

FINDINGS OF THE MEETING

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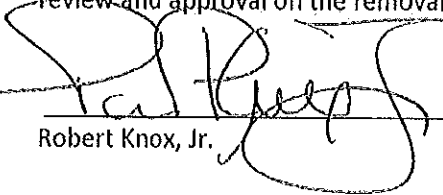
Tree Hearing

2018 JUL -2 P 1:58

June 6, 2018

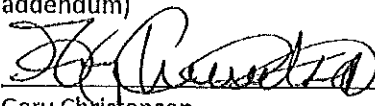
CITY CLERK'S OFFICE  
MALDEN, MASS.

Pursuant to Massachusetts General Laws, Chapter 87, section 4, objection has been made in writing and through testimony relative to the removal of said trees identified in the attached Legal Notice of Public Tree Hearing. As the Tree Warden for the City of Malden, this will be forwarded to the Mayor for his review and approval on the removal of said trees.

  
\_\_\_\_\_  
Robert Knox, Jr. Tree Warden

Approved:

Not Approved:  (with contingencies per the attached correspondence, dated June 29, 2018, and addendum)

  
\_\_\_\_\_  
Gary Christenson, Mayor City of Malden



# CITY OF MALDEN

*Department of Public Works*  
356 Commercial Street Malden, MA 02148  
Telephone: 781-397-7162 / Fax: 781-397-7372

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*Robert Knox, Jr., Director of Public Works*  
2018 MAY 11 10 51 AM

**LEGAL NOTICE** CITY CLERK'S OFFICE  
**CITY OF MALDEN** MALDEN, MASS.  
**PUBLIC TREE HEARING**

In accordance with the provisions of Massachusetts General Laws, Chapter 87, Section 3, notice is herewith given that a public hearing will be held at 6:00 P.M. on the 6<sup>th</sup> day of June 2018 at the John and Christina Markey Senior Community Center, 7 Washington Street, Malden, Massachusetts for the purpose of determining whether or not the public shade trees located at:

Address	Street	DBH(IN)	Common Name
39	ADAMS	17	Maple
46	ADAMS	17	Maple
111	ADAMS	13	Pear
113	ADAMS	19	Linden
156	ADAMS	21	Linden
160	ADAMS	18	Maple
176	ADAMS	20	Linden
180	ADAMS	13	Maple
194	ADAMS	22	Maple
200	ADAMS	15	Red Maple
203	ADAMS	13	Linden
208	ADAMS	20	Red Maple
210-212	ADAMS	20	Maple
66	PINE EXT	15	Maple
73	PINE EXT	21	Maple
43-45	PINE EXT	12	Maple
55-57	PINE EXT	26	Maple
62-64	PINE EXT	24	Maple
67-69	PINE EXT	22	Maple
92	FRANKLIN	17	Maple
103	FRANKLIN	22	Honey Locust
106	FRANKLIN	16	Red Maple
107	FRANKLIN	25	Honey Locust
111	FRANKLIN	11	Maple
118	FRANKLIN	23	Honey Locust
126	FRANKLIN	9	Maple
164	FRANKLIN	15	Honey Locust
104 FRONT	FRANKLIN	22	Maple
104 SIDE	FRANKLIN	13	Honey Locust
21	HIGH	14	Red Maple
35	HIGH	20	Maple
51	HIGH	11	Maple
80	HIGH	10	Maple
105(107)	HIGH	21	Maple
34 CROSS	HIGH	19	Maple
60 HILLSIDE	HIGH	11	Red Maple
81-83	HIGH	15	Maple
9	JUDSON	20	Maple
85	JUDSON	14	Maple
89	JUDSON	18	Maple
97-99 HIGH	JUDSON	17	Maple
38	HENRY ST	26	Honey Locust
72	HENRY ST	22	Honey Locust
77	HENRY ST	24	Maple
82	HENRY ST	13	Maple
87	HENRY ST	16	Red Maple
91	HENRY ST	13	Maple
103	HENRY ST	6	Maple
119	HENRY ST	21	Maple
122	HENRY ST	26	Honey Locust
102-104	HENRY ST	17	Maple
109 ESSEX	HENRY ST	20	Maple
79 BOYLSTON	HENRY ST	8	Maple
88 (SIDE)	HENRY ST	31	Sycamore
17	IVY	32	Oak
25	IVY	34	Oak
31	IVY	38	Oak
39	IVY	22	Cherry
43	IVY	34	Oak
33	LAWRENCE	15	Red Maple
34	LAWRENCE	25	Linden
38	LAWRENCE	19	Linden
50	LAWRENCE	36	Oak

