

**Ohio****Public Utilities  
Commission**CLUK0603097K  
Case Number

2009 OCT -7 PM 1:00

Public Utilities Commission of Ohio  
Attn: Docketing  
180 E. Broad St.  
Columbus, OH 43215**Formal Complaint Form**CARL N. LUKEHART  
Customer Name4809 S. DIXIE HWY.  
Customer AddressCRIDEARSVILLE, OHIO 45806  
City State Zip**Against**078-199-865-1-9  
Account NumberSAME  
Customer Service Address (if different from above)OHIO POWER CO./AEP.  
Utility Company Name

City State Zip

Please describe your complaint. (Attach additional sheets if necessary)

I AM FILING THIS FORMAL  
COMPLAIN PURSUANT TO ORC 4905.26

OHIO POWER CO. HAS A TRANSMISSION LINE EASEMENT ON MY PROPERTY/ONE TOWER. [LINE SOUTHWEST LIMA 345 KV EAS. NO. 41A MAP 2334] IN PART OF THIS EASEMENT LIES WETLAND W-19 AS IDENTIFIED BY D.D.T. ALLEN'S STUDY. (7-10-06) (DYN.B.T.A), ACCORDING TO THE DELINEATION REPORT THE COMMUNITY I D IS FOREST. (EXHIBIT B) ACCORDING TO THE OHIO ADMINISTRATIVE CODE 3745-1-50 WETLAND DEFINITIONS "0" "FORESTED WETLAND" MEANS "A WETLAND CLASS CHARACTERIZED BY WOODY VEGETATION THAT IS TWENTY FEET TALL OR TALLER" (EXHIBIT C) THIS IS A PICTURE OF ME STANDING IN THE WEST EDGE OF WETLAND 19. I AM HOLDING A 16FT TALL 2"x2" WITH A RED FLAG ON TOP, 4FT OFF GROUND. NOTICE BLUE TAPE ON ME AT 4FT. NOTICE ALL TREES HIGHER THAN 20FT. ALSO NOTICE OHIO POWER SURVEY STAKE. I BELIEVE THIS IS A "FORESTED WETLAND. OHIO POWER WANTS TO CLEAR CUT THE TREES, TO SAVE THEM. WETLAND. I, CARL LUKEHART, WANT TO SAVE THEM.

Signature

419-230-1499  
Customer Telephone Number

CLUK0603097K  
CASE NUMBER

FORMAL COMPLAINT

TO PLEASE THE COMMISSIONERS,  
ON OCTOBER 8, 2008 OHIO  
POWER CO. FILED A SUMMONS ON COMPLAINT  
AGAINST ME IN THE COURT OF COMMON  
PLEAS, ALLEN COUNTY, LIMA, OHIO.  
CASE # NO. CV 2008 1443

JUDGEMENT ENTRY WAS FILED ON  
09 SEP 29 PM 2:17 IN THE  
CLERK OF COURTS ALLEN COUNTY OHIO.  
HONORABLE JUDGE JEFFERY REED PRESIDING  
THIS CASE, AS EVIDENCE SHOWS, WAS  
MORE ABOUT THE VALIDITY OF  
"DEED OF EASEMENT" RATHER THAN THE  
SAVING OF THE TREES.

ON JUNE 4, 2009 THE OHIO  
SUPREME COURT RULED "PUBLIC  
UTILITIES COMMISSION HAS EXCLUSIVE  
JURISDICTION OVER VEGETATION-REMOVAL  
DISPUTE BETWEEN LANDOWNER AND UTILITY  
COMPANY." [CORRIGAN V. ILLUM. CO.,  
122 OHIO ST. 3d 265, 2009-OHIO-2524.]  
OHIO POWER COMPANY WANTS TO  
CLEAR CUT THE TREES IN WETLAND  
19, I CARL N. LUKE-HART WANT TO SAVE  
THEM.

CLUK0603097 K  
CASE NUMBER

FORMAL COMPLAINT

I DO NOT BELIEVE THE TREES WILL EVER BE A THREAT TO THE POWER LINES. ACCORDING TO THE NATIONAL ELECTRIC SAFETY CODE A CLEARANCE OF 21 FT NEEDS TO BE MAINTAINED TO ANY VERTICAL OBJECT. (EXHIBIT D) THIS IS A PICTURE OF ME AT 21 FT. NORTH OF MOST OUTSIDE OVERHEAD TRANSMISSION LINE. PLEASE NOTE - I NOW AND MAINTAIN THE EASEMENT. (EXHIBIT E) THIS PICTURE SHOWS WETLAND 19 IN CENTER LEFT.

I AM STANDING VERTICAL UNDER OUTSIDE TRANSMISSION LINE, TAKING PICTURE. THE TREES IN WETLAND 19 ARE NOT A THREAT TO OHIO POWERS TRANSMISSION LINES. I BELIEVE WITH THE EVIDENCE I HAVE, AS WELL AS THE HEIGHT (NEEDED) OF TRANSMISSION LINES WILL SHOW THE TREES IN WETLAND 19 ARE NOT A THREAT TO OHIO POWERS TRANSMISSION LINES. I WOULD LIKE THE COMMISSION TO REVIEW ALL THE FACTS AND HELP SAVE THE TREES. I FEEL OHIO POWER WANTS TO TURN A WETLAND INTO A WASTELAND.

FORMAL COMPLAINT

IN DUCO'S HOW TO FILE A COMPLAINT  
"YOUR COMPLAINT SHOULD SHOW THAT THE PUBLIC  
UTILITY HAS DONE AT LEAST ONE OF THE FOLLOWING:"

- THAT A RULE, TARIFF, RATE, CHARGE, OR PRACTICE AFFECTING SERVICE OF A PUBLIC UTILITY IS UNJUST AND UNREASONABLE.

I BELIEVE CUTTING TREES THAT IS NOT A DANGER TO ANYTHING OR ANYONE IS UNJUST AND UNREASONABLE.

- FAILED TO FOLLOW ITS RULES AND REGULATIONS ON FILE WITH THE COMMISSION

IN LATE APRIL OF 2008 I WAS CONTACTED BY AEP'S UTILITY FORESTER KRISTALL WARD WORTH. ALL TREES DIRECTLY UNDER THE TRANSMISSION LINE (NOT IN WETLAND 19) WERE CUT. THE CHIPPER TRUCK SAT IN MY <sup>STONE</sup> DRIVEWAY. I WAS LEFT TO RAKE THE MESS LEFT BY AEP'S CONTRACTORS. AEP'S

"UNDERSTANDING LINE CLEARING EFFORTS"  
JOB SITE CLEANUP - "BRANCHES AND LIMBS GENERATED ON A DAILY BASIS BY OUR CONTRACT TREE CREWS ARE DISPOSED OF IN THE MOST ECONOMIC AND PRACTICAL MANNER POSSIBLE."

FORMAL COMPLAINT

I BELIEVE OHIO POWER  
FAILED TO FOLLOW ITS RULES. I WOULD  
ASK THE COMMISSION, IF AND WHEN  
OHIO POWER DOES ANY MAINTENANCE  
ON SAID EASEMENT, TO OVERSEE ANY  
DAMAGE DONE TO MY PROPERTY.

• DISCRIMINATED AGAINST ME.

OHIO POWER WANTS TO  
CLEAR CUT THE TREES, WITHIN THE  
EASEMENT AS WELL AS WETLAND 19  
LOCATED ON MY PROPERTY LOCATED  
AT 4809 S. DIXIE HWY. CRIERSVILLE  
OHIO. HOWEVER, (EXHIBIT F) THIS  
PICTURE IS THE ORIGINATION OF  
SAID TRANSMISSION LINE. \*SOUTHWEST LIMA  
NOTICE THE TREE IN DIRECT PROXIMITY  
OF TRANSMISSION LINES. (EXHIBIT G)

THIS PICTURE IS PROPERTY OWNED BY  
ROBERT WIREMAN

4466 ST. JOHN'S RD.

LIMA, OHIO 45806

(USED WITH HIS PERMISSION) AND SHOWS  
TREES WITHIN SAID EASEMENT. NEITHER  
LOCATION IS CLEAR CUT.

FORMAL COMPLAINT

I BELIEVE I AM BEING DISCRIMINATED AGAINST FOR THE FOLLOWING REASONS AND EVIDENCE.

