

**CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA**



REQUEST FOR QUALIFICATIONS:

URBAN FORESTRY SERVICES

FOR

**Public Tree Inventory & Urban Forest Master Plan
for the City of Norman, Oklahoma**

PARKS AND RECREATION DEPARTMENT

R.F.Q. NO. 2223-51

**PUBLIC NOTICE
REQUEST FOR QUALIFICATIONS
R.F.Q. NO. 2223-51**

The City of Norman, Oklahoma, is soliciting proposals of qualifications until 4:00 p.m. on 24 March, 2023 for:

**Public Tree Inventory & Urban Forest Master Plan
for the City of Norman, Oklahoma**

Project Information may be obtained at the City of Norman Parks and Recreation office located at 225 N. Webster Ave., Norman, Oklahoma 73069. Questions regarding this Request for Proposal should be directed to Colin Zink, City Forester, at (405) 366-5476, colin.zink@normanok.gov.

Responses are solicited in accordance with the terms, conditions, and instructions set forth in this RFP. Proposals are due no later than 4:00 P.M. CST, Friday, March 24, 2023. Responses received after this time and date will not be accepted. Responses shall be addressed and marked as:

Attn: Colin Zink, City Forester
RFP 2223-51
City of Norman
225 North Webster Ave.
Norman OK 73069

The City of Norman reserves the right to reject any and/or all proposals.

All proposals must be marked with the following statement:

“RFQ Number 2223-51: Urban Forestry Services”

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I. INTRODUCTION

A. Requesting Entity Information

The City of Norman, Oklahoma, with municipal offices located at the Norman Development Center, 225 N. Webster Ave., Norman, Oklahoma, 73069, is the requesting entity.

B. Project Overview and Objective

The purpose of this project is to hire a consultant team to work with the City of Norman Forestry Division to conduct a public tree inventory in the urban center of the city, including near streets, in parks, and other city-owned property. That inventory data will then be used to develop an Urban Forest Master Plan (UFMP) to help influence the development of the City of Norman's urban forest through the next 25 years. A successful UFMP will maintain the unique character of the City of Norman while ensuring a sustainable and resilient future for its citizens. It is essential that the project provide the community with a cohesive and easy-to-understand forestry development framework, in order to help guide the city to an equitable and sustainable future. As part of the UFMP, the City also wants to update its Tree Ordinance, to ensure we are acting appropriately in regards to property rights and recent legal precedents. The City of Norman may hire separate companies to accomplish these items, depending on qualifications and available budget.

Public meetings to gather input from citizens and stakeholders will be part of the UFMP development process. As the UFMP nears completion, consultants must make presentations to the city's Tree Board, and the Board of Park Commissioners, in order to receive their input prior to finalizing the plan for publication. The report will be presented to the City Council prior to final acceptance. Once accepted, the City of Norman will grant digital access of the UFMP to the public.