Address	Street	DBH(IN)	Common Name
51	LAWRENCE	34	Oak
56	LAWRENCE	23	Maple
60	LAWRENCE	17	Maple
68	LAWRENCE	39	Oak
71	LAWRENCE	39	Oak
83	LAWRENCE	35	Uden
96	LAWRENCE	40	Oak
98	LAWRENCE	38	Oak
121	LAWRENCE	35	Maple
105(107)	LAWRENCE	17	Maple
106-108	LAWRENCE	37	Maple
109-1	LAWRENCE	15	Maple
109-2	LAWRENCE	15	Maple
99-101	LAWRENCE	17	Maple
BEACH	LAWRENCE	31	Maple
28	TAYLOR	24	Maple
46	TAYLOR	17	Maple
16 GRACE	ELSIE	13	Maple
16 GRACE	ELSIE	23	Maple
20-22 HOLMES	ELSIE	18	Maple
25 EARL	ELSIE	22	Maple
7	GOULD	11	Maple
16	GOULD	12	Red Maple
27	LELAND	28	Maple
19-21	NEWHALL	30	Maple
14	PRATT	19	Red Maple
40	PRATT	12	Maple
103-105 CROSS	PRATT	16	Uden
3 OXFORD	PRATT	16	Red Maple
97 CROSS	PRATT	26	Maple
77 CROSS	TUFTS	21	Maple

shall be cut down or removed per the Tree Warden of the City of Malden.

Robert Knox, Jr.  
Tree Warden



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CITY CLERK'S OFFICE  
MALDEN, MASS.

[www.cityofmalden.org](http://www.cityofmalden.org)

**Gary Christenson, Mayor**

Monday, July 2, 2018

Dear Residents:

I want to thank each of you who took the time to get involved regarding the trees that are affected by our sidewalk and roadway improvement project. Whether you called, emailed, or testified at the public hearing, your advocacy did not go unnoticed and is an indicator that by working together we can make our community a better place.

Throughout this project, the goal has always been to preserve trees while meeting legal requirements for access and being mindful of public safety. A certified arborist, Andrew DeSantis, was retained to evaluate the condition of trees within the scope of the work. Upon assessment, Mr. DeSantis concluded that many of the trees were not in good condition, not thriving and would not survive the additional stress resulting from the construction activities. He also identified issues with the overall stability of some trees and was concerned not only with their relative health, but also with possible damage that had already occurred during earlier construction projects. For these reasons, coupled with the general condition of the trees, he recommended the removal of 94 trees.

At the public hearing and through written communications, the overwhelming majority of feedback received reflected the position that although a tree may not be thriving, it should be retained if safe and if reasonable accommodations for access and safe passage can be met. After further consideration and evaluation, we have made several changes to the original recommendation to remove 94 trees. An updated chart is attached that identifies the tree and includes the condition/issues, the initial recommended action and the City's decision. It reflects the definite removal of 28 trees, the retaining of 7 trees contingent on easements with property owners, and the preservation of 59 trees contingent on further evaluation of the feasibility of constructing compliant sidewalks without adverse impact on adjacent private properties or public travel ways, curbs and sidewalks.

On the trees that had general consensus to be removed because they were damaged, diseased, or deemed a public safety hazard, we will replace the tree taken down with a new tree as conditions allow. In addition, trees removed after further evaluation or in the event an easement is not secured will be replaced with a new tree as conditions allow. We will also seek to plant a tree that is conducive to an urban setting like ours so that it does not pose any accessibility issues resulting from the lifting of the sidewalk once the tree matures.

110 Pleasant Street, Malden, MA 02148 | Phone: 781-397-7000 Ext. 2001 | [info@cityofmalden.org](mailto:info@cityofmalden.org)

*Strong Past... Proud Future*

*City of* Malden, MA

July 2, 2018  
Page 2

I would like to publicly thank Malden resident and Arborist Alec Stein who volunteered his time to assist us with taking a second look at a number of the trees on the original list. I would also like to acknowledge Public Works Director Bob Knox, City Engineer Yem Lip and Hayner/Swanson, Inc.'s Steve O'Neill along with Arborist Andy DeSantis who have been working with the City since the inception of this year's roadwork project.

Again, thank you for your time and effort. Please let me know if you have any questions at 781-397-7000, ext. 6 or at [mayor@cityofmalden.org](mailto:mayor@cityofmalden.org).