ON OR ABOUT THE FIRST WEEK OF JUNE 2008 AEP'S CONTRACTOR NERSON TREE SERVICE CUT TREES AND BRUSH ON THE EASEMENT ON MY PROPERTY, (WITH EXCEPTION TO WETLAND 19) PART OF THIS EASEMENT, MY DRIVEWAY RUNS THROUGH, PART OF THIS EASEMENT IS ALSO ON THE EMBANKMENT OF SOUTH DIXIE HWY. OVERPASS. IT WAS NECESSARY FOR ME TO REPORT A FIRE ON THIS OVERPASS, TWICE.

1<sup>st</sup> JUNE 25 2008 (EXHIBIT H)

2<sup>nd</sup> JULY 27 2008 (EXHIBIT I)

IN RESPONSE TO THE FIRST FIRE, SHAWNEE TOWNSHIP FIRE CHIEF TIM MOSHER SENT MR. KRISTALLE WADSWORTH, AEP'S UTILITY FORESTER A LETTER CONCERNING THIS FIRE. CHIEF MOSER ALSO SENT ME A COPY OF THAT LETTER. (EXHIBIT J).

CLVK0603097K  
CASE NUMBER

FORMAL COMPLAINT

ON OCT. 20, 2008 I ATTENDED  
THE PUCO LOCAL PUBLIC HEARING

AMERICAN ELECTRIC POWER  
ELECTRIC SECURITY PLAN

AT LIMA SENIOR HIGH SCHOOL SPARTAN  
WAY LIMA OHIO. I WAS ONE OF MANY  
WHO SPOKE. I PRESENTED THIS LETTER.  
(EXHIBIT J) I ALSO SPOKE WITH CHIEF  
TIM MOSHER ON OCT. 20, 2008 AND  
ASKED HIM IF AEP OR OHIO POWER OR  
ANY ONE HAD CONTACTED HIM IN  
REGARDS TO THIS LETTER. HIS REPLY  
WAS NO. I ALSO BROUGHT THIS UP  
AT THE PUCO LOCAL PUBLIC HEARING. AEP'S  
ATTORNEY THAT WAS PRESENT SPOKE  
WITH ME AND WANTED TO SEE THE  
LETTER, WHICH HE DID. I BELIEVE  
THIS INCRIMINATING EVIDENCE IS WHY  
I AM BEING DISCRIMINATED AGAINST.  
IN SUPPORT OF CHIEF TIM MOSER AND  
MY TELEPHONE CONVERSATION ON OCT. 20, 2008  
IS HIS WRITTEN RESPONSE. (EXHIBIT K)

THANK YOU FOR YOUR  
CONSIDERATION IN THIS MATTER

## AFFIDAVIT

CARL LUKEHART VS. OHIO POWER

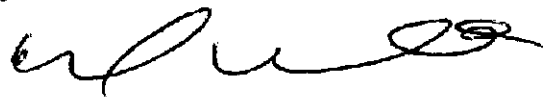
COUNTY OF ALLEN

Carl Lukehart, being first sworn and cautioned, says the following.

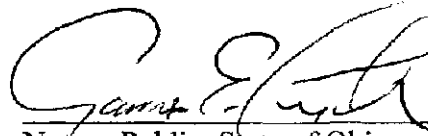
1. I am the Plaintiff.
2. I am competent to submit this Affidavit.
3. I have personal knowledge of the information about which I am submitting this Affidavit.
4. I have prepared the factual allegations in the foregoing documents and they are all true to the best of my information and belief.

Further I say nothing.

Signed,



Carl Lukehart

Subscribed and sworn to before me this 6 day of October, 2009.

Notary Public, State of Ohio

**JAMES E. LYNCH**  
Notary Public, State of Ohio  
My Commission Expires May 21, 2013



Commissioner of Ohio public  
Utilities Commission

Case number - 020K0603097K

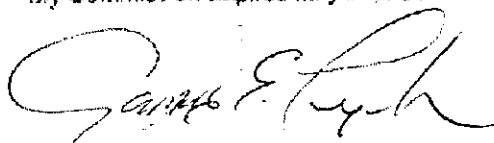
Carl Liekehart, U.S. Ohio Power  
Company - A.E.P

We Robert Wieman & Delores Wieman  
acknowledge picture exhibit of  
is a picture of A.E.P. tower in  
our south yard further we  
give Carl Liekehart permission  
to use said picture.