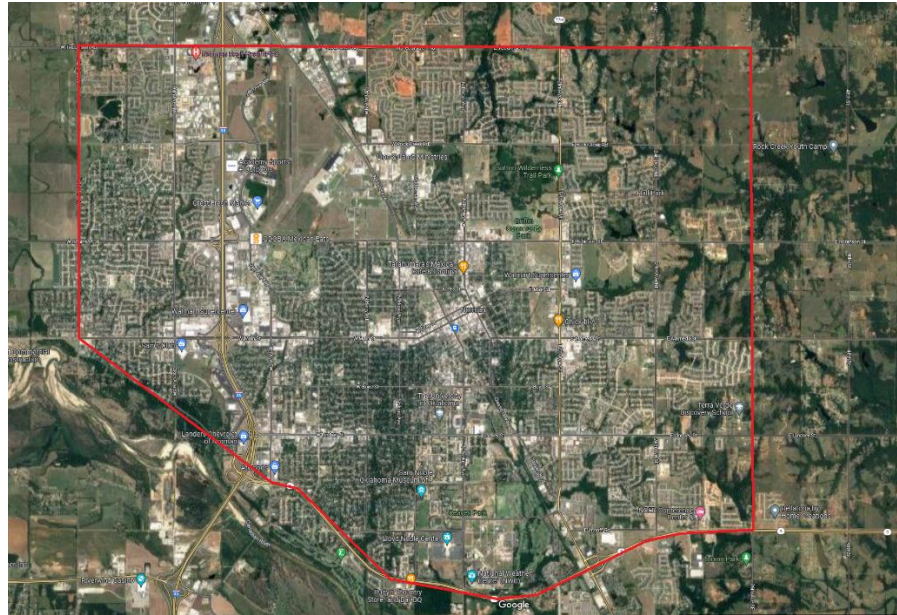
C. Project Funding

No Federal Funds are being used for this project. The City of Norman has set aside funding in the FYE 2023 Budget for the completion of the work described in their Request for Proposal. **Purchase of materials will be tax exempt. Applicable sales tax shall not be considered when cost estimating.**

II. Project Criteria

A. Detailed Criteria – Tree Inventory

The area for the tree inventory will be Franklin Rd. on the North; Highway 9 on the South; 48th Ave. on the West; and 36th Ave. on the East (roughly 33 sq. miles). See map on following page:



The consulting firm shall inventory trees located on the public rights-of-way along ‘improved’ streets (those with curbs, sidewalks, etc.), city parks (excluding any wildland parks), and other city-owned properties. The database shall be turned over to the city, who will be able to update the information as trees are added or removed, in order to reflect the current situation on the ground at any given time. At a minimum, the information collected for each tree shall include:

Mapping Coordinates – Identify the location of each tree using GIS and/or GPS equipment to provide X and Y coordinates (latitude and longitude) with a unique ID code assigned to each tree.

Location & Site Type – Provide the street address where tree is located. Describe the area where the tree is growing, for example: tree well, median, open/unrestricted, raised bed, unmaintained area, etc.

Species – Identify trees by genus & species, also common name.

Trunk Diameter – Measured to the nearest inch, at 4.5 ft. above the ground (DBH). If trunk splits into multiple stems below 4.5’, measure largest stem and add half the diameter of all smaller stems. Make note of multi-stem tree in ‘Notes’ section.

Condition - The general conditions (canopy cover, structure, etc.) of each tree is rated according to the following categories (adapted from the International Society of Arboriculture’s rating system):

| | |
|----------|---------|
| Good | 80-100% |
| Fair | 60-80% |
| Poor | 40-60% |
| Critical | <40% |

Maintenance Need – General category of highest priority work to be done to tree (adding or adjusting categories as necessary):

N/A – nothing needed during the upcoming 4-year pruning cycle

Train - correcting structural issues for young trees

Clean – remove dead, broken, or crossing limbs in the canopy, etc.

Raise – remove lowest limbs over streets, sidewalks, recreation areas, etc.

Clearance – for traffic sightlines or street sign visibility, proximity to walls, etc.

Remove – tree has too many dead limbs, or is structurally compromised, etc.

Maintenance Priority – The appropriate timing of the Maintenance Needs (adding or adjusting categories as necessary):

Young – structural pruning, should be done during next dormant period

Routine – can be done during regular maintenance cycle.

Immediate – should done as soon as manpower or funds will allow

Critical – needs to be done as soon as possible, tree is a safety hazard

Notes & Observations – including but not limited to: sidewalk damage, nearby utility lines, mechanical damage to tree, support stakes present, concerning disease or insect activity, etc.

