

Public Street Trees: Responsibilities

Chapter 7.16

7.16.200 Abutting Owner's Duty to Right-of-way.

- A. Duty. Abutting Owners are responsible for Maintaining the Trees and Shrubs within or encroaching within the abutting Right-of-way in a manner which promotes safe and healthy Trees and Shrubs and which protects the health, safety, and welfare of the public with respect to the same. The Abutting Property Owners shall not allow such Trees and Shrubs to hinder or obstruct the Right-of-way, create a Nuisance, or threaten life or property within the Right-of-way. When applicable, this duty shall also include the responsibility to remove Shrubs within the abutting Right-of-way. Whenever the Community Services Division or the City Forester determines that any such Tree or Shrub endangers, hinders or obstructs the use of the Right-of-way, is a Nuisance, or in any other way endangers the public health, safety and welfare, the Community Services Division shall issue a notice of violation to order the Maintenance of the Tree or Shrub by the Owner. (See Sections 7.16.205 and 7.16.208.)
- B. City Assistance. An Abutting Owner may contact the City Forester to request the City's assistance with the removal of a diseased, hazardous, or dead Tree in the Right-of-way. Diseased Trees are those diagnosed by the City Forester as having a highly contagious disease that could have catastrophic effects upon the City's Trees. An Abutting Owner may also request the City's assistance with the removal of storm damage from Right-of-way Trees to ensure that the Right-of-way is kept clear for vehicular and pedestrian traffic and that public safety, health and welfare is maintained.

(History: Ord. TP-3025 §9, 2014; TP-2032 §9, 97; TP-1289 §12, 85)

This states that the City will only remove trees that are dead/dying and therefore create a hazardous situation for residents. Residents are responsible for the maintenance of the trees including treating for EAB (if desired) and keeping limbs clear for pedestrian and vehicle traffic.

Since the trees in the neighborhood are alive, they do not qualify for removal by the City.

Public Street Trees: Replacements

Approved Tree List for Street Right-of-Ways in Overland Park						
Botanical Name	Common Name	Popular Cultivars	Height (ft)	Spread (ft)	Character	Notes
<i>Taxodium distichum</i>	Baldcypress	Shawnee Brave	70	25	Pyramidal spade; deciduous conifer; red/orange fall color	Adaptable to wet or dry sites
<i>Tilia americana</i>	Linden, American	American Sentry, Continental Appeal, Legend	45	30	Symmetrically pyramidal; pale yellow fall color; fragrant flowers in spring	Prune for clearance and strong branch attachment
<i>Tilia tomentosa</i>	Linden, Silver	Sterling Silver	50	30	Upright Oval; green leaves with silver underside; leaves turn yellow in fall; yellow flowers in spring	Large root system
<i>Tilia tomentosa</i>	Linden, Silver	Green Mountain	60	50	Broadly Oval; dark green leaves with silver underside; yellow fall color	Large root system
<i>Ulmus americana</i>	Elm, American	Princeton, Valley Forge, New Harmony	65	55	Majestic vase shaped shade tree; yellow fall color	Important to choose Dutch Elm Resistant cultivar
<i>Ulmus parvifolia</i>	Allee Lacebark Elm	Emer II	45	40	Upright; resembles American elm; mottled bark	DED resistant
<i>Ulmus wilsoniana</i>	Elm, Prospector	Prospector	40	30	Vase shaped; yellow fall color	DED resistant
<i>Ulmus X</i>	Elm Hybrids	Accolade, Frontier, Patriot, Triumph, Emerald Sunshine	50	40	Varies by cultivars but typically upright vase shaped	Great drought tolerance
<i>Zelkova serrata</i>	Zelkova, Columnar	Musashino	45	15	Tight pyramidal; yellow/orange fall color	Adaptable to many different soils
<i>Zelkova serrata</i>	Zelkova, Japanese	Village Green, Green Vase	50	45	Upright rounded vase; fast growing; red fall color	

