

MINUTES OF THIRTY NINTH MEETING
APRIL 1, 1952

Pursuant to call of the Chairman the Ohio Turnpike Commission met in regular open session in Hearing Room No. 2, State Office Building, Columbus, Ohio, at 1:45 p.m. on April 1, 1952, with its General Counsel, Bond Counsel, representatives of the Consulting Engineers, of the Financial Advisor, and of the press also in attendance.

The meeting was called to order by the Chairman and the roll was called and the attendance was reported to be as follows:

Present: Allen, Teagarden, Shocknessy, McKay
Absent: Kauer

The Chairman announced that a quorum was present and requested that Colonel Smith substitute for the Secretary-Treasurer in all respects except for voting.

A motion was made by Mr. Teagarden, seconded by Mr. McKay, that the minutes for the meeting of March 20, 1952 be approved as previously submitted to the members and corrected. A vote by ayes and nays was taken and all members present responded to roll call and voted aye. The vote was as follows:

Ayes, Allen, Teagarden, McKay, Shocknessy
Nays, None

The Chairman declared the minutes adopted.

The Chairman reported upon activities of counsel for the Commission since the last meeting and stated that Mr. John Lansdale of Squire, Sanders and Dempsey, special counsel for the Maumee litigation, had been in conference in New York City with the Traffic Consultant and representatives of the Financial Advisor and that a meeting had been held in Columbus attended by General Counsel, Bond Counsel, special counsel, and representatives of the Attorney General of Ohio at which the course which the Maumee litigation may take was carefully considered. The Chairman said that counsel for the Commission will determine before April 12, 1952 the position which the Commission should take with respect to the law suit and that meanwhile the Financial Advisor will be required to advise the Commission whether or not the bankers will be willing to ignore the law suit which their counsel and the counsel of the Commission consider to be without merit. The Chairman reported that a further conference was being arranged in New York City at which he and Mr. Henry Crawford and Mr. Dennis Murphy planned to be present.

The Chairman displayed a reproduction of an article and photograph which had appeared in the Toledo Blade on March 21, 1952 in which was disclosed the names of property owners in Maumee in the vicinity of the turnpike route and which demonstrated a relationship between those property owners and the individuals who have brought the suit against the Commission at Maumee. He expressed the deep appreciation of the Commission to the Toledo Blade and to other major Ohio newspapers who have illuminated the situation at Maumee. The Chairman advised the Commission that bold action may be required soon depending upon the decision of the bankers.

The Chairman reported that he had transmitted a letter to Mr. Hazlewood, Chairman of the Board of the Cleveland Metropolitan Park District, advising Mr. Hazlewood of the action of the Commission in approving the report of its committee concerning the proposed alternate location of the turnpike in Cuyahoga County. He stated that the action of the Commission is not to be interpreted as a rebuff to the Cleveland Metropolitan Park District. The Chairman read a letter which he had received from Representative Adrian Fink of the Ohio General Assembly in which Mr. Fink enclosed questions received from Mr. George Usher of the Friends of the Metropolitan Park. He reported that he had referred the letter to Mr. McKay and read a letter which Mr. McKay had transmitted to Mr. Fink under date of March 27, 1952. The Secretary was instructed to forward to Mr. Fink a copy of the report which had been approved by the Commission on March 20, 1952. In the absence of objection the report of the Chairman was received.

The Secretary-Treasurer reported as follows:

"A resolution has been received from the Lakewood Kiwanis Club opposing the location adopted for the turnpike project in Cuyahoga County in the vicinity of the Cleveland Metropolitan Park system. Receipt of the resolution has been acknowledged and copies of the document have been transmitted to each member of the Commission.

A statement of account has been received from the auditor of the Department of Highways which reports that as of March 24, 1952 a total of \$355,046.95 has been expended for engineering and traffic studies for the turnpike project by the Department of Highways.

Acknowledgement has been received from Squire, Sanders and Dempsey under date of March 25, 1952 by which that firm accepts employment to defend the Commission in the Maumee litigation.

Acknowledgement has been received from Mr. Justin Folkerth under date of March 21, 1952 by which he accepts employment with the Commission as a staff lawyer on the terms set forth in the resolution of the Commission of March 20, 1952.

A letter has been received from the law firm of Steer, Strauss and Adair under date of March 13, 1952 in further discussion of the method by which the Commission proposes to accomplish right-of-way appraisal and acquisition. The letter has been referred to General Counsel of the Commission."

There being no objection the report of the Secretary was received.

Mr. Dunbar recommended that the Commission employ local counsel at Toledo to assist in the Maumee litigation. A motion was made by Mr. Allen, seconded by Mr. McKay, that the following resolution (No. 15 - 1952) be adopted:

"BE IT RESOLVED, that Fuller, Harrington and Seney of Toledo, Ohio, having been recommended by General Counsel, be and they hereby are employed as Special Counsel to assist the Commission's Special Counsel, Squire, Sanders and Dempsey, employed by resolution adopted March 20, 1952, in the representation of the Commission and the members thereof in their capacity as members of the Commission, in the action filed in the Common Pleas Court of Lucas County, Ohio, by Carl R. Balduf v. the Commission and others, being Case No. 175811 in that Court, and to take such action in conjunction with Squire, Sanders and Dempsey, with respect thereto as may be proper to protect the interests of the Commission and its members; that said employment be subject to the terms of the "Plan of Organization and Administration of Legal Staff" adopted by the Commission on February 27, 1952; that they shall receive reasonable compensation for their services; that this employment shall be effective retroactively as of March 25, 1952, upon their filing written acceptance of the terms of this resolution with the Secretary-Treasurer; that said firm shall, upon presentation of accounts thereof to the satisfaction of the Commission, be reimbursed for their actual expenses for travel and away-from-home subsistence and long distance telephone, telegraph, printing, mimeographing, photostating, and other actual expenses, excluding office overheads, necessarily incurred by them in the rendition of their services under this employment; and

that the payment of all compensation and expense reimbursements shall be made only if, when, and to the extent the funds therefor shall become available from the proceeds of turnpike revenue bonds or from revenues."

A vote by ayes and nays was taken and all members present responded to roll call and voted aye. The vote was as follows:

Aye s, Allen, Teagarden, McKay, Shocknessy
Nays, None

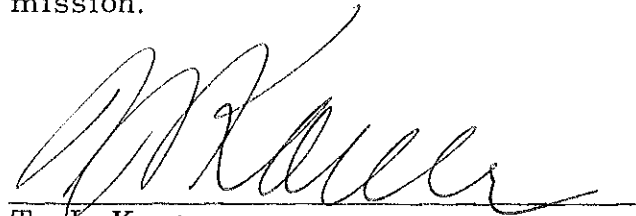
The Chairman declared the motion adopted.

There being no further business to come before the meeting a motion was made by Mr. Allen, seconded by Mr. Teagarden, that the meeting adjourn subject to call of the Chairman. A vote by ayes and nays was taken and all members present responded to roll call and voted aye. The vote was as follows:

Ayes, Allen, Teagarden, McKay, Shocknessy
Nays, None

The Chairman declared the meeting adjourned. The time of adjournment was 2:30 o'clock p. m.

Approved as a correct transcript of the proceedings of the Ohio Turnpike Commission.



T. J. Kauer
Secretary-Treasurer

April 9, 1952