Robert Wieman Act. 6-2009  
Delores Wieman Act 6-2009

ROBERT WIEMAN -  
DELORES WIEMAN -

JAMES E. LYNCH  
Notary Public, State of Ohio  
My Commission Expires May 21, 2013



CLUK060309K  
CASE NUMBER

FORMAL COMPLAINT

ATTACHED ARE EXHIBITS <sup>\*</sup>A THROUGH K



**Parsons  
Brinckerhoff  
Quade &  
Douglas, Inc.**

312 Elm Street, Suite 2500  
Cincinnati, OH 45202  
513-639-2120  
Fax: 513-421-1040

May 30, 2008

Mr. Carl Lukehart  
4809 South Dixie Highway  
Cridersville, OH 45806

Dear Mr. Lukehart:

On behalf of the Ohio Department of Transportation (ODOT), I would like to thank you for attending the May 6, 2008 public meeting for the Allen 75 Study. Your time and efforts are greatly appreciated. Public input is, and will continue to be, an integral part of ODOT's transportation planning process.

At the public meeting you requested information about wetlands 19 and 20, which are located on your property. Enclosed is information about the two wetlands collected in 2006 and presented in the *Allen 75 Study Level 1 Ecological Survey Report* (January, 2008). This information includes, an exhibit showing the location of the wetlands, a wetland summary table, photographs of the wetlands, wetland data forms, and Ohio Rapid Assessment Method for Wetlands (ORAM) forms.

Wetland delineations were performed for the Allen 75 Study according to guidance found in the ODOT *Ecological Manual* (ODOT, 2005) which uses a combination of the routine onsite method (Level 2) from the *Army Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory, 1987) and the intermediate transect method from the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (FICWD, 1989). The functional quality of wetlands was evaluated using the Ohio Rapid Assessment Method for Wetlands (ORAM), version 5.0.

Descriptions of wetlands 19 and 20 from the *Level 1 Ecological Survey Report* state the following:

**Wetland 19** is located west of I-75 and north of Hume Road. This wetland is an isolated palustrine emergent/scrub shrub (PEM/SS), with reed canary grass and willows in a small depression. It is 0.14 acres in size, and provides limited to medial runoff filtration to the surrounding field and low to medium quality habitat. Wetland 19 scored 33 on the ORAM evaluation making it a Category 1 or 2 "gray zone" wetland. (Category 1 wetlands are low quality; and Category 2 wetlands are average to medium quality.)

**Wetland 20** is located west of I-75 and north of Hume Road. This wetland is an isolated palustrine forested/emergent (PFO/EM) depression in the wooded area between a small excavated pond and the Little Ottawa River. It is 0.27 acres in size and provides medial runoff filtration to the surrounding forest. Wetland 20 scored 43 on the ORAM evaluation making it a Modified Category 2 wetland.

## ADDITIONAL VEGETATIVE DATA

Project/Site: <u>Allen 75</u> Applicant/Owner: <u>Parsons</u> Investigator: <u>JL MP</u>	Date: <u>7/10/06</u> County: <u>Allen</u> State: <u>Ohio</u>
Do Normal Circumstances exist on the site?      Yes    No Is the site significantly disturbed (Atypical Situation)?      Yes <u>No</u> Is the area a potential Problem Area?      Yes <u>No</u> (If needed, explain on reverse.)	Community ID: <u>Forest</u> Transect ID: _____ Plot ID: <u>Sample Plot 19B (j2b)</u>

### Groundcover (5 ft radius)

#	Scientific Name	Common Name	Indicator	% Cover	% Dominance	Dom
1	<i>Toxicodendron radicans</i>	Poison ivy	FAC	33%	33.673%	X
2	<i>Alharia petiolata</i>	Garlic mustard	FACU-	10%	10.204%	
3	<i>Geum canadense</i>	White avens	FACU	5%	5.102%	
4	<i>Laportea canadensis</i>	Wood nettle	FACW	20%	20.408%	X
5	<i>Rubus uvidus</i>	Black raspberry	NI	20%	20.408%	X
6	<i>Geum canadense</i>	White avens	FACU	5%	5.102%	
7	<i>Glechoma hederacea</i>	Ground ivy	FACU	5%	5.102%	
8						
9						
10						

