64-380-40
16	64-380-16	41	64-380-41
17	64-380-17	42	64-380-42
18	64-380-18	43	64-380-43
19	64-380-19	44	64-380-44
20	64-380-20	45	64-380-45
21	64-380-21	46	64-380-46
22	64-380-22	47	64-380-47
23	64-380-23		
24	64-380-24		
25	64-380-25		



CITY OF SAUSALITO
Assessor's Map Blk. 64 - Pg. 38
County of Marin, Calif.

2/11/13
HANG TAGS WENT
OUT TO
15
105
TOMALES