Name & Date – date of inspection and name of inspector

B. Detailed Criteria – Urban Forest Master Plan

The contracted company shall produce a professional document, which will include (but not be limited to):

- Research and review of applicable City of Norman ordinances and requirements.
 - Make recommendations for: “Chapter 10, Article X: Tree Protection”
 - Current Ordinance attached as Exhibit A
- Creation of mission, vision and goals.
- Incorporation of inputs from the public and city staff.
 - Appear at various public meetings, Tree Board, Board of Park Commissioners, town halls, etc. to gather input prior to finalizing the plan.
- Formulation of recommendations.
 - Use Tree Inventory information to identify priority planting areas.
 - Also use it for local ‘recommended species / species to avoid’ lists.
- Craft an implementation plan.
 - Including a socio-economic analysis, ensuring tree equity for all.
- Establish a monitoring program.
 - Divide city into quadrants, each including roughly ¼ of the inventory.
 - Set quadrants on a 4-year maintenance cycle.
- Distribution of adopted plan in various media formats and at public meetings, including presentation to City Council prior to final acceptance.
 - Suggestions on including interactive elements welcomed

C. Project Schedule

Tree Inventory will be completed within six (6) months of awarding the contract. UFMP will be complete within six (6) months of completed tree inventory. The UFMP will be presented to, at a minimum, 2 public meetings, which will require electronic presentation of highlights of the UFMP as well as attendance in person by a representative of the contracted company at one of the public presentations.

D. Inquiries

Questions regarding your proposal should be directed to Colin Zink, City Forester, at (405) 366-5476 or colin.zink@normanok.gov. No inquiries will be received after 24 March 2023. The questions should cite the section of the RFP needing clarification. Responses to the questions will be posted by Wednesday, 22 March 2023 at <https://www.normanok.gov/businesses/bids-rfps-rfqs>.

III. CRITERIA

A. General Requirements

Proposals will be accepted in the office of the City Forester of Parks and Recreation until 4:00 P.M, 24 March, 2023 (postmarks also accepted). The office is located at 225 N. Webster Ave., Norman, Oklahoma, 73069. Responses received after this time and date will not be accepted.

In order to be considered for selection, respondents must submit a complete response to this RFQ. Proposals must be signed by a duly authorized official of the proposer. One original and three (3) additional hard copies of the proposal, along with an electronic copy of the proposal on CD or flash drive in PDF format, must be submitted as a complete response.

Each response submitted for this RFQ must contain, at minimum, the following information:

1. The name, resumes, and background of the consultant's individual team members and any sub-consultants who will participate in the project.
2. All information needed to address the items listed under "Evaluation Criteria."

No reimbursement will be made for any cost incurred in preparing the proposal or any cost prior to a formal notice of award.

All proposals must state their validity for a period of not less than 60 days from date of receipt.

B. Notice to Interested Parties/RFQ Recipients

When submitting proposals, corporate entities are required to comply with State law regarding authorized signatures.

The City of Norman requires that a proposal be signed by a duly authorized corporate official with authority to bind the interested party by the proposal as stated in State statute, "...signed by the chair or vice chair of the Board of Directors, or the President, or by a Vice President, and attested by the Secretary or an Assistant Secretary; or by officers as may be duly authorized to exercise the duties..."
18 O.S. § 22 8

However, should some other official with the corporation sign, such as a secretary signing a document, such signature needs to be accompanied by a certificate or a copy of a resolution adopted by the Board setting forth the authority of that individual to execute a contract.

With respect to limited liability corporations, every manager is an agent of the company for the purpose of business and binds the limited liability company. Therefore, instruments and documents shall be valid and binding upon the limited liability company if executed by one or more of its managers. 18 O.S. § 32

As set forth above when submitting proposals, certification adhering to the state statutes should accompany documents being turned in for review.

C. Prohibited Interest

No member, officer, employee of the City of Norman, or member of its governing body during his or her tenure, or one (1) year thereafter, shall have any interest, direct or indirect, in any resultant contract or the proceeds thereof.

D. Equal Employment Opportunities

In connection with this proposal, the consultant shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, marital status, being disabled, or disadvantaged person, or a Veteran.

The consultant shall furnish all necessary information and reports and shall permit access to its books, records and accounts by the City of Norman for purposes of investigation to ascertain compliance with the non-discrimination/minority business provision of any resultant contract.

