



To: Hidalgo Construction Company

From: Jane K. Tompkins

Approved: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "CL", is written over the name "Craig E. Leen".

RE: Legal Opinion Regarding Tree Protection Appeal

Date: February 11, 2013

---

The City Attorney's Office reviewed your request on behalf of the City and determined that the decision to deny removal of the tree located in the City's right of way is not appealable. The decision was made under Section 82-1 of the Coral Gables Municipal Code ("Defacement of trees, shrubs, vines, etc., In public places prohibited without permit") by the Public Service Division in our proprietary capacity, and not under Section 82-36(a) ("Appeals from decisions of tree preservation agency"). Section 82-36(a) describes part of the City's regulatory process for determining if a tree can be removed only after the owner of the tree makes the initial proprietary decision to seek removal of the tree. Here, the City has made a proprietary decision, as owner of the tree, to not seek its removal

## Hernandez, Cristina

---

**From:** Leen, Craig  
**Sent:** Wednesday, February 13, 2013 10:46 AM  
**To:** Hernandez, Cristina  
**Subject:** FW: Tree Protection Appeal 70 Leucadendra Dr.  
**Attachments:** 4407\_001.pdf

Please place attached in opinion folder.

Craig E. Leen  
City Attorney  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
Fax: (305) 460-5264  
Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)

---

**From:** Lewis, Jacqueline  
**Sent:** Wednesday, February 13, 2013 10:27 AM  
**To:** Tompkins, Jane; Keller, Jessica; Leen, Craig; Goizueta, Virginia  
**Subject:** Tree Protection Appeal 70 Leucadendra Dr.

Good morning to all,

The attached letter is being sent to applicant today by mail.

<p><b>Jacqueline Y. Lewis</b> City of Coral Gables Administrative Assistant Development Services (305) 460-5252 Work (786) 374-3754 Mobile <a href="mailto:jlewis@coralgables.com">jlewis@coralgables.com</a> 405 Biltmore Way, 3rd Flr Coral Gables, Florida 33134</p>
---



## The City of Coral Gables

Development Services Department  
CITY HALL, 405 BILTMORE WAY  
CORAL GABLES, FLORIDA 33134

February 11, 2013

Hidalgo Construction Company  
Oscar Hidalgo, Qualifier  
2719 Ponce de Leon Blvd.  
Coral Gables, FL 33134

RE: 70 Leucadendra Drive  
Folio #03-4132-019-0690  
Tree Protection Appeals Committee Application

Dear Mr. Hidalgo:

The City Attorney's Office reviewed your request on behalf of the City and determined that the decision to deny removal of the tree located in the City's right of way is not appealable. The decision was made under Section 82-1 of the Coral Gables Municipal Code ("Defacement of trees, shrubs, vines, etc., in public places prohibited without permit") by the Public Service Division in our proprietary capacity, and not under Section 82-36(a) ("Appeals from decisions of tree preservation agency"). Section 82-36(a) describes part of the City's regulatory process for determining if a tree can be removed only after the owner of the tree makes the initial proprietary decision to seek removal of the tree. Here, the City has made a proprietary decision, as owner of the tree, to not seek its removal.

Please feel free to contact Mr. Leen at (305) 460-5218 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jane K. Tompkins".

Jane K. Tompkins, AICP  
Development Services Director