

**RESOLUTION AUTHORIZING THE TOWNSHIP TO REMOVE A
NON-VIABLE TREE FROM 21 PARK DRIVE SOUTH**

WHEREAS, the Township Forester has determined that one tree located in the rear of 21 Park Drive South, West Orange, Jersey, 07052 (the “Property”) abutting property located at 37 Park Terrace, West Orange, New Jersey (the “Adjacent Property”) is non-viable (i.e., dead or dying) and potentially hazardous to the Adjacent Property; and

WHEREAS, on September 25, 2023, the Township Forester sent a Notice of Violation to the owner of the Property, Rosa Gavida-Rivera (the “Property Owner”).

WHEREAS, on October 11, 2023, the Township Forester issued Summons No. SC-2023-041029 to the Property Owner; and

WHEREAS, on February 20, 2024, the Township Forester sent a final notice to the Property Owner to remove the non-viable tree; and

WHEREAS, the Court issued a bench warrant for the Property Owner’s failure to appear on February 27, 2024, and

WHEREAS, the non-viable tree on the Property is at risk of falling onto the Adjacent Property, causing damage to the Adjacent Property and injury to persons on the Adjacent Property; and

WHEREAS, pursuant to the Township of West Orange Municipal Code (the “Township Code”) § 14-11.1, the Planning Director may assign the Township Forester to enforce Chapter 14 and Chapter 25 of the Township Code; and

WHEREAS, pursuant to Township Code § 14-11-15, the Township Forester acting on behalf of the Public Officer issued a notice to remove the non-viable tree and the Property owner has not responded or otherwise removed the non-viable tree; and

WHEREAS, the Township received two estimates for the removal of the non-viable tree on the Property attached herein as Exhibit “A;”

WHEREAS, Rich Tree Service Inc. (“Rich Tree Service”) is a registered tree removal company with the Township of West Orange and is contracted by the Township to perform work on street trees; and

WHEREAS, Rich Tree Service estimated it will cost \$8,350 to remove the non-viable tree from the Property; and

WHEREAS, the removal of the non-viable tree from the Property is necessary in order to protect the residents of the Township and occupants of the Adjacent Property

WHEREAS, pursuant to Township Code § 14-11.15, where the Property owner failed to respond or remove the non-viable tree, the Township may remove the non-viable tree, the Township shall receive from the Property owner “reimbursement of all expenses and costs, including all reasonable legal fees and expenses as shall be approved by the Township Council;” and

NOW BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Township is authorized to engage with Rich Tree Service to remove the non-viable tree on the Property and to take such other further necessary steps to recover all costs incurred including filing a lien on the Property to recover any and all costs and expenses incurred.

Karen J. Carnevale, Municipal Clerk

Bill Rutherford, Council President

Adopted: March 5, 2024

I hereby certify funds are available from Account No.: _____

John O. Gross, Chief Financial Officer