### Shrubs/Understory (30 ft radius)

#	Scientific Name	Common Name	Indicator	% Cover	% Dominance	Dom
1	<i>Lonicera japonica</i>	Japanese honeysuckle	FAC-	20%	44.444%	X
2	<i>Fraxinus pennsylvanica</i>	Green ash	FACW	20%	44.444%	X
3	<i>Ailanthus altissima</i>	Tree-of-heaven	NI	5%	11.111%	

### Canopy (30 ft radius)

#	Scientific Name	Common Name	Indicator	% Cover	% Dominance	Dom
1	<i>Acer saccharinum</i>	Silver maple	FACW	50%	52.632%	X
2	<i>Populus deltoides</i>	Cottonwood	FAC	30%	31.579%	X
3	<i>Fraxinus pennsylvanica</i>	Green ash	FACW	15%	15.789%	

# FORT SHAWNEE POLICE DEPARTMENT

## SUPPLEMENTAL OFFENSE REPORT

CLASSIFICATION / ORDINANCE

INFO ONLY

CODE	LAST NAME	FIRST NAME	MIDDLE NAME	UCR
ADDRESS	STREET	CITY	STATE	ZIP
HOME PHONE	WORK PHONE	CHANGE OF CLASSIFICATION		

**NARRATIVE**

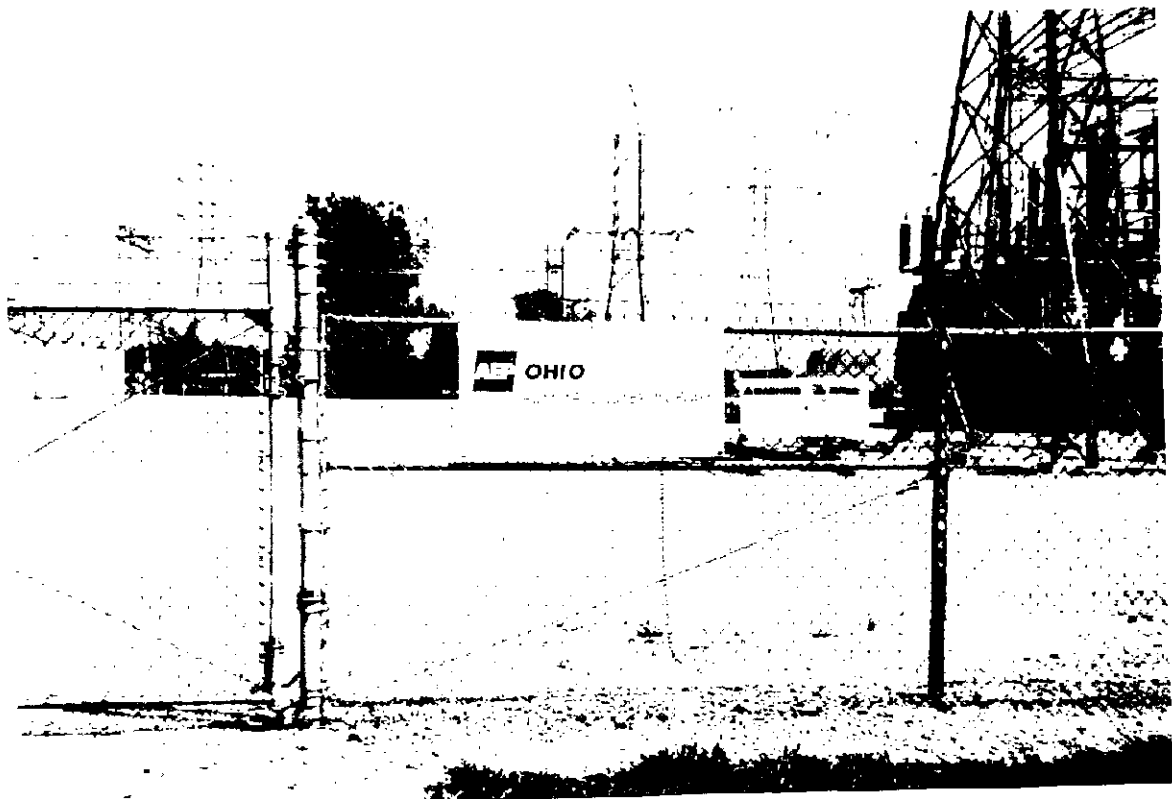
ON 06-25-2008 AT APROX 9:00AM I WAS CALLED TO 4809 S. DIXIE HWY FOR A SMALL FIRE ON THE OVER PASS. THE AREA WAS APPROX. 5' X 5' AREA. CP WANTED A SMALL REPORT DONE

