

NC
FILE

17-2262-EL-CSS

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October 17, 2017

My complaint is against Duke Energy of Cincinnati, OH.

Duke Energy is negatively impacting the property values of our homes in Symmes Township and the City of Montgomery (which includes 180 single family homes, 3 apartment buildings and 31 condos). They are doing this by clear cutting and obliterating (vs trimming) all trees located within a 100 foot right-of-way under the Transmission wires.

My complaint is that Duke is failing to adhere to what is permissible in the language of the Grant of Easement (written in 1951) that is associated with these properties. They are also surpassing requirements by PUCO as described in: Section F (Right of Way Vegetation Management) of its ***Programs For Inspection, Maintenance, Repair and Replacement of Distribution and Transmission Lines 4901:1-10-27(E)(1)***

Citizens of Symmes Township and City of Montgomery would like PUCO to stop Duke from taking this excessive and unnecessary action to clear cut trees and we want PUCO to stop Duke Energy from using toxic herbicides on our properties.

Please see attached Grant of Easement.

Thank you,

Amber Francosky
Signature of homeowner
Customer of Duke Energy, Cincinnati, Ohio

Amber and Chris Francosky
9425 E. Kemper Rd
Loveland, OH 45140

PUCO

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Technician Am Date Processed 10/31/17

Attention PUCO:

I request an **emergency stop cut order** for clear-cutting all trees in the 100 ft. utility easement that Duke Energy has on my property until my complaint can be acted on by PUCO.

Please understand, I have no objection to trimming of trees, as previously practiced by Duke Energy, however I object to the total destruction of all trees located within the easement.

Because Clear cutting could commence as early as 10-30-2017, this may be sooner than my complaint can be acted on by PUCO.

Amber Francosky Chris Francosky

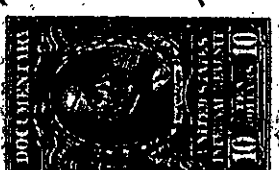
Amber and Chris Francosky
9425 E. Kemper Rd
Loveland, OH 45140

GRANT OF EASEMENT

FOR AND IN CONSIDERATION OF One Dollar and other good and valuable considerations, the receipt whereof is hereby acknowledged, hereby grant unto The Cincinnati Gas & Electric Company, its successors and assigns, a right of way and easement one hundred (100) feet in width, to construct, erect, operate, maintain, repair, replace and remove towers and all necessary and incidental wires, cables, anchors, grounding systems, counterpoises, fixtures and equipment for the transmission and distribution of electrical energy, ~~and also to lay, operate, maintain, repair, replace and remove gas lines and other structures and equipment for the transportation of gas~~, in, on, over, through and across the following described real estate situate in Section 31, T. 4, E. R. 2, Symmes Township, Hamilton County, State of Ohio and being a tract of 45.11 acres, more or less, being Lot 1 of Samuel Arbuckle's Estate and being the same property conveyed to the grantor by deed dated April 27, 1899 and recorded in Deed Book 832, page 191, Hamilton County Recorder's Office.

The center line of the said 100 foot right of way and easement is described as follows:

Beginning at a point in the southeast corner of the above described property; thence in a westerly direction along the south boundary line of said property 203.0 feet to a point and the real place of beginning of the easement herein conveyed; thence from said real place of beginning in a northerly direction turning an angle of 90 degrees 36 minutes to the right 479.25 feet to a point; thence continuing in a northerly direction turning an angle of 3 degrees 17 minutes to the right 705.49 feet to a point; thence continuing in a northerly direction turning an angle of 2 degrees 6 minutes to the left 195.10 feet to a point in the center line of Fields-Ertel Road said point being 155.7 feet west of the northeast corner of said property measured along the center line of Fields-Ertel Road.



together with the right to cut, trim or remove any trees, overhanging branches or other obstructions both within and without the limits of the above described right of way and easement which in the opinion of the grantee's engineers may endanger the safety of or interfere with the construction, operation or maintenance of said system, the right to pile dirt, material and equipment on the surface during periods of construction and maintenance, and the right of ingress and egress over the above described property for the purpose of exercising the rights herein granted.

Said Company, its successors and assigns, shall pay all damages to growing crops, buildings and fences, caused by its employees, agents, licensees, teams or trucks in exercising the above described right of way and easement.

No buildings or other structures shall be erected within the limits of the above described right of way and easement by the grantor, heirs or assigns. Grantor, heirs or assigns, shall have the right to cultivate the land within the limits of said right of way and easement in any manner not inconsistent with the rights herein conveyed to the grantee.

If the rights herein granted are not used, at least in part, within twenty-five years from the date of this instrument the same shall become void and shall revert to the then owners of the above described property.

Grantor, full power to convey said right of way and easement and warrant and will defend the same against all claims of all persons.

WITNESS my hand this 12 day of October, 1950

signed and acknowledged in the presence of:

Charles J. Hallace
Harry Kasfir

Ella M. Rempler

STATE OF Ohio Hamilton COUNTY, ss: *Ella M. Rempler*

Personally appeared before me, a Notary Public in and for said County,

who acknowledged the signing of the foregoing instrument to be her voluntary act and deed for the uses and purposes therein set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this 12th day of October, 1950.

Deed
NOTARY PUBLIC, Hamilton County, Ohio
GILBERT J. SHAVER, RECORDER, HAMILTON COUNTY, OHIO
My Com. Exp. Oct. 4, 1953