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August 3, 2017

Lisa Waldvogel
Northwest Justice Project
1338 Commerce Ave
Ste. 210
Longview, WA 98632

Re: *Tree at 2405 Maple*

Dear Lisa:

I am in receipt of your letter of July 11, 2017 regarding a tree located at 2405 Maple Street, residence of Colleen Hart.

I take it from your letter that the tree, a sweetgum species, is shedding seedpods on Ms. Hart's front yard making it difficult for her to walk about in the yard. You have requested that the City remove the tree; however, because the tree is healthy we have no plans to remove it.

You make mention of the Americans with Disabilities Act in your letter, suggesting that the City has an obligation to remove the tree as to ensure that all of the City's programs, services and activities are accessible to people with disabilities. However, you do not identify any City program, service or activity that the presence of this tree renders non-accessible. Certainly, the movement of a citizen about their front yard is not a City program, service or activity. In fact, the *ADA Title II Technical Assistance Manual*, at II-3.3000, addresses this very point:


[T]he ADA generally does not require a State or local government entity to provide additional services for individuals with disabilities that are not provided for individuals without disabilities.

ILLUSTRATION 5: The ADA does not require a city government to provide snow removal service for the private driveways of residents with disabilities, if the city does not provide such service for residents without disabilities.

The City does not provide any similar service of seed pod removal to residents of the City without disabilities, nor is it likely to since, as noted, the presence of these pods has no demonstrable relation to City program, services and activities. Therefore, there is no obligation to provide such a service in this instance.

In light of the foregoing, the City must decline your request to have this healthy tree removed.

Sincerely,



James J. McNamara

cc: Jennifer Wills, Parks and Recreation Director
Curt Nedved, Parks Supervisor
Brian Loos, Risk Manager