INVESTIGATING OFFICER		ID NO	REPORT DATE
BENJMAIN KEHRES		301	6/25/2008
DISPOSITION	DISPOSITION VALUES		REPORT NUMBER
60	10- CLEARED ADULT ARREST 30- CLEARED JUVENILE ARREST 50- INACTIVE	20- CLEARED NO ADULT ARREST 40- CLEARED NO JUVENILE ARREST 60- ACTIVE PENDING	062508

*with P.T. #*

<b>A</b>		MM DD YYYY		1		08-0000610		000		<input type="checkbox"/> Delete <input type="checkbox"/> Change <input type="checkbox"/> No Activity		NFIRS - Basic					
02119 FDIO *		OH State *		07 27 Incident Date *		2008		1		Station		Incident Number *		Exposure *			
<b>B Location*</b>												Check this box to indicate that the address for this incident is provided on the Wildland Fire Module in Section B "Alternative Location Specification". Use only for Wildland fires.		Census Tract 1190 - 09			
<input checked="" type="checkbox"/> Street address <input type="checkbox"/> Intersection <input type="checkbox"/> In front of <input type="checkbox"/> Rear of <input type="checkbox"/> Adjacent to <input type="checkbox"/> Directions												Number/Milepost Prefix S DIXIE Street or Highway		HWY Street Type		Suffix	
Apt./Suite/Room City Lima OH 45806 State Zip Code												Cross street or directions, as applicable					
<b>C Incident Type *</b>				<b>E1 Date &amp; Times</b>								<b>E2 Shift &amp; Alarm</b>					
142 Brush or brush-and-grass Incident Type				Midnight is 0000 Check boxes if dates are the same as Alarm Month Day Year Hr Min Sec Alarm always required Date Alarm * 07 27 2008 20:35:00								Local Option C 0 Shift or Alarms District Platoon					
<b>D Aid Given or Received*</b>				<input checked="" type="checkbox"/> Arrival * 07 27 2008 20:43:00 ARRIVAL required, unless canceled or did not arrive <input type="checkbox"/> Controlled CONTROLLED Optional, Except for wildland fires LAST UNIT CLEARED, required except for wildland fires <input checked="" type="checkbox"/> Last Unit Cleared 07 27 2008 21:47:00								<b>E3 Special Studies</b>					
1 <input type="checkbox"/> Mutual aid received 2 <input type="checkbox"/> Automatic aid recvd. 3 <input type="checkbox"/> Mutual aid given 4 <input type="checkbox"/> Automatic aid given 5 <input type="checkbox"/> Other aid given N <input checked="" type="checkbox"/> None				Their FDID Their State their Incident Number								Local Option Special Study ID# Special Study Value					
<b>F Actions Taken *</b>				<b>G1 Resources *</b>				<b>G2 Estimated Dollar Losses &amp; Value</b>									
10 Fire control or Primary Action Taken (1) Additional Action Taken (2) Additional Action Taken (3)				<input checked="" type="checkbox"/> Check this box and skip this section if an Apparatus or Personnel form is used. Apparatus Personnel Suppression 0006 0004 EMS Other <input type="checkbox"/> Check box if resource counts include aid received resources.				LOSSES: Required for all fires if known. Optional for non fires. Property \$ 000,000 Contents \$ 000,000 PRE-INCIDENT VALUE: Optional Property \$ 000,000 Contents \$ 000,000									
<b>Completed Modules</b>				<b>H1 * Casualties</b>				<b>H3 Hazardous Materials Release</b>				<b>I Mixed Use Property</b>					
<input checked="" type="checkbox"/> Fire-2 <input type="checkbox"/> Structure-3 <input type="checkbox"/> Civil Fire Cas.-4 <input type="checkbox"/> Fire Serv. Cas.-5 <input type="checkbox"/> EMS-6 <input type="checkbox"/> HazMat-7 <input type="checkbox"/> Wildland Fire-8 <input checked="" type="checkbox"/> Apparatus-9 <input checked="" type="checkbox"/> Personnel-10 <input type="checkbox"/> Arson-11				Deaths Injuries Fire Service Civilian <b>H2 Detector</b> Required for Confined Fires. 