

MINUTES OF FORTY SIXTH MEETING
AUGUST 5, 1952

Pursuant to adjournment the Ohio Turnpike Commission convened in regular session in the Seneca Hotel in Columbus at 10:55 A.M. on August 5, 1952 with its General Counsel, Bond Counsel, Consulting Engineers, representatives of the press and others also in attendance.

The Chairman stated that he had a copy of the resignation addressed to the Governor of Ohio by Mr. Kauer under date of August 2, 1952 wherein Mr. Kauer offered his resignation to the Governor as Director of Highways. The Chairman said that he was advised that the Governor had accepted the resignation of Mr. Kauer and had appointed a new Director of Highways who, by virtue of his office, was a member of the Commission. He then requested that Mr. Kauer present to the Commission the new Director of Highways and Mr. Kauer presented Mr. Samuel O. Linzell to the Commission.

The Chairman welcomed Mr. Linzell to membership on the Commission and Mr. Linzell furnished to the Secretary-Treasurer a copy of his appointment as Director of Highways.

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, McKay, Shocknessy, Linzell

Absent: None

The Chairman announced that a quorum was present.

The Chairman stated for the record that it is not the purpose of the Ohio Turnpike Commission to do what had been described as "raiding" the Ohio Department of Highways of personnel. He stated that Mr. Linzell had already indicated willingness to make it possible for the Commission to employ certain experienced personnel from the Highway Department but that in order that the Department would not be subjected to undue loss of personnel Mr. Kauer, Mr. Linzell and Colonel Smith had reached an informal understanding agreeable to the Commission that no personnel from the Department of Highways would hereafter be sought by the Commission or interviewed by the Commission until the Director of Highways had been consulted and a conclusion reached with him.

The Chairman reported that numerous representatives of motel interests had called upon the several members of the Commission. He stated for the Commission that it is the present policy of the Commission to expect that the existing motel facilities along the route of the turnpike will be adequate to service the patrons of the turnpike and that the Commission would not be interested in discussing that subject until it has some other conclusion based upon experience in the operation of the turnpike.

Mr. Teagarden said that he realized and he believed that all members of the Commission realized that the job of Chief Engineer to the Commission will be a most important one and that the individual who holds that position

with the Commission must possess an abundance of qualifications. A motion was made by Mr. Teagarden, seconded by Mr. McKay, Mr. Shocknessy, Mr. Allen and Mr. Linzell, that the following resolution (No. 59 - 1952) be adopted:

"RESOLVED that T. J. Kauer be, and he hereby is, employed as Chief Engineer of the Commission; that his compensation shall be at the rate of \$15,000 per annum; that such employment shall be effective forthwith; and that he shall serve at his and the Commission's mutual pleasure."

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

Ayes, Allen, McKay, Shocknessy, Linzell, Teagarden

Nays, None

The Chairman declared the motion adopted.

A motion was made by Mr. Allen, seconded by Mr. Linzell, that the following resolution (No. 60 - 1952) be adopted:

"RESOLVED that C. W. Hartford be, and he hereby is, employed as Chief of Right-of-Way Section of the Commission; that his compensation shall be at the rate of \$10,500 per annum; that such employment shall be effective as soon as he shall be ready to enter upon the performance of his duties; and that he shall serve at his and the Commission's mutual pleasure."

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

Ayes, Teagarden, Shocknessy, Linzell, Allen, McKay

Nays, None

The Chairman declared the motion adopted.

A motion was made by Mr. McKay, seconded by Mr. Teagarden, that the following resolution (No. 61 - 1952) be adopted:

"RESOLVED that John Soller be, and he hereby is, employed as Comptroller of the Commission; that his compensation shall be at the rate of \$9,600 per annum; that such employment shall be effective as soon as he shall be ready to enter upon the performance of his duties; and that he shall serve at his and the Commission's mutual pleasure."

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

Ayes, Allen, Shocknessy, McKay, Linzell, Teagarden

Nays, None

The Chairman declared the motion adopted.

