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Subject: RE: BAC & Affordable Landscaping Tree Planting Media Event (POSTPONED)

Esteemed Beautification Advisory Committee Members,

Today the city had to stop a landscape contractor from planting trees in the E. Elkcarn Cir. right of way (ROW) on behalf of the BAC. This work was being performed without a ROW permit. Please note that a city ROW permit is required prior to performing any work within the ROW. Public ROW's contain underground water mains, reclaimed water mains, sanitary sewer forcemains, gravity sanitary sewer laterals, mains, manholes, cleanouts, gas mains, fiber optic communication, CATV wiring, electrical cables, traffic signal wiring, storm sewer pipes, and other improvements. Excavating for and planting trees over these facilities can result in service outages, expensive repairs, hindrances to maintenance of underground utilities, and fatal safety hazards.

The landscape contractor indicated that the BAC had authorization to proceed and a permit. Please note that the city's public works department received a ROW permit application from the building department for review on 8/24/22. The permit review process will take several weeks before review comments can be issued. It should be noted that the permit application submittal did not include any of the following required items:

1. Pre-design survey
2. Subsurface utility engineering (SUE) including potholing of existing underground infrastructure.
3. Signed and sealed landscape architecture and irrigation plans including the location of all existing underground utilities, planting details, irrigation requirements and details, proposed utility, sidewalk, and curb relocations, if necessary,
4. Draft of tree planting agreement with proposed tree size and type, tree maintenance (pruning, trimming, commitment,

The above items are required to be submitted for review. The above is not a complete list. The complete list of comments will be issued within the aforementioned review period.

The utility providers (LCEC, Teco Gas, Summit Broadband, Comcast, CenturyLink, Marco Island Water and Sewer, Verizon, T3 Communications, etc...) must review and approve or deny the application or issue review comments with additional requirements. The utility providers may also impose planting restrictions such as height of fully mature trees under power lines, relocation of existing utilities at the expense of the entity performing the plantings, or other requirements or restrictions.

The city's environmental reviewer will determine if burrowing owls or gopher tortoise burrows are in the area and need to be relocated. If so, then Florida Fish and Wildlife Commission (FWC) permitting may also be needed.

Right of way permitting takes time given the number of utility providers, public service interests, and complexity.

This is the first permit application review related to the ten thousand trees initiative, and it is in everyone's interest to do this correctly. The city sincerely appreciates the committee's patience in these matters.

Kindest Regards,

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