*This is just a sample

Approved Tree List for Street Right-of-Ways in Overland Park						
Botanical Name	Common Name	Popular Cultivars	Height (ft)	Spread (ft)	Character	Notes
<i>Acer buergerianum</i>	Maple, Trident		35	25	Oval shape; yellow/red/orange fall color	
<i>Acer campestre</i>	Maple, Hedge		35	30	Dense and low branching if not pruned	Very tolerant of soil
<i>Acer ginnala</i>	Maple, Amur		15	15	Rounded; red fall color	Usually multi-trunk; can scorch in heat
<i>Acer griseum</i>	Maple, Paperbark		25	20	Upright oval; bright red/orange fall color; brown exfoliating bark	Slow growing and not drought tolerant
<i>Acer miyabei</i>	Maple, Miyabe	State Street	40	25	Yellow fall color	
<i>Acer saccharum</i>	Maple, Sugar	Caddo, John Pair	30	30	Glossy leaves; red fall color	
<i>Acer saccharum</i>	Maple, Sugar	Green Mountain, Legacy, Commemoration	50	35	Oval/round shape, yellow orange fall color	
<i>Acer tataricum</i>	Maple, Tatarian	Hotwings	20	20	Rounded shape, yellow fall color	
<i>Acer truncatum</i>	Maple, Shantung		20	15	Rounded crown with yellow orange fall color	Tolerant of heat and drought, great small tree
<i>Acer truncatum x platanoides</i>	Maple, Norwegian Sunset / Pacific Sunset	Warrenred, Keithsform	25	20	Upright, oval-dark foliage with yellow/red fall color	Tolerant of heat and drought
<i>Amelanchier x grandiflora</i>	Serviceberry (single trunk)	Autumn Brilliance, Princess Diana	25	15	Oval, rounded; usually multi-stem	Can sucker from base
<i>Cercis canadensis</i>	Redbud/Whitebud		25	30	Small rounded; pink flowers in spring, yellow fall color	Difficult to prune for clearance
<i>Corylus colurna</i>	Turkish Filbert		45	30	Pyramidal; yellow fall color	Needs large space

Currently the City strives to replace each tree that is removed by the City. Species are selected based on what the resident would like to see, and that are deemed appropriate for our area and for potential to live next to a street/sidewalk. These species are listed on the [Approved Tree List for Street Right-of-Ways in Overland Park booklet](#).

The ability to replace trees is limited by budget, and availability of species and quantity at local nurseries.