A motion was made by Mr. Linzell, seconded by Mr. McKay, that the following resolution (No. 62 - 1952) be adopted:

"RESOLVED that Kenneth Handiboe be, and he hereby is, employed as Purchasing Agent of the Commission; that his compensation shall be at the rate of \$7,200 per annum; that such employment shall be effective August 1, 1952; and that he shall serve at his and the Commission's mutual pleasure."

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

Ayes, Allen, Teagarden, McKay, Shocknessy, Linzell

Nays, None

The Chairman declared the motion adopted.

A motion was made by Mr. McKay, seconded by Mr. Teagarden, that the following resolution (No. 63 - 1952) be adopted:

"WHEREAS, the contracts between the Commission and Messrs. Edgemon, Fast and Mayer Brothers and Messrs. Rudolph, Carpenter, Dunlap and Free, respectively, pertaining to the appraisal of right-of-way for Ohio Turnpike Project No. 1, require, in subparagraph o of paragraph 4 of each of those contracts, that the appraisal reports to be submitted to the Commission shall be in form approved by the Commission; and

WHEREAS the Chief of the Right-of-Way section of the Commission has presented to the Commission and recommended to it for its approval a form for such appraisal reports, and said form appears to the Commission to be satisfactory;

NOW, THEREFORE, BE IT RESOLVED that the Commission does hereby approve the form of appraisal report which has been submitted to this meeting by the Chief of the Right-of-Way section, and that the Chief of the Right-of-Way section may from time to time, on behalf of the Commission, agree to and approve such minor modifications of said form as he may deem to be desirable or expedient."

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

Ayes, Teagarden, Allen, Linzell, Shocknessy, McKay

Nays, None

The Chairman declared the motion adopted.

A motion was made by Mr. Teagarden, seconded by Mr. Allen, that the

following resolution (No. 64 - 1952) be adopted:

"RESOLVED that the Chief Engineer of the Commission be, and he is, authorized on its behalf to enter into contracts of employment of engineers and that the General Counsel of the Commission be, and he is, authorized on its behalf to enter into contracts of employment of staff and retained lawyers; provided, that no such contract shall be irrevocable for a period of longer than thirty days, and that each person so employed shall furnish a non-interest affidavit in form approved by General Counsel".

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

Ayes, Allen, McKay, Shocknessy, Teagarden, Linzell

Nays, None

The Chairman declared the motion adopted.

Mr. Dunbar reported with regard to the litigation filed in the Common Pleas Court of Franklin County by Steer and Adair of Cincinnati that the Court had set the matter for hearing on August 1, 1952 and that after a full day of hearing the plaintiffs withdrew their request for a temporary injunction and asked leave of the Court to file an amended petition to state a cause of action for a declaratory judgment. Mr. Dunbar stated that the matter is in abeyance until such time as the plaintiffs may present further papers to the Court which will determine the possible future course of the litigation. He said that Land Title Guarantee and Trust Company is proceeding as rapidly as possible to perform its work under contract with the Commission.

Mr. Donnelly reported that the studies by the Consulting Engineers concerning the questions raised as to location of the turnpike by certain interests in Elyria had been completed but that the Chief Engineer of the Commission had not had opportunity to review the report. He recommended that the Commission not receive the Elyria report until its Chief Engineer has complete his review.

The Chairman stated that it is a prime task of the Chief Engineer and General Consultant to make a final recommendation to the Commission in the Elyria matter.

The Chairman instructed Mr. Dunbar to proceed without any delay to complete negotiations for the acquisition of right-of-way and in condemnation where the negotiations are not promptly fruitful.

Mr. Crawford reported that it had been necessary to arrange for the printing of 1000 additional registered bonds and that the report of Bond Counsel on the definitive bonds would be made in due course. In the absence of objection the report of Mr. Crawford was received.

There being no further business to come before the meeting a motion was


made by Mr. McKay, 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 responded to roll call. The vote was as follows:

Ayes, Allen, Linzell, McKay, Shocknessy, Teagarden

Nays, None

The Chairman declared the meeting adjourned. The time of adjournment was 11:30 o'clock a.m.

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



A. J. Allen
Secretary-Treasurer