Sincerely,



**GARY CHRISTENSON**  
Mayor, City of Malden

MALDEN 2017 AND 2018 ROADWAY IMPROVEMENT PROGRAM - CITY TREE REMOVAL DECISIONS

TREES HEARD AT JUNE 6, 2018 PUBLIC TREE HEARING HELD AT MALDEN SENIOR CENTER:

STREET	ADDRESS	WARD	DBH	TREE NAME	SIDEWALK ISSUE	TREE CONDITION/ISSUES		ARBORIST RECOMMENDED ACTION	CITY DECISION
ADAMS	39	2	17	Maple	Curb Pushed Out	Fair/Tree Leaning		Remove	Retain **
ADAMS	46	2	17	Maple	Sidewalk Cracked	Poor/Overhead Wires/Root Plate over Sidewalk		Remove	Retain **
ADAMS	111	2	13	Pear	Sidewalk Lifted 3"/Curb Lifted	Fair/Epicoemic Growth		Remove	Retain **
ADAMS	113	2	19	Linden	Sidewalk Lifted 4"/Curb Pushed Out	Poor/Girdling Roots/Trunk Cavities		Remove	Retain **
ADAMS	156	2	21	Linden	Sidewalk Lifted 6"	Fair/Included Bark/Epicoemic Growth		Remove	Remove
ADAMS	160	2	18	Maple	Sidewalk Lifted 4"	Poor/Root Plate over Sidewalk		Remove	Retain **
ADAMS	176	2	20	Linden	Sidewalk Lifted 5"/Curb Pushed Out	Poor/Trunk Damage/Epicoemic Growth/Girdling Roots/Included Bark		Remove	Remove
ADAMS	180	2	13	Maple	Sidewalk Lifted 1"	Poor/Root Plate		Remove	Retain **
ADAMS	194	2	22	Maple	Sidewalk Lifted 3"/Curb Pushed Out	Poor/Low Clearance Limb/Included Bark		Remove	Retain **
ADAMS	200	2	15	Red Maple	Sidewalk Lifted 2"/Curb Pushed Out	Fair/Girdling Roots/Root Plate		Remove	Retain **
ADAMS	208	2	13	Linden	Sidewalk Lifted 3"	Poor/Girdling Roots		Remove	Retain **
ADAMS	208	2	20	Red Maple	Sidewalk Lifted 5"	Fair/Girdling Roots/Root Plate		Remove	Retain **
ADAMS	210-212	2	20	Maple	Sidewalk Lifted 4"/Curb Pushed Out	Poor/Root Plate Exposed		Remove	Remove
ELSIE	16 GRACE	3	13	Maple	Sidewalk Lifted 4"	Fair/Overhead Wires/Root Plate over Sidewalk		Remove	Remove
ELSIE	16 GRACE	3	23	Maple	Sidewalk Lifted 4"	Fair/Overhead Wires/Root Plate over Sidewalk		Remove	Remove
ELSIE	20-22 HOLMES	3	18	Maple	None	Poor/Overhead Wires/Root Plate over Sidewalk/Low Clearance Limb		Remove	Retain **
ELSIE	25 EARL	3	22	Maple	Sidewalk Lifted 4-1/2"	Fair/Overhead Wires/Root Plate over Sidewalk/Epicoemic Growth		Remove	Retain **