Public Street Trees: Replacements

Red/Orange Fall Color

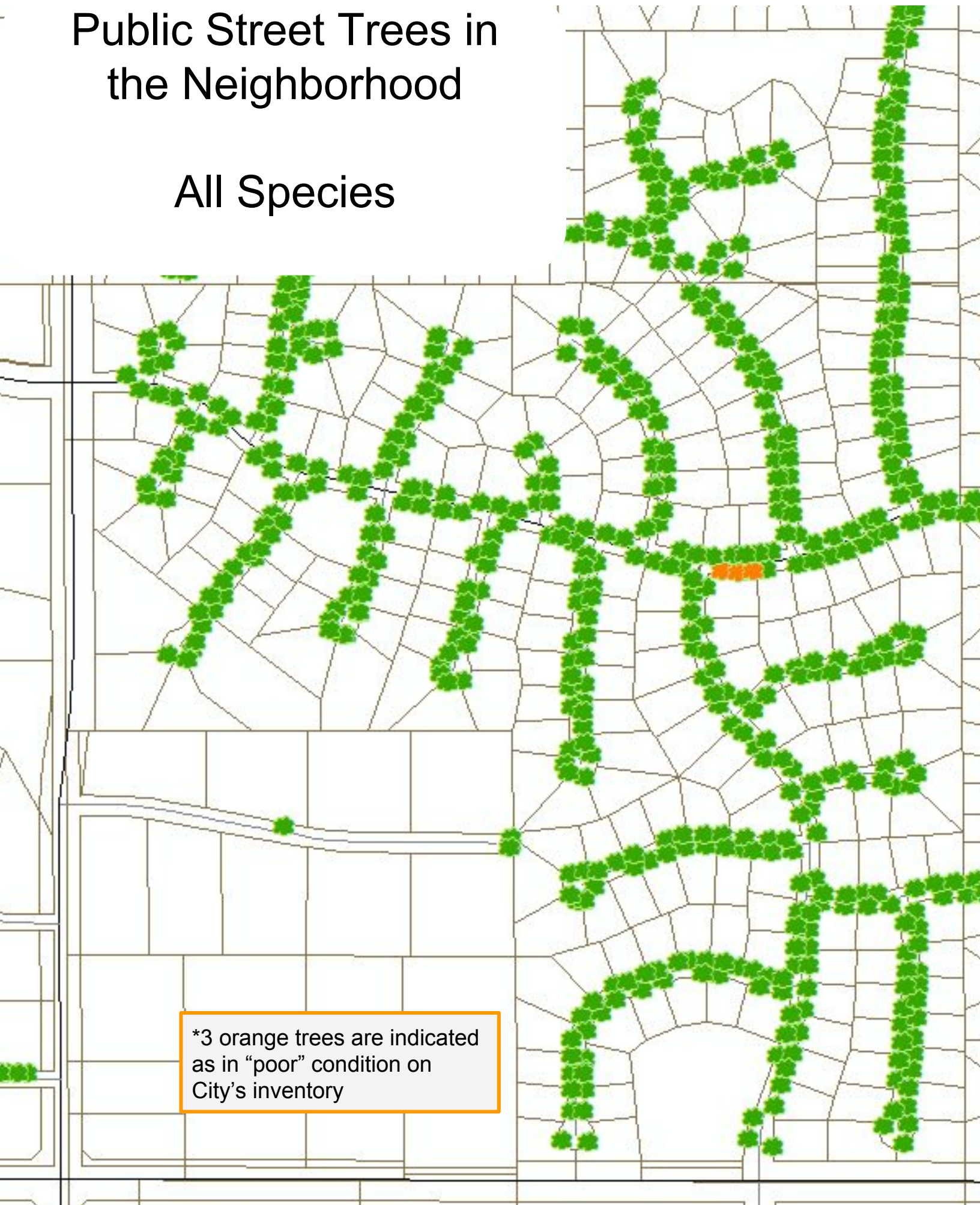
- Black gum - *Nyssa sylvatica*
 - Shade tree; ~45ft mature height
 - orange/red fall color
- Serviceberry - *Amelanchier grandiflora*
 - Not shade tree; ~25ft mature height
 - Excellent wildlife value
- John Pair “Caddo” sugar maple - *Acer saccharum*
 - Vibrant red fall color
 - Hardy sugar maple
 - **Beware for diversity**: is another maple species = not recommend for this reason

Yellow Fall Color

- *Ginkgo biloba*
 - Select a seedless variety
 - Very low maintenance tree
 - Very slow growing; shade tree ~50ft mature height
- Goldenrain tree - *Koelreuteria paniculata*
 - Yellow flowers
 - Not a shade tree; ~35ft mature height
- American linden - *Tilia americana* - or Silver linden - *Tilia tomentosa*
 - Shade tree; ~50ft mature height
 - Low maintenance tree
 - Flowers are good for bees

