RESOLUTION 2004-03-17-1

A resolution by the Board of Directors of the Muir Beach Community Services District Establishing a Policy for the Management of the Trees, Shrubs and other Vegetation on District Fee Simple and Right of Way Properties.

WHEREAS: The District has the responsibility to manage and preserve the District's lands owned in fee simple and by dedication as roadways and pedestrian ways, for the benefit, safety and welfare of the District residents and as applicable to the general public, and

WHEREAS: The residents have requested the District to preserve the scenic beauty, scenic views, and community ambiance while maintaining, as much as possible, the natural environment, and

WHEREAS: The District receives requests from residents for the pruning, removal or other acceptable horticultural methods, the alteration of existing trees, shrubbery, and vegetation that has grown to such an extent that it blocks, diminishes and/or otherwise detracts from the view, air circulation, and/or sunlight corridor normally existing and enjoyed from their properties, and

WHEREAS: WHEREAS, it is the determination of the District Board of Directors that it is to the benefit of the District, its residents, and the general public to have a reasonable, specific and consistent policy for the management of the trees, shrubs and other vegetation on district fee simple and right of way properties.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Muir Beach Community Services District as follows:

Section 1: No tree, shrub or other vegetation on District property shall be pruned, removed or otherwise changed from its natural and existing condition without District permission.

Section 2: If a resident desires to have existing plant life, on District property, modified by pruning, cutting, removal, etc. the resident must submit a formal request to the Board to have the request considered during the next available regular meeting of the Board. to be considered, the request must be submitted in writing and include the following:

a.   A general sketch or map illustrating the location and description of specific plant life to be considered by the Board.

b.   All trees, shrubs, etc. should be clearly marked by flagging (such as yellow plastic ribbon flagging), no less than seven days prior to the scheduled meeting date.

c.   If there is some doubt as to the location of the plant life being on District property, the requesting party must furnish the Board with a map of survey prepared by a registered engineer or land surveyor, designating the location of the Districts property and the subject plant life.

d.   A report, prepared by a licensed arborist, indicating the suitability of the requested action with respect to the health and structural condition of the subject plant life.

Section 3: Should the Board approve the resident's request, the following minimum conditions shall be applicable:

a.   All work required to complete the resident's request will be performed by properly qualified , licensed and insured individual or company, and provide the District with a copy of insurance that specifically indemnifies the District from any possible damages that may result from the subject action.

b.   The resident shall provide the District with a binding indemnification agreement insuring the District that any damages resulting from the action, within a three (3) year period following the action, including but not limited to:

    i.   The replacement of plant life that dies as a result of the action or deteriorates to an unstable condition of the action. The replacement plant life will be of a size and species recommended by the Muir Beach Garden Club, such as suitable trees or suitable native shrubs of a reasonable height to preserve the intended purpose.

    ii.   The mitigation of land movement, such as erosion, slide, etc. in accord with approved mitigation methodology.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Directors of the Muir Beach Community Services District on Wednesday, March 17, 2004

Ayes:

Noes:

Absent: