

**City of Gainesville**

*Proposal and Acceptance*

**Partnership to Remove Tallows on Business Properties**

Owner's Name \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

Owner's Mailing Address:

Location of Job:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Description of Services**

\_\_\_\_\_ Number of Tallow Trees will be removed by the owner. The City will pre-treat the Tallows with herbicide. After the owner has had the Tallows removed, including stump-grinding to thoroughly remove superficial main roots, the City will plant shade trees to replace the removed Tallows. Replacement trees will be planted in locations as near as possible to where the Tallows were growing. The owner will maintain the trees as part of the landscape plan approved by the City of Gainesville Department of Community Development. If a replacement tree dies from transplant shock [within six (6) months], the City will replace it. Any tree that dies for any other reason will be replaced and re-established by the owner, just as the owner would be responsible for replacing the Tallows if they had died under natural circumstances.

\_\_\_\_\_  
City of Gainesville, Parks Division Agent

The City of Gainesville agrees to provide the above-described services through its employees, agents, or contractors, to the owner(s) subject to the conditions listed on the reverse of this form. The City of Gainesville is subsidizing the removal/replanting of Tallows because they are invasive exotic pests that taking over natural areas. This contract is for properties within the city limits only.

I (We) hereby agree to this proposal. I (We) have read and understand the conditions listed on the reverse of this form. The City of Gainesville is authorized to do the work as specified.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Co-Owner

## TERMS AND CONDITIONS

The City of Gainesville ("City") has adopted a Tallow Removal Program to assist business owners within the corporate limits in the removal and replacement of Tallow trees, a serious environmental pest. The City of Gainesville Parks Division has identified one or more Tallow trees on owners' land. By signing this proposal, the owner enters into a contract with the City of Gainesville whereby the City will treat the trunks of Tallow trees with Garlon 4; the owner then will remove the Tallow trees including grinding the stump; the City will plant replacement shade trees in 15-gallon containers, and the owner will provide follow-up aftercare. If any newly planted tree dies within 6 months, the City will replace it once. After that, the owner is responsible for replacing the trees that die. These actions will take place according to the following terms and conditions.

1. The City will apply Garlon 4 to the trunks of Tallow trees. The City will post a sign by each treated tree to indicate the Tallow has been treated with the herbicide Garlon 4 and to advise people to stay away from the treated trunks. The owner will be responsible for ensuring that persons and pets do not come in contact with the Garlon-treated trees for 24 hours after spraying. The owner will remove the signs.
2. The owner will arrange for the total removal of the Tallow trees, including grinding the stumps. At no cost to the Owner, the City will approve the tree removal permit for the Tallows. The City will require one replacement shade tree for each Tallow removed. The shade trees shall be Winged Elm, Bluff Oak, Live Oak, Southern Magnolia, White Ash, Florida Elm or Florida Maple. The choice will be agreeable to both the owner and the City. If overhead power lines are present and within 25' of the tree to be planted, Drake Elm, East Palatka Holly, or 'Little Gem' Magnolia will be planted.
3. The City will plant in as near the same location as possible to where the Tallows have been removed. The trees will be provided under the auspices of the City's Tree-mendous Gainesville program. The City may post temporary signs 8.5" X 11" near the newly planted trees explaining the program.
4. After the replacement trees have been planted and mulched, the owner will be responsible for the trees. The owner will water each tree as follows: weeks 1-4, 3 gallons a day; weeks 5-12, 3 gallons 3 times/week; subsequently whenever it is dry. This watering is in addition to any watering that may be accomplished by an automatic irrigation system. The owner will be careful not to let the trunks become girdled by weed-eaters or damaged by lawn mowers. The owner will maintain a layer of mulch around the tree.
5. In every way, replacement trees will function as required, regulated trees in the property's required and approved landscape plan. Responsibility for maintaining these trees will pass to future owners in the same way as on any business property in Gainesville. The Tallows are part of the approved landscape plan proposed by the owner of the property at the time it went through the City of Gainesville Community Development Department site plan review process. Prior to receiving a Certificate of Occupancy on the building, an inspection was made that the project had planted trees in compliance with the approved landscape plan. Trees planted to replace the Tallows will then function in their stead as part of the approved plan.
6. If any replacement tree dies after 6 months from the time of installation, the owner will be responsible for planting a replacement, and will do so within 6 months of notification by the City of Gainesville. This is a Code requirement, and failure to do so may engender a City of Gainesville Code Enforcement citation for noncompliance with the approved site plan landscaping.
7. To the extent provided by law, Owner shall indemnify, defend and hold harmless the City of Gainesville (the "City") and all of its officers, agents and employees from any claim, loss, damages, cost, charge or expense arising out of any act, error, omission or negligent act by the Owner, its agents or employees during the performance of the contract, except that neither the Owner, its agents or its employees will be liable under this paragraph for any claim, loss, damage, cost, charge or expense arising out of any act, error omission or negligent act by the City or any of its officers, agents or employees during the performance of the Agreement. The parties agree that this clause shall not waive the benefits or provisions of Chapter 768.28, Florida Statutes or any similar provision of law.
8. Owner hereby expressly waives all rights to claims for damage or destruction of any kind, including death, to persons or property arising out of the performance of this contract.

## TALLOW REMOVAL PARTNERSHIP PROGRAM – COMMERCIAL PROPERTIES

### Proposal:

The City would allow businesses which remove Tallows to be Tree Sponsors for replacement trees planted by the Parks Division.

### Rationale:

Many businesses planted Tallows as part of their required landscaping when their development project went through the City's site plan review process. City planners did not understand how detrimental Tallow is to natural ecosystems.

The Florida Exotic Pest Plant Council lists Chinese Tallow as a "Category 1 Pest Plant, a grouping defined as follows:

*"Species that are invading and disrupting native plant communities in Florida. This definition does not rely on the economic severity of the problem and the geographic area covered, but the proven damage caused."*

The Florida Legislature has made it illegal to propagate or sell Tallow trees in Florida. Several to many hundred Tallows remain on business properties in Gainesville.

By helping businesses replace the Tallows with native shade trees, the City will strengthen our urban forest and diminish significantly the number of Tallow seeds washing through our storm sewer systems to the creeks that empty into Paynes and Kanapaha Prairies. Birds also disperse seeds. Tallows have two virtues: honeybees love them and birds find nourishment in the thin layer of fat on the surface of the seeds. Fortunately honeybee nourishment is provided by native trees and shrubs that bloom at the same time (e.g. Tupelo, Gallberry) and Dogwood, Wax Myrtle, Sparkleberry and other natives provide more complete nourishment for songbirds.

Program: A partnership effort to remove Tallows from commercial properties in Gainesville. (All known Tallows have been removed from City property already).

### Business Contribution:

- (1) Actual removal of Tallow trees. Businesses will contract with a private tree removal company to take down Tallows and grind stumps. (Average estimated cost for removing a Tallow, \$250-\$400).
- (2) As tree sponsors in the Tree-mendous Gainesville program, the business would provide after-care for the trees. The average value of their watering and after-care efforts are \$100/tree. The replanted trees would function as required landscaping on their approved development plan, so if any trees died, the business would have to do the replanting of a tree that meets Code requirements.

- (3) The business owner will enter into a standard modified contract with the City of Gainesville

City Contribution:

- (1) Herbicide treatment. Tallows regenerate via stump sprouts, even when the stump has been ground. This can be prevented if the trunk is treated with an herbicide especially labelled for this function (e.g. Garlon 4). Parks Division staff, working under a supervisor with Pesticide Applicator Certification, would apply the herbicide to trunks prior to the removal. As well as rendering the roots incapable of resprouting, this treatment has the added virtue of poisoning any seeds on the trees, thus diminishing the invasive spread of Tallow into natural ecosystems. Cost (includes labor and materials) = \$15/tree.
- (2) Tree-mendous Gainesville Tree Planting program would be extended to commercial sites to replace removed Tallows. The City's cost to provide this service would be about \$100/tree. Half of this money would be in-kind labor; half would come from plants grown or purchased by the City.

**Impact on Existing Programs:** An estimated 100 trees/year would be removed/replanted through this program. Tree-mendous Gainesville plants 1000 trees/year. After planting, private tree sponsors maintain 500 trees, and the City maintains the other 500. The impact on the Tree-mendous Gainesville program is that of the 1000 trees per year planted, about 100 would be planted with business sponsors.

**Fiscal Impact:** 100 Tallows removed/replanted each year would mean the redirection of \$7,000 in public resources onto private land for the purpose of alleviating a problem that causes the destruction of hundreds of thousands of acres of wetlands each year throughout the state. Locally, Paynes Prairie State Preserve removes 1000 Tallows every year. Removing the Tallows on business properties in Gainesville will have a significant positive impact on this effort.

**City Tallow Removal Program:** In 1997, the City celebrated Arbor Day by committing to remove Tallows from public property. More than 600 Tallows have been removed and replaced. This effort is on-going.

**Safety considerations:** City employees would be doing work that is normally assigned as part of their job duties. This effort would not expose them to greater dangers or increase the likelihood of injury.