E. Insurance Requirements

The consultant(s) chosen for this project must state their ability to obtain the following insurance, with the City of Norman listed as additional insured:

1. Adequate worker's compensation insurance coverage to comply with state laws and employer's liability coverage in the minimum amount of \$1,000,000.
2. Comprehensive general liability and automobile insurance coverage with a minimum of \$25,000 per person and \$1,000,000 per accident for bodily injury or death and \$25,000 for property damage.

3. Professional Liability (errors and omissions) Insurance Certificate providing a minimum of \$1,000,000 policy value.

F. Minimum Content of Proposal

1. Transmittal Letter
2. Table of Contents
3. Executive Summary
4. Project Approach
5. Project Team Members
6. Experience of Project Team with same or similar Inventory, Forestry Plan, and Municipal Ordinance Preparation and Presentation Services
7. Anticipated schedule
8. Appendices (misc., exhibits, illustrations, maps, etc.)
9. References
10. Proof of Insurance as Required

IV. Selection Process

The criteria for evaluating the proposals and selecting a consultant will include but not be limited to:

- The firm's specific approach to the project. Although the City has identified the general nature of services required, the consultant is encouraged to provide an innovative approach and methodology to provide the requested services.
- Capabilities and previous experience in comparable projects of this type and the specialized experience and technical competence of the consultant.
- Past record of performance on contracts with other governmental agencies, including such factors as quality of work, control of costs, and ability to meet established schedules.
- Capacity of the personnel to perform the work in a timely manner
- Qualifications of individuals who will have direct involvement in tasks on this project.

The City reserves the right to request additional information from consultants submitting proposals.

A. Right to Reject

The City of Norman retains the right to reject any or all proposals and to re-solicit if deemed to be in the best interest of the City of Norman.

B. RFQ Review Process

The City of Norman will review responses to this RFQ that meet the requirements enumerated and are received prior to the designated closing date. Firms without

adequate proof of insurance, in minimum amounts set forth herein, to protect the City's interest will not be considered and will not be evaluated.

Consultants may contract with sub-consultants on the UFMP, but a lead consultant must be identified and must take responsibility of all the deliverables. The City reserves the right to request substitution of sub-contractor firms.

Upon review of all qualified proposers, the selection committee will rank all those qualified. The highest ranked proposer(s), if determined necessary, **may** be asked to make an oral presentation for further evaluation. The highest ranked proposer(s) will then be chosen by the committee.

A response to this RFQ should not be deemed to be construed as a contract or an indication of a commitment of any kind on the part of the City of Norman.

The City will negotiate a contract for Urban Forestry Services based on a three (3) step process:

1. The highest ranked firm for either/both items of work will be contacted and contract negotiations will begin.
2. The City will attempt to negotiate a contract for the work at a fair and reasonable price.
3. If the City is unable, after good faith efforts, to negotiate a satisfactory contract with the highest ranked firm for either/both items of work, the City shall formally end negotiations with that firm and begin negotiations with the second highest ranked firm.

C. Keynotes

The most important evaluation emphasis will be placed upon the expertise of the firm and individuals assigned to the job. Illustrative and narrative material describing previous work of the firm is recommended. At the firm's request, any extra material, if available, will be returned at the completion of the review process, at their expense. The firm shall provide a list of previous related work experience with contact persons and phone numbers.

Key personnel (by names and position) relative experience and capabilities, as well as sub-contractors, will be evaluated closely.

D. Ranking Criteria

Possible Points

- | | |
|----|--|
| 15 | Technical Approach |
| 30 | Relevant Examples of similar projects |
| 25 | Experience of key personnel (& experience as project team) |

| | |
|----|----------------------|
| 20 | References |
| 5 | Oklahoma Based Firm* |
| 5 | Norman Based Firm** |

*Oklahoma based points will be awarded as follows:

- 5 points will be awarded if key project team members are located in an Oklahoma office.
- 3 points will be awarded for a branch office in Oklahoma, but no key project team members work out of the office.
- 1 point will be awarded for each subcontractor located in Oklahoma.
- The maximum to be awarded will be 5 points.