1 <input type="checkbox"/> Detector alerted occupants 2 <input type="checkbox"/> Detector did not alert them U <input type="checkbox"/> Unknown				N <input type="checkbox"/> None 1 <input type="checkbox"/> Natural Gas: slow leak, no evacuation or HazMat actions 2 <input type="checkbox"/> Propane gas: <21 lb. tank (as in home BP2 grill) 3 <input type="checkbox"/> Gasoline: vehicle fuel tank or portable container 4 <input type="checkbox"/> Kerosene: fuel burning equipment or portable storage 5 <input type="checkbox"/> Diesel fuel/fuel oil: vehicle fuel tank or portable 6 <input type="checkbox"/> Household solvents: home/office spill, cleanup only 7 <input type="checkbox"/> Motor oil: from engine or portable container 8 <input type="checkbox"/> Paint: from paint cans totaling < 55 gallons 0 <input type="checkbox"/> Other: Special HazMat actions required or spill > 55gal., Please complete the HazMat form				NN <input type="checkbox"/> Not Mixed 10 <input type="checkbox"/> Assembly use 20 <input type="checkbox"/> Education use 33 <input type="checkbox"/> Medical use 40 <input type="checkbox"/> Residential use 51 <input type="checkbox"/> Row of stores 53 <input type="checkbox"/> Enclosed mall 58 <input type="checkbox"/> Bus. & Residential 59 <input type="checkbox"/> Office use 60 <input type="checkbox"/> Industrial use 63 <input type="checkbox"/> Military use 65 <input type="checkbox"/> Farm use 00 <input type="checkbox"/> Other mixed use					
<b>J Property Use*</b>				<b>Structures</b>				<b>Outside</b>				<b>Other</b>					
131 <input type="checkbox"/> Church, place of worship 161 <input type="checkbox"/> Restaurant or cafeteria 162 <input type="checkbox"/> Bar/Tavern or nightclub 213 <input type="checkbox"/> Elementary school or kindergarten 215 <input type="checkbox"/> High school or junior high 241 <input type="checkbox"/> College, adult education 311 <input type="checkbox"/> Care facility for the aged 331 <input type="checkbox"/> Hospital				341 <input type="checkbox"/> Clinic, clinic type infirmary 342 <input type="checkbox"/> Doctor/dentist office 361 <input type="checkbox"/> Prison or jail, not juvenile 419 <input type="checkbox"/> 1-or 2-family dwelling 429 <input type="checkbox"/> Multi-family dwelling 439 <input type="checkbox"/> Rooming/boarding house 449 <input type="checkbox"/> Commercial hotel or motel 459 <input type="checkbox"/> Residential, board and care 464 <input type="checkbox"/> Dormitory/barracks 519 <input type="checkbox"/> Food and beverage sales				936 <input type="checkbox"/> Vacant lot 938 <input type="checkbox"/> Graded/care for plot of land 946 <input type="checkbox"/> Lake, river, stream 951 <input type="checkbox"/> Railroad right of way 960 <input type="checkbox"/> Other street 961 <input type="checkbox"/> Highway/divided highway 962 <input type="checkbox"/> Residential street/driveway				539 <input type="checkbox"/> Household goods, sales, repairs 579 <input type="checkbox"/> Motor vehicle/boat sales/repair 571 <input type="checkbox"/> Gas or service station 599 <input type="checkbox"/> Business office 615 <input type="checkbox"/> Electric generating plant 629 <input type="checkbox"/> Laboratory/science lab 700 <input type="checkbox"/> Manufacturing plant 819 <input type="checkbox"/> Livestock/poultry storage (barn) 882 <input type="checkbox"/> Non-residential parking garage 891 <input type="checkbox"/> Warehouse 981 <input type="checkbox"/> Construction site 984 <input type="checkbox"/> Industrial plant yard					
124 <input type="checkbox"/> Playground or park 655 <input type="checkbox"/> Crops or orchard 669 <input type="checkbox"/> Forest (timberland) 807 <input type="checkbox"/> Outdoor storage area 919 <input type="checkbox"/> Dump or sanitary landfill 931 <input type="checkbox"/> Open land or field								Lookup and enter a Property Use code only if you have NOT checked a Property Use box: Property Use 983 Pipeline, power line or									







