

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Rescinding and Repealing Resolution No. 70-2019 and Enacting a New Resolution Declaring the Necessity of Appropriating Properties and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 104-020-00-012.000 in Relation to the Toll Collection System (TCS) Modernization Project

WHEREAS, the Ohio Turnpike and Infrastructure Commission (the “Commission”) authorized the Executive Director or the General Counsel to acquire certain property as defined under Resolution No. 70-2019 and below; and

WHEREAS, the dimensions of the property set forth in Resolution No. 70-2019 have changed as a result of subsequent survey work completed by the Commission with respect to said property necessitating the enactment of a new resolution and the rescission and repeal of Resolution No. 70-2019; and

WHEREAS, the Commission, for the purpose of modernizing the Ohio Turnpike Toll Collection System adopted the Toll Collection System and Customer Service Center Strategic Plan (the “Strategic Plan”) under Resolution No. 57-2017; and

WHEREAS, in connection with the Strategic Plan, the Chief Engineer has caused the design and planning for new toll plazas (both eastbound and westbound), along with an eastbound access ramp from the Ohio Turnpike to the southern toll plaza, a westbound access ramp from the Ohio Turnpike to the northern toll plaza, an eastbound access ramp merging from the southern toll plaza on to the Ohio Turnpike, and a westbound access ramp merging from the northern toll plaza on to the Ohio Turnpike, to implement both open road tolling and toll collection by traditional cash payment at or near MP 4 in connection with the new toll collection system in 2021-2022; and

WHEREAS, in furtherance of, and as necessary for public use in implementing the Strategic Plan, and for the overall public purpose of modernizing, maintaining and operating the Ohio Turnpike in a safe and efficient manner, the Commission desires to acquire a 2.540 acre parcel adjacent to the Ohio Turnpike in Northwest Township, Williams County, which 2.540 acre parcel (as legally described on Exhibit A attached hereto and incorporated herein as the “Property”) is a portion of the real estate currently designated as Williams County Auditor’s Permanent Parcel No. 104-020-00-012.000, and recorded by Deed Book 289, Page 157 in the official Williams County Records.

NOW, THEREFORE, BE IT

RESOLVED that Resolution No. 70-2019 is hereby rescinded and repealed; and

FURTHER RESOLVED that the Commission hereby declares that said acquisition of the Property is necessary to construct new toll plazas (both eastbound and westbound), along with an eastbound access ramp from the Ohio Turnpike to the southern toll plaza, a westbound access ramp from the Ohio Turnpike to the northern toll plaza, an eastbound access ramp merging from the southern toll plaza on to the Ohio Turnpike, and a westbound access ramp merging from the northern toll plaza on to the Ohio Turnpike, to implement both open road tolling and toll collection by traditional cash payment at or near MP 4 in connection with the new toll collection system, all for the modernization, proper operation, and maintenance of the Ohio Turnpike, as part of Project No. 74-19-01 under the Strategic Plan; and

FURTHER RESOLVED that in compliance with Ohio Revised Code Chapters 5537 and 163, the Executive Director or the General Counsel is authorized and directed to negotiate for a reasonable time, and if possible enter into an agreement, for the purchase of the Property with the following person identified to be the current owner of the Property:

David L. Brown, Trustee in the Trust of the David Lynn Brown Living Trust dated April 17, 2012 (1/2 interest) and Virginia A. Brown, Trustee in the Trust of the Virginia Ann Brown Living Trust dated April 17, 2012 (1/2 interest)

and such other persons that have or may have an interest in said Property or is otherwise required to be named in the proceedings for appropriation under Ohio Revised Code Chapter 163; and

FURTHER RESOLVED that the Executive Director or the General Counsel begin proceedings to appropriate and prosecute the appropriation of fee title to the Property and any necessary easements on and over Parcel No. 104-020-00-012.000 or neighboring parcels; and

FURTHER RESOLVED that the Executive Director or the General Counsel be, and he/she is hereby instructed to do or cause to be done all things that may be reasonably necessary so that proceedings for the appropriation of the Property described herein may be commenced and completed; and

FURTHER RESOLVED that Project No. 74-19-01 is a designated System project under the Master Trust Agreement.

(Resolution No. 22-2020 adopted March 16, 2020)