

MINUTES OF FORTY-EIGHTH MEETING  
OCTOBER 7, 1952

Pursuant to adjournment, the Ohio Turnpike Commission convened in regular session at the office of the Commission, 361 East Broad Street Columbus, Ohio, at 11:00 A. M. on October 7, 1952. 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.

A motion was made by Mr. Allen, seconded by Mr. Teagarden, that the reading of the minutes for the meetings of July 29-30, August 5, and August 29 be dispensed with and that the minutes be adopted as submitted to the members of the Commission since the last meeting and as corrected in accordance with the request and understanding of the members. A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes, Allen, Teagarden, McKay, Linzell, Shocknessy.

Nays, none.

The Chairman declared the motion adopted.

The Chairman reported that ground-breaking probably would take place on the site of the Cuyahoga River crossing in Summit County on October 27, 1952 at about 11:00 A. M., without any ceremony. The Chairman expressed his hope that all members of the Commission would be present for the event. He said that a special meeting may be called on or about October 17, 1952 so that the first construction contract may be awarded.

The Chairman announced that since the last meeting some of the Administrative Staff of the Ohio Turnpike Commission had met with a joint committee of the Missouri State Legislature who sought information and advice in anticipation of the consideration of turnpike legislation in that State.

The Chairman reported that because there have been rumors that the Atomic Energy Plant in Pike County will require so much material in competition with the Commission's needs, it was considered advisable to seek a re-affirmation from the cement and steel industries of commitments which had previously been made for the Ohio Turnpike

project, and that therefore Governor Lausche had dispatched telegrams to Mr. E. G. Grace of the Bethlehem Steel Company and to Mr. Benjamin F. Fairless of the United States Steel Company, asking for re-affirmation as to the availability of steel for the requirements of the Ohio Turnpike. He said that Mr. Paul McKall, Vice President of Bethlehem Steel Company had replied to the Governor as follows:

"Your telegram to Mr. E. G. Grace regarding the effect of the steel requirements on the Atomic Energy Commission's projected installation in Ohio on steel for the Ohio Turnpike. From all information we can gather and which we believe full and accurate requirements for the Atomic Energy Commission will be spread over several years and are insignificant against the steel industry's production and should have no effect on the availability of the steel industry to furnish the requirements for the Ohio Turnpike."

The Chairman also stated that in view of the large quantities of cement required in the construction of the turnpike, reaffirmations of commitments were also requested from nine major cement sources and that these re-affirmations had been received.

The Chairman pointed out that there was something he wished to make clear which was very distasteful. He said that it was impossible always to avoid reference to the distasteful but that he had had to let it be known several times recently that this Commission has absolutely no interest in where its contractors procure performance bonds, or required insurance or anything else. He stated that the Commission will accept as satisfactory the bonds of any company authorized to do business in Ohio, but that there often were found those who are required to submit bonds or procure insurance who have at least a wonder as to whether the Commission might prefer one company over another. The Chairman said that it is distasteful even to mention that anyone would have any kind of doubt about where to procure bonds or insurance, or that the choice might be dictated by anyone, or by any considerations other than by those of pure economics and integrity. He stated for the Commission that so long as bonds or insurance obtained by those under contract to the Commission are issued by companies licensed and authorized to do business in the state of Ohio, the Commission will have no other interest.

The Asst. Secretary-Treasurer then reported that the number of employees currently engaged totaled forty-three. The Chairman stated that no employees had been hired from the State Highway Department except the eight who were previously reported.

The Asst. Secretary-Treasurer reported that on September 4, pursuant to Resolution No. 66-1952, he filed with the Commission a

surety bond to the State of Ohio and the Ohio Turnpike Commission in the sum of Fifty-Thousand (\$50,000.00) and that this was approved and accepted for the Commission by the General Counsel. He said that a payroll deduction plan for Blue Cross insurance would be started in October and explained that this plan is merely an employee convenience, the whole cost of the insurance to be borne by the employee.

The Asst. Secretary-Treasurer announced that the first audit, in compliance with Section 410 of the Trust Agreement, was being made as of the close of business, September 30, by Peat, Marwick, Mitchell & Co. He also stated that the Commission was paying all of its bills currently, and that it has not missed a cash discount.