**Norman based points will be awarded as follows:

- 5 points will be awarded if key project team members are located in a Norman office.
- 3 points will be awarded for a branch office in Norman, but no key project team members work out of the office.
- 1 point will be awarded for each subcontractor located in Norman.
- The maximum to be awarded will be 5 points.

EXHIBIT A

CITY OF NORMAN CODE OF ORDINANCES

CHAPTER 10 – HEALTH AND SAFETY ARTICLE X –TREE PROTECTION

ARTICLE X. - TREE PROTECTION

Sec. 10-1001. - General provisions.

(a)Purpose.(1)Establish regulations to maintain and enhance a positive image and a livable city, encourage the preservation of mature trees and to protect trees during construction, contribute to the long-term viability of existing trees, and control the removal of trees when necessary; and(2)Establish regulations to protect healthy and significant trees and to incentivize replacement of trees when removed by necessity or choice, with regard to the rights of the property owners and occupants.(3)The regulations are designed with the following objectives in mind: eliminating unnecessary removal of healthy trees; promoting the preservation and conservation of trees throughout the City; recognizing the benefits of trees in the urban environment; encouraging the planting and preservation of quality trees that are native to or flourish in the region; enhancing the beauty and aesthetic of the City; enhancing property values and protecting investment; and encouraging the preservation of large or historic trees that cannot be quickly replaced.(4)The regulations outlined below are intended to address those trees ("street trees") living in the platted public right-of-way, meaning the area between the public sidewalk and the publicly dedicated street, the public easement, as well as those trees designated as historic according to the regulations as defined in Section 10-1012 of this document.(5)The regulations are intended to address platted and developed properties throughout the defined area.(6)The regulations are not intended to and cannot supersede existing state laws or other existing city ordinances, utility easements, or restrictions previously attached to the land.(b)Definitions. The following words and phrases when used in this article, shall, for the purposes of this article, have the meanings ascribed to them in this subsection, except where the context otherwise requires:(1)Alter: To cut, girdle, prune, destroy, remove, or in any manner injure a large tree.(2)City: The City of Norman.(3)City Council: The City Council of the City of Norman.(4)Dangerous tree: Any tree, large shrub or part thereof, living or dead, which the Forester(s) finds is in such a condition and is located in such a place as to constitute a danger to persons or property in the vicinity of the tree.(5)DBH: Tree diameter at breast height, which is measured at 4.5 feet above the ground.(6)Dead tree: Any tree or branch which the Forester(s) determines has no living part.(7)Defined area:The area east of West 48th Street, south of Franklin Road, and west of East 36th Street continuing south to city limits.(8)Diseased or infected tree: Any tree or large shrub with an uncontrolled presence of tree or plant disease or infestation of insects, pests, or larvae, which the Forester(s) finds constitutes a hazard to other trees in the community.(9)Forester: The Forester for the City of Norman and his or her designees; who is the sole representative for purposes of this article.(10)Owner: The owner of the property.(11)Person: Individuals, groups, organizations, associations, partnerships, firms, corporations, and limited liability companies.(12)Sidewalk: The portion of the publicly dedicated street between the public street curb line or the paved edge of the public street (if no curb) and the adjacent private platted property lines, intended for use by pedestrians.(13)Street: The entire area between private platted property lines which is publicly dedicated and maintained as street surface, when any part of the area is open to use by the

public for purposes of vehicular travel. Such term shall include all publicly dedicated highways, avenues, boulevards, traffic ways, or any other public way for vehicular travel by whatever name.(14)Street tree: A tree six (6) inches DBH or more, which is between the publicly dedicated sidewalk and the publicly dedicated street surface or where there is no sidewalk, then within six (6) feet of the edge of the street surface.

Sec. 10-1002. - City Forester.

(a)The City Forester(s) and/or their designated representatives shall be responsible for the enforcement of all provisions of this Code. In the event there is not a City Forester, the Director of Parks and Recreation shall designate the appropriate personnel to enforce the provisions of this article.(b)The Forester(s) is hereby authorized to make such investigations and issue notices, orders, and directions as are necessary for the enforcement of this article.

Sec. 10-1003. - Tree alteration.

(a)It shall be unlawful for any person to intentionally alter any street tree standing or growing, wholly or in part, in or on any street right-of-way without first obtaining the permission of the Forester.(b)The provisions of subsection (a) shall not apply to:(1)The removal of branches less than four (4) inches in diameter which are required to be removed to maintain seven (7) feet of clearance above sidewalks and fourteen (14) feet of clearance above streets: or(2)The removal of water sprouts and suckers; or(3)Circumstances where street trees may need to be removed or altered in order to comply with other sections of the City Code, such as but not limited to: requirements to create, develop, or maintain adequate site triangles for safe passage of vehicular traffic; locations of curb cuts and street access points as may be required for safe distances between such access points along public streets; locations of stormwater facilities and improvements as may be necessary for the adequate conveyance of stormwater; locations of underground utilities in utility easements intended for such facilities; and all requirements of the City of Norman's engineering design guidelines; or(4)Removal of dangerous trees or diseased or infected trees as defined herein.(5)Circumstances where street trees may need to be removed or altered in order to comply with state and federal regulations pertaining to rights-of-way and vegetation management; or(6)Unplatted and undeveloped properties.

Sec. 10-1004. - Applications to alter trees.

(a)Any person desiring to alter any street tree, or any branch, root or part thereof. standing or growing, wholly or in part, in any publicly dedicated street or public right-of-way, not specifically exempted in Section 10-1003(b), must first request permission from the Forester(s) to do so. The Forester(s) shall determine if a street tree must be altered to eliminate damage to existing buildings, foundations, utilities, or pavement surfaces or for some other good reason and shall grant permission where appropriate.(b)Street trees: If, after receipt of a complaint or after observing the removal of a street tree, the Forester, based on his/her investigation, believes that a street tree was removed in violation of this article, then the Forester shall attempt to make contact with the person or entity allegedly removing the tree. Removal of a street tree in violation of Section 10-1003 may be subject to an administrative fine of up to fifty dollars (\$50.00) per inch DBH. The total administrative fine assessed shall not exceed \$2,000.00.(1)Remediation. In lieu of payment of all or a portion thereof of an administrative fine, a person in violation of this section may plant a replacement tree or trees, in excess of (1) one inch DBH, on the impacted property to reduce the fine. The fine reduction may exceed the

price of the fine, but no refunds will be awarded.a.1 tree = \$200.00 creditb.2 trees = \$500.00 creditc.3 trees = \$900.00 creditd.4 trees = \$1,400.00 credite.5 trees = \$2,000.00 credit(2)All replacement trees shall be replanted within six (6) months. The Forester(s) shall approve the replacement trees and planting locations. Should the replacement tree die within two (2) years, it must be replaced.(c)All funds collected by the City in conjunction with Section 10-1004(b) shall be deposited into a special fund and utilized for the sole purpose of replanting trees in the public right-of-way, in the same vicinity as the removed trees.(d)In the event of a storm, freeze, wind event, or other environmental event resulting in damage to trees, the owner will be allowed to remove broken or damaged branches in the right-of-way without permission from the Forester. Disposal of debris generated by owner will be the responsibility of the owner. Permission from the Forester will be required for the removal of an entire tree.

Sec. 10-1005. - Tree nuisances declared.

(a)All dead or broken trees, or branches thereof, within the defined area of the City, which have become or are likely to become dangerous to the public safety, or to persons or property within the vicinity of the tree, are hereby declared to be a public nuisance.(b)Dangerous trees within the defined area of the City are declared to be a public nuisance.

Sec. 10-1006. - Duty of private property owners to abate.

It shall be the duty of the owners of any private property, upon which any public nuisance is located, to cause the same to be promptly abated.

Sec. 10-1007. - Affixing, fastening, or attaching.

No person shall affix, fasten, or attach any notice, advertisement, placard, wire, cable, or any other object to a tree growing, wholly or in part, in or on any public street, public rights-of-way, park, or public property without the Forester's written consent.