Public Street Trees in the Neighborhood

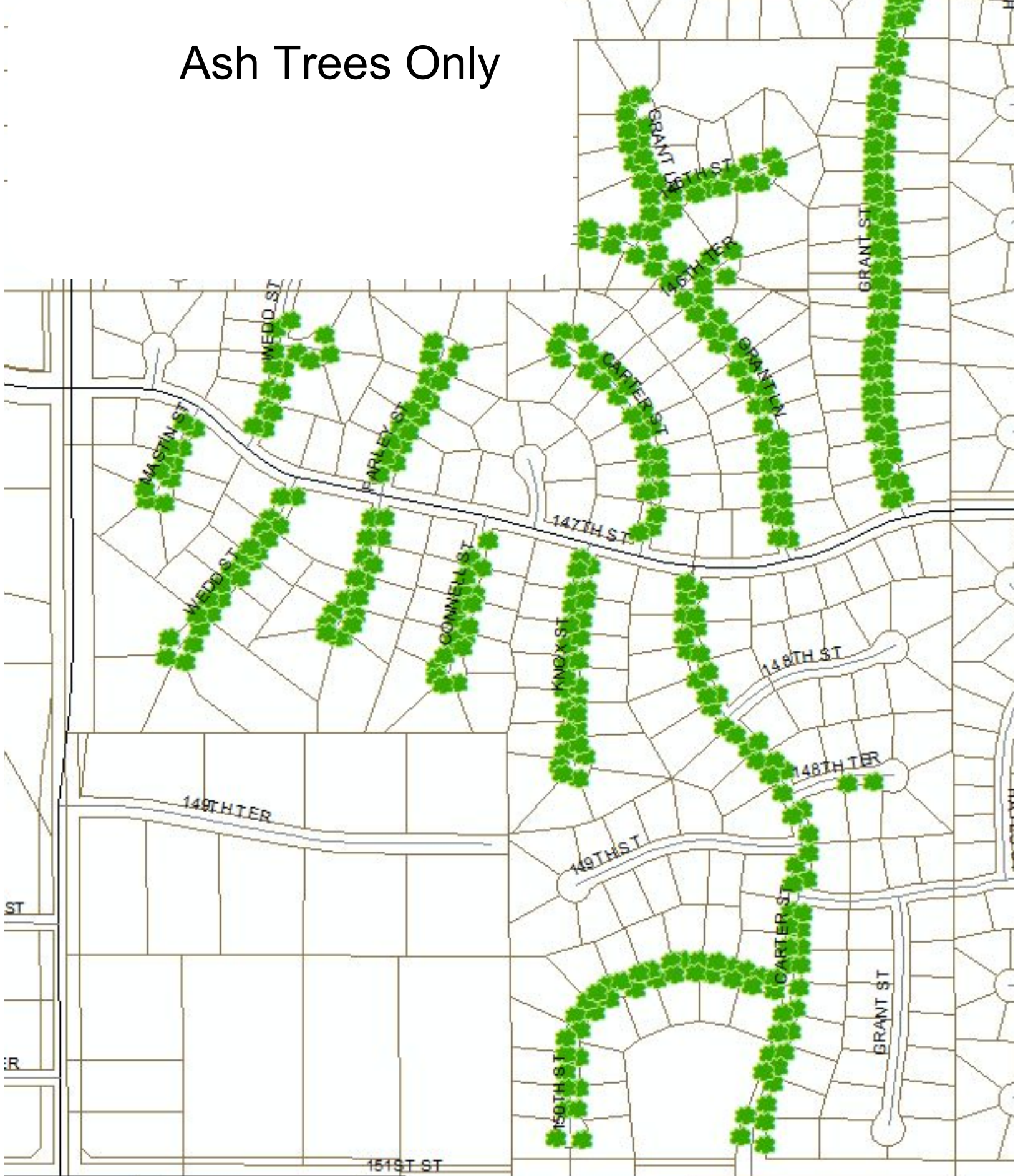
All Species



*3 orange trees are indicated
as in "poor" condition on
City's inventory

Public Street Trees in the Neighborhood

Ash Trees Only



Design Ideas

Cul-de-sacs off 147th Street = all one species

- Black gum to match the red of the red maple

Line Carter Street and Grant Street &/or Grant Lane with one species

- Pacific Sunset maple

Cul-de-sacs off Carter Street = all one species

- Ginkgo or Goldenrain tree to match the yellow/orange of the sunset maple