# SHAWNEE TOWNSHIP FIRE DEPARTMENT

Tim Mosher, Chief

2526 Ft. Amanda Road  
Lima, Ohio 45804-3729

*"Proudly We Serve"*

(419) 224-2636  
(419) 222-2986

July 8, 2008

Ms. Kristalle Wadsworth  
690 N. Cherry Street  
Van Wert, Ohio 45891

Dear Ms. Wadsworth,

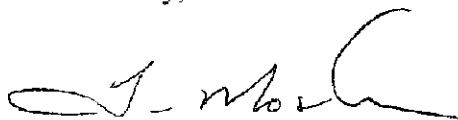
I am writing this letter in response to a complaint by a property owner at 4809 S. Dixie Hwy. in Allen County Ohio. This property is in Shawnee Township fire jurisdiction.

The complaint was centered around the recent clearing of trees under your high-tension right-of-way along the elevated portion of S. Dixie Hwy., proximal to the property owner's land on the east side just south of the railroad tracks. Two weeks after the removal crews cleared the area, a fire was found to have started along the roadway in the brush that was left behind by the clearing contractor. The best determination is that a passing motorist threw a cigarette out the window and it landed in this brush. Fortunately the fire self-extinguished without consequence.

I concur with the property owner that this has the potential to be a problem if another fire occurs, especially as it concerns an overhead fiber optic line. I am asking that you have this area cleared of combustible debris and consider planting grass in this area. It seems to me that whatever political entity mows the road right-of-way could then maintain this area and everyone would benefit.

If you have any questions regarding this situation, please do not hesitate to contact me.

Sincerely,



Tim Mosher, Fire Chief  
Shawnee Twp. Fire Dept.

780801

*with B & F J*

# SHAWNEE TOWNSHIP FIRE DEPARTMENT

Tim Mosher, Chief

2526 Ft. Amanda Road  
Lima, Ohio 45804-3729

*"Proudly We Serve"*

(419) 224-2636  
(419) 222-2986

October 21, 2008

Mr. Lukehart  
4809 S. Dixie Hwy.  
Lima, OH 45806

Dear Mr. Lukehart,

I am responding to your letter I received on October 21, 2008. As an aside, the copy of the fire report you requested may have crossed in the mail. When you requested it, I was driving around town and made a note. I then proceeded to not keep track of the note and forgot for a few days. This is why the report took several days to reach you.

In response to your question about AEP, the answer is no, they have never contacted me and it is obvious they have no intention of taking any action on the matter. As to the potential threat of fire from the combustibles on the overpass, I am still unsure what your expectation is. Due to the dry season, as you have pointed out, I would have to extend concern about potential fire danger all around your property. The entire AEP-right-of-way could burn much like a field fire, and the whole area between your house and the interstate could burn given the right conditions. These conditions exist all over the township at this point in time.

In your favor, I have attempted to push the limitations of my authority in this matter, we are dealing with several legal property issues that have some jurisdiction here. In some way, the property is either owned or has easements by Mr. Hendershot, the Ohio Department of Transportation and A.E.P. Furthermore, the owner of the fiber optic line above the area in question has a material interest in the safety of its line. For me to try and pursue further legal action against some or all of these agents would require an unequal application of the Fire Code, as they would be able to find numerable circumstances around the township that are similar and go unchallenged.

While I have stated that there is a fire potential here (as with the other side of the overpass) I cannot say that your home would be in immediate and unquestionable danger if there were a fire. In fact, there have been 2 fires there (still with unknown cause) and both were contained as relatively small. Your driveway provides somewhat of a good firebreak; although wind-driven firebrands can always be an issue. For whatever reason, I just do not understand the full import of concern and feel helpless to mollify this situation.

I will have to recommend you pursue whatever civil legal action you find necessary to remedy this concern to your satisfaction. I feel that I am out of options.

Sincerely,



Tim Mosher, Fire Chief  
Shawnee Twp. Fire Dept.

10210801