Sec. 10-1008. - Placing stones, concrete, or other substances near a tree trunk.

It shall be unlawful for any person to place or maintain upon the ground any stone, concrete, or other substance which shall impede the free passage of water and air to the roots of any growing tree within the public streets, public rights-of-way, public parks, or other property belonging to the City, without leaving an open space of ground outside the trunk of such a tree in an area not less than sixteen (16) square feet, without first having secured the permission of the Forester(s) to do so.

Sec. 10-1009. - Guards or devices to prevent injury required during construction or building renovation.

During the activity of permitted construction or major renovation of any building in the City involving the use of heavy equipment, heavy trucks, roll off dumpsters, or any other activity that could injure street trees, the owner shall place or cause to be placed such guards or devices around all street trees within the publicly dedicated rights-of-way, as shall be necessary to prevent injury to such trees. The guards must be reasonably placed in order to prevent injury to the tree, no less than a four-foot by four-foot area around the tree.

Sec. 10-1010. - Abutting property on streets and avenues to keep pruned at minimum height.

It shall be the duty of all persons owning or controlling any real estate abutting or adjoining any street to prune the trees on their premises so that the limbs and undergrowth shall not hang or extend down

over the sidewalk or street abutting such property less than seven (7) feet from the level of the sidewalk or fourteen (14) feet from such street.

Sec. 10-1011. - Penalties.

Any owner violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars (\$500.00) per offense. An owner shall not be subjected to both a penalty and an administrative fine.

Sec. 10-1012. - Historic tree designation.

(a) Owners may nominate trees on their own private property, outside of the public right-of-way, as historic trees, resulting in the protections outlined below. (b) A historic tree shall include at least three (3) of the following characteristics: (1) Trees with trunk diameters equal to or in excess of thirty-six (36) inches DBH, (2) Excellent structure or unique structural character, (3) Excellent health, (4) High aesthetic appeal, (5) Good longevity, and (6) Historical importance. (c) To nominate a tree as historic, a person must complete the forms provided by the Forester(s) and provide rationale for the designation meeting the guidelines established above. After consideration and recommendation of the historic designation by the Forester(s), the designation shall proceed to the Tree Board for final approval. (d) Once a tree is deemed historic, all provisions outlined above, including the limitations on alteration outlined in Section 10-1004, shall apply to the tree in perpetuity, regardless of its location except as otherwise provided herein. (e) Once deemed historic, the owner shall place deed restrictions upon the tree in conjunction with Section 10-1004, so as to inform future owners of the status of the historic tree designation. The City shall be named a party to such deed restrictions and shall explicitly be empowered to release the restriction as provided herein. (f) The Forester(s) may file a release of deed restriction to allow removal or alteration of a historic tree after determining that the historic tree: (1) Is dead; (2) Is an imminent hazard to life or property, and the hazard cannot be mitigated without removing or altering the tree; (3) Is located on a public right-of-way or easement; (4) Is a diseased or infected tree.

Sec. 10-1013. - Appeals.

(a) An owner who has been denied consent to remove a tree may make application for relief from portions of this article to the City Manager or his or her designee. Such appeal must be made within thirty (30) working days from the date of the Forester(s) determination and only after all issues relevant to the permit process have been determined. Upon receipt of the appeal, the City Manager will have ten (10) working days to grant relief upon an adequate showing that undue hardship would be suffered if not granted. (b) After having been denied relief by the City Manager as provided in (a) above, the owner shall have the right of appeal to City Council. Such appeal shall be taken by filing with the City Clerk, within ten (10) working days after denial of relief by the City Manager, a written statement setting forth fully the grounds for the appeal. After receipt of the written statement, the City Clerk shall schedule the appeal for hearing by the City Council on the next regular agenda. The Owner shall be notified of the time of the hearing at least seven (7) days prior to such hearing. Proper mailing to the address shown on the application shall be adequate notification. The decision and order of City Council on such appeal shall be final and conclusive.