

## **Policy on Street Ash Trees for the Board of Park Commissioners, City of Boone**

The Board of Park Commissioners has approved a new permit system for the treatment of ash trees located on the city right-of-way. This will allow Boone residents and business owners who would like to treat city ash trees near their home or businesses to do so. The permitting system has a cost and is necessary for our Parks Department to keep track of which city trees have been treated.

Here is how the process works:

1. If there is an ash tree located on city right-of-way near you and you would like to treat it against Emerald Ash Borer (EAB) you will need to complete an application to the Park Board and pay a \$50.00 fee (each additional tree \$25 – max \$150). Forms may be obtained at City Hall, the Park Board Office or online at the City of Boone website.
2. Once the application is received the City Urban Forester or designated representative will then evaluate the ash tree(s) and formulate a recommendation to the Park Commission.
3. The Park Commission will examine the request. If approved by the Board the landowner(s) will be required to sign an agreement with the City which includes the following:
  - a. The landowner(s) will be responsible for all treatments provided and those shall be done in compliance with the Board Policy and the Boone City Ordinances.
  - b. The landowner(s) and successors in interest to the real estate adjacent to the treated trees will accept all responsibility connected with the ash tree(s) including removal of the tree(s) if it becomes infected with EAB or dies. The landowner(s) fully understand that legally it is the obligation of the City of Boone to remove dead or diseased trees but the landowner(s) freely and voluntarily accept this responsibility according to the agreement to be signed. Included in that acceptance is compliance with Sections 150.09 and 150.10 of the Boone City Ordinances.
  - c. The agreement will be recorded in the Office of the Boone County Recorder and will run with the land for such period of time as the tree(s) are still located on the right-of-way. The City will record documents.
4. If the ash tree(s) is approved by the Board the Urban Forester will provide the applicant with a list of qualified contractors to provide the injection treatment. The City of Boone will not permit trees to be treated with soil injections or soil drenching to reduce the potential of chemical runoff and ground water contamination. Nor will the landowner(s)

be allowed to treat the tree(s) unless they are licensed to do so. Only trunk injections will be permitted and treatment is not a guarantee that a tree will survive EAB.

5. The land owner or the contractor is responsible to inform the City of treatment to the tree(s) for the duration of the treatment.
6. If the Board does not approve the application the denial can be appealed to the "Public Safety and Transportation Committee" and ultimately to the Boone City Council all as set forth in Section 150.18 of the Boone City Ordinances. Once the denial is final the Board may take such steps as necessary to remove the tree(s).

This has been read and approved by the Boone City Council and Boone Park Commission.

Preparer Information: Jim Robbins, 1001 West Mamie E. Ave, Boone, Iowa 50036  
Return to: Jim Robbins, 1001 West Mamie E. Ave, Boone, Iowa 50036

**Street Tree Agreement**

We are the owners of the following legally described property:

---

---

and state:

1. Application has been made to and approved by the Board of Park Commissioners for the City of Boone which will allow us to treat the Ash tree(s) located on the city right-of-way adjacent to our property.
2. It is agreed that as owner(s) of the property:
  - a. We will be responsible for all treatments provided to the Ash tree and those will be done in compliance with the Board Policy and the Boone City Ordinances. We are aware of and understand all such requirements.
  - b. As landowner(s) we and our successors in interest to the real estate hereby accept all responsibility connected with the ash tree(s) including removal of the tree(s) if it becomes infected with EAB or dies. We fully understand that legally it is the obligation of the City of Boone pursuant to Iowa Code Section 364.12 to remove dead or diseased trees but as landowner we freely and voluntarily accept this responsibility in consideration of the City allowing us to treat the ash tree(s) adjacent to our property. We also will comply with Sections 150.09 and 150.10 of the Boone City Ordinances. We further agree that should the City Urban Forester or designated representative of the Board notify us that the tree(s) is diseased, infected, damaged (which includes storm damage), constitutes a nuisance, is dead, or in conflict with utilities or street improvements we will have the tree(s) removed at our cost within thirty days. If we fail to remove the tree(s) as directed then the City of

Boone has our permission to remove the tree(s) at our cost which may be collected in the same manner as a property tax.

- c. Treatment of the tree(s) will be done by a qualified contractor (permitted by the City) by an injection treatment. We will not allow the trees to be treated with soil injections or soil drenching nor will we treat the tree(s) ourselves unless licensed to do so.
  - d. We will inform the City of Boone of all treatments to the tree(s) for the duration of the treatment.
  - e. We will advise all successors in interest to this property of this agreement.
  - f. We waive, release and discharge the City of Boone and their directors, officers, employees, volunteers or representatives from any liabilities associated with the treatment of the ash tree(s) on our property.
3. This agreement shall run with the land and continue until such time as an Affidavit is filed with the Boone County Recorder stating under oath that the tree(s) have been removed from the right-of-way and the City of Boone is no longer requiring that treatment be applied. Such Affidavit shall specifically state that the City of Boone has approved its filing.
  4. As shown below this Agreement has been accepted and agreed to by the Board of Park Commissioners for the City of Boone.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Park Commission Chairman

STATE OF IOWA, COUNTY OF BOONE

This instrument was acknowledged before me on \_\_\_\_\_, by \_\_\_\_\_ and \_\_\_\_\_, as Property Owners.

\_\_\_\_\_  
Notary Public

STATE OF IOWA, COUNTY OF BOONE

This instrument was acknowledged before me on \_\_\_\_\_, by Luke Nelson as administrator/clerk of the City of Boone, Iowa.

\_\_\_\_\_  
Signature