FRANKLIN	92	7	17	Maple	Sidewalk Lifted 4"	Fair/Root Plate Visible		Remove	Retain **
FRANKLIN	103	7	22	Honey Locust	Sidewalk Lifted 3"/Curb Pushed Out	Fair/Overhead Wires/Thorns		Remove	Retain **
FRANKLIN	106	7	16	Red Maple	Sidewalk Lifted 6"	Fair/Girdling Roots		Remove	Retain **
FRANKLIN	107	7	25	Honey Locust	Sidewalk Lifted 5"	Fair/Overhead Wires/Root Plate over Curb		Remove	Retain **
FRANKLIN	111	7	11	Maple	Sidewalk Lifted 2"	Poor/Trunk Damage		Remove	Retain **
FRANKLIN	118	7	23	Honey Locust	Sidewalk Lifted 8"	Fair		Remove	Retain **
FRANKLIN	126	7	9	Maple	Sidewalk Lifted 2"	Fair		Remove	Retain **
FRANKLIN	164	7	15	Honey Locust	Sidewalk Lifted 4"	Fair		Remove	Retain **
FRANKLIN	104 FRONT	7	22	Maple	Sidewalk Lifted 5"/Curb Pushed Out	Fair		Remove	Retain **
FRANKLIN	104 SIDE	7	13	Honey Locust	Sidewalk Lifted 6"	Fair		Remove	Retain **
GOULD	7	1	11	Maple	Sidewalk Lifted 6"	Fair/Overhead Wires		Remove	Retain **
GOULD	16	1	12	Red Maple	Sidewalk Lifted 4"	Poor/Overhead Wires/Girdling Roots/Epicoemic Growth		Remove	Retain **
HENRY ST	38	7	26	Honey Locust	Sidewalk Lifted 1-1/2"/Curb Pushed Out	Fair		Remove	Retain **
HENRY ST	72	7	22	Honey Locust	Sidewalk Lifted 2-1/2"/Curb Missing	Fair/Root Plate Visible		Remove	Retain **
HENRY ST	77	7	24	Maple	Sidewalk Lifted 4"/Curb Pushed Out	Poor/Overhead Wires/Root Plate/Trunk Damage		Remove	Retain **
HENRY ST	82	7	13	Maple	Sidewalk Lifted 3"/Curb Pushed Out	Poor/Girdling Root		Remove	Retain **
HENRY ST	87	7	16	Red Maple	Sidewalk Lifted 3"/Curb Pushed Out	Poor/Overhead Wires/Root Plate		Remove	Retain **
HENRY ST	91	7	13	Maple	Sidewalk Lifted 2"	Poor/Overhead Wires/Root Plate		Remove	Remove
HENRY ST	103	7	6	Maple	Sidewalk lifted 4"/Prominent Roots Showing	Good/Overhead Wires		Remove	Retain **
HENRY ST	119	7	21	Maple	Curb Pushed Out	Poor/Overhead Wires/Root Plate/Trunk Damage		Remove	Remove
HENRY ST	122	7	26	Honey Locust	Sidewalk Lifted/Curb Pushed Out/Damage to Landscape Wall on Private Property	Fair		Remove	Remove
HENRY ST	102-104	7	17	Maple	Sidewalk Lifted 6"/Curb Pushed Out	Poor/Root Plate		Remove	Retain **

**MALDEN 2017 AND 2018 ROADWAY IMPROVEMENT PROGRAM - CITY TREE REMOVAL DECISIONS**

TREES HEARD AT JUNE 6, 2018 PUBLIC TREE HEARING HELD AT MALDEN SENIOR CENTER:

STREET	ADDRESS	WARD	DBH	TREE NAME	SIDEWALK ISSUE	TREE CONDITION/ISSUES	ARBORIST RECOMMENDED ACTION	CITY DECISION
HENRY ST	109 ESSEX	7	20	Maple	Sidewalk Lifted 7"/Curb Pushed Out	Poor/Root Plate/Trunk Damage	Remove	Remove
HENRY ST	79 BOYLSTON	7	8	Maple	Sidewalk Lifted 4"	Good	Remove	Retain **
HENRY ST	88 (SIDE)	7	31	Sycamore	Sidewalk Lifted 2-1/2"/Curb Pushed Out	Fair/Trunk Damage from Pruning	Remove	Retain **
HIGH	21	1	14	Red Maple	Sidewalk Lifted 2"	Poor/Overhead Wires/Trunk Damage	Remove	Retain **
HIGH	35	1	20	Maple	Sidewalk Lifted 4"	Poor/Overhead Wires/Girdling Roots/Epicormic Growth	Remove	Remove
HIGH	51	1	11	Maple	Sidewalk Lifted 4"	Poor/Overhead Wires/Major Damage to Trunk	Remove	Remove
HIGH	80	1	10	Maple	Sidewalk Cracked	Poor/Trunk Damage	Remove	Remove
HIGH	105 (107)	1	21	Maple	Sidewalk Lifted 2"	Poor/Overhead Wires	Remove	Remove
HIGH	34 CROSS	1	19	Maple	Sidewalk Lifted 3"	Poor/Overhead Wires/Girdling Roots/Trunk Damage	Remove	Remove
HIGH	50 HILLSIDE	1	13	Red Maple	Sidewalk Lifted 4"	Poor/Epicormic Growth	Remove	Retain **
HIGH	81-83	1	15	Maple	Sidewalk Lifted 3"	Poor/Overhead Wires	Remove	Retain **
IVY	27	3	32	Oak	Sidewalk patched w/Bituminous Lifted 8" landscape curb disrupted	Fair/Overhead Wires/Root Plate over Curb	Remove	Remove
IVY	25	3	34	Oak	Sidewalk Patched w/Bituminous Lifted/No Curb	Fair/Overhead Wires/Epicormic Growth/Hole where Large Limb Severed	Remove	Retain *
IVY	31	3	38	Oak	Sidewalk Patched w/Bituminous Lifted/No Curb	Fair	Remove	Retain **
IVY	39	3	22	Cherry	Sidewalk Lifted	Poor/Overhead Wires/in Decline	Remove	Remove
IVY	45	3	34	Oak	Sidewalk Patched w/Bituminous Lifted/No Curb	Fair/Overhead Wires/Epicormic Growth	Remove	Retain **
JUDSON	9	1	20	Maple	Sidewalk Excavated/Curb Pushed Out	Poor/Girdling Roots/Trunk Flare will be buried by new Sidewalk	Remove	Retain **
JUDSON	35	1	14	Maple	Sidewalk Excavated	Fair/Damaged Roots/Trunk Flare will be buried by new Sidewalk	Remove	Remove
JUDSON	89	1	18	Maple	Sidewalk Excavated	Poor/Damaged Roots/Epicormic Growth/Trunk Flare will be buried by new Sidewalk	Remove	Remove
JUDSON	97-99 HIGH	1	17	Maple	Sidewalk Lifted	Poor/Overhead Wires/Epicormic Growth	Remove	Remove
LAWRENCE	33	8	15	Red Maple	Grass Area	Good/Overhead Wires/Roots at Surface	Remove	Retain **
LAWRENCE	34	8	25	Linden	Grass Area	Poor/Roots at Surface	Remove	Remove
LAWRENCE	38	8	19	Linden	Grass Area	Poor/Roots at Surface/Trunk Damage	Remove	Remove
LAWRENCE	50	8	36	Oak	Sidewalk Lifted 2-1/2"	Fair/Epicormic Growth	Remove	Retain **
LAWRENCE	51	8	34	Oak	25" Horizontal Sidewalk Clearance between Tree Box and Landscape Curb on Private Property	Fair/Base of Tree Enclosed by Earth Contained by Landscape Timbers	Remove	Retain *
LAWRENCE	55	8	23	Maple	Sidewalk Lifted 3-1/2"	Fair/Girdling Root	Remove	Retain **
LAWRENCE	60	8	17	Maple	Sidewalk Lifted 6-1/2"	Poor/Root Plate Visible/Trunk Damage	Remove	Remove
LAWRENCE	68	8	39	Oak	Sidewalk Lifted 6-1/2"	Fair	Remove	Retain *
LAWRENCE	71	8	39	Oak	Sidewalk Lifted 8"	Fair/Overhead Wires	Remove	Retain *
LAWRENCE	83	8	35	Linden	Sidewalk Lifted 2-1/2"	Fair/Overhead Wires/Sticker Growth	Remove	Retain **
LAWRENCE	96	8	40	Oak	Sidewalk Lifted 3-1/2"	Fair/Epicormic Growth	Remove	Retain **
LAWRENCE	98	8	38	Oak	Sidewalk Lifted 3-1/2"	Fair/Epicormic Growth	Remove	Retain **
LAWRENCE	121	8	35	Maple	Root Plate over Sidewalk & Curb	Poor/Overhead Wires/Root Plate Visible	Remove	Remove
LAWRENCE	105 (107)	8	17	Maple	Sidewalk Lifted 2"	Fair/Overhead Wires/Root Plate Visible	Remove	Retain **

**MALDEN 2017 AND 2018 ROADWAY IMPROVEMENT PROGRAM - CITY TREE REMOVAL DECISIONS**

TREES HEARD AT JUNE 6, 2018 PUBLIC TREE HEARING HELD AT MALDEN SENIOR CENTER:

STREET	ADDRESS	WARD	DBH	TREE NAME	SIDEWALK/ISSUE	TREE CONDITION/ISSUES	ARBORIST RECOMMENDED ACTION	CITY DECISION
LAWRENCE	106-108	8	37	Maple	Sidewalk Lifted 6-1/2"	Fair/Root Plate Visible	Remove	Retain **
LAWRENCE	109-1	8	15	Maple	Sidewalk Lifted 6"	Poor/Overhead Wires/Roots/Plate Visible	Remove	Retain **
LAWRENCE	109-2	8	15	Maple	Sidewalk Lifted 6"	Poor/Overhead Wires/Root Plate Visible	Remove	Retain **
LAWRENCE	99-101	8	17	Maple	Sidewalk Lifted 2"	Poor/Overhead Wires	Remove	Retain **
LAWRENCE	BEACH	8	31	Maple	Root Plate over Sidewalk and Curb	Fair/Epicormic Growth	Remove	Retain **
LELAND	27	1	28	Maple	Bituminous Sidewalk Lifted/Sidewalk clearance 31/2 slope greater than 5.06 in./ft.	Fair/Partly on Private Property	Remove	Retain **
NEWHALL	19-21	1	30	Maple	Sidewalk Lifted 1"/Sidewalk Clearance 32"	Good/Overhead Wires	Remove	Remove
PINE EXT	66	3	15	Maple	Sidewalk Lifted/Curb Pushed Out	Fair/Tree Flare Burned	Remove	Retain **
PINE EXT	73	3	21	Maple	Sidewalk Lifted 5"	Poor/Overhead Wires/Root Plate Visible/Past Damage	Remove	Retain **
PINE EXT	43-45	3	12	Maple	Curb Pushed Out	Poor/Overhead Wires/Root Plate Visible/Trimmed Badly	Remove	Retain **
PINE EXT	55-57	3	26	Maple	Curb Pushed Out	Poor/Overhead Wires/Root Plate Visible/Epicormic Growth	Remove	Retain **
PINE EXT	62-64	3	24	Maple	Sidewalk Lifted/Curb Pushed Out	Poor/Root Plate over Curb/Epicormic Growth	Remove	Retain **
PINE EXT	67-69	3	22	Maple	Sidewalk Lifted	Poor/Root Plate over Curb	Remove	Retain *
PRATT	14	1	19	Red Maple	Sidewalk Lifted 4"	Poor/Girdling Roots	Remove	Retain **
PRATT	40	1	12	Maple	Bituminous Sidewalk Lifted 4"	Poor/Girdling Roots	Remove	Remove
PRATT	103-105 CROSS	1	16	Linden	Sidewalk Lifted 6"	Fair	Remove	Retain **
PRATT	3 OXFORD	1	16	Red Maple	Sidewalk Lifted 4"/Curb Pushed Out	Poor/Trunk Damage	Remove	Remove
PRATT	97 CROSS	1	26	Maple	Curb Missing	Fair/Overhead Wires/Girdling Roots	Remove	Retain **
TAYLOR	28	7	24	Maple	Sidewalk Lifted 8"	Poor/Overhead Wires/Root Plate/Epicormic Growth	Remove	Retain **
TAYLOR	46	7	17	Maple	Sidewalk Lifted 2"	Poor/Overhead Wires/Root Plate/Epicormic Growth	Remove	Remove
TUFTS	77 CROSS	1	21	Maple	Bituminous Sidewalk Lifted/Landscape border Wall Damaged	Fair/Surface Roots	Remove	Remove
<b>DEFINITIONS:</b>								
DBH = Diameter at Breast Height (Inches).								
Included Bark = Areas of bark on adjacent parts of a tree which become grown over to occupy part of the internal joint causing weak, under-supported branch angles.								
Epicormic Growth = A shoot or branch growing from a previously dormant bud on the trunk or limb of a tree.								
Girdling Roots = Roots circling or partially circling the base of a tree at or just below the soil surface.								
Tree or Trunk Flare = The portion of the tree where the trunk widens at the base as it transitions to the root system.								
Root Plate = That part of the root system (excluding the small outermost roots) needed to keep a tree windfirm.								
<b>NOTES:</b>								
* Contingent on the property owner and City entering into an easement agreement that allows the sidewalk, or portions thereof, to be constructed, maintained, repaired and replaced by the City on private property in proximity to the tree and that allows the public the right to pass and repass over private property. In the event an easement agreement is not achieved the tree will be removed and the sidewalk will be constructed.								
** Contingent on further evaluation of existing conditions in the vicinity of the tree after the existing sidewalk pavement at the tree is removed and a determination is made by the City as to the feasibility of constructing an accessible sidewalk and related curb modifications in proximity to the tree by trimming tree roots and/or raising the sidewalk elevations above the tree roots without adverse impact on the adjacent private property or the nearby public travel way, curbs and sidewalks. In the event it is determined to be infeasible by the City to construct the sidewalk while retaining the tree, the tree will be removed and the sidewalk will be constructed.								