The Asst. Secretary-Treasurer commented that the Co-Trustee had done an excellent job in keeping the funds fully invested. He said that at one time the cash held by the Co-Trustee, was only 89¢, and that at the present time it was \$476.00. He announced that all preliminary expenses had not yet been invoiced, but it appeared the final figure will be about \$88,000.00 below the Engineering estimate. He further reported that since September 30 there had been paid an additional \$23,563.50 for six parcels of right-of-way.

The Asst. Secretary-Treasurer recommended that the rate of reimbursement for mileage of privately-owned automobiles be fixed by resolution. A motion was made by Mr. Allen, seconded by Mr. Linzell, that the following resolution (No. 76-1952) be adopted:

"RESOLUTION FIXING RATE OF REIMBURSEMENT FOR  
AUTOMOBILE MILEAGE.

WHEREAS it is necessary from time to time that members of the commission and employees and other persons serving it under contracts under which they are entitled to reimbursement for their traveling expenses, use automobiles not owned or rented by the commission for traveling upon the commission's business;

NOW, THEREFORE, BE IT

RESOLVED that 6 1/2 cents per mile is hereby fixed as the allowance which shall be paid for the use hereafter of such automobiles (tolls and parking charges to be reimbursed in addition)."

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

Ayes, Allen, McKay, Teagarden, Linzell, Shocknessy.

Nays, None.

The Chairman declared the motion adopted.

The Chairman reported that the members of the Commission had a conference on the evening of October 6th with some representatives of the oil industry who advised of their interest in submitting a suggested program that might be followed in the distribution of petroleum products on the turnpike and who offered to form a committee to prepare a report thereon for delivery to the Commission by December 2, 1952. The Chairman said that just as in the completion of financing the Commission went to the persons and institutions best equipped to advise it, so in this instance it was hoped that the oil industry would advise the sound program that was now needed. The Chairman added that all segments of the economy of our State and nation were used by the Commission in formulating its program and that this conference with the oil industry was the most recent exemplification of such purpose.

The Chairman then announced that later that same day a conference would be held with several manufacturers of guard rail with members of the Commission in attendance to discuss the particular merits of the type of guard rail each manufacturer proposes for possible use on the Ohio Turnpike. He pointed out that no decision had been made as to the type of guard rail that would be used. He stated also that later in the day a conference would be held with several suppliers of drainage pipe, with the same purpose of seeking information on all types before making determination as to the type of pipe that would be used.

The General Counsel reported that the status of the litigation pending in the Common Pleas Court of Franklin and Hamilton Counties remained the same, that nothing concrete could be reported as new at this meeting. He stated that an answer had been filed to the amended petition on behalf of the Commission and The Land Title Guarantee & Trust Company, but that there was nothing more that could be done at the present time in the interest of the Commission. He reported the same thing held true for the case pending in the Common Pleas Court of Lucas County.

The General Counsel stated that at the last Commission meeting it was requested that he prepare a set of By-laws for the Commission, and that a set of proposed By-laws would be distributed to the members of the Commission in the next week or two.

The General Counsel said that at the last meeting a request was made for information regarding the use of billboards along the turnpike; that the Chief of Right-of-way had prepared a memo on that subject, and that the Legal Department was looking into the legislation in other states with regard to this matter.

Next, the General Counsel presented written recommendations, signed by himself, the Chief Engineer, and the Chief of the Right-of-way Section, that the Commission adopt resolutions declaring the necessity of appropriating certain real property in Mahoning County and directing that proceedings to effect such appropriation be begun and prosecuted.

With these recommendations Mr. Dunbar tendered forms of resolutions prepared by him to carry out the recommendations so made.

A motion was made by Mr. Linzell, seconded by Mr. McKay, that the following resolution (No. 77-1952) be adopted:

"RESOLUTION DECLARING THE NECESSITY OF APPROPRIATING PROPERTY AND DIRECTING THAT PROCEEDINGS TO EFFECT SUCH APPROPRIATION BE BEGUN AND PROSECUTED.

RESOLVED that the Commission has endeavored for a reasonable time to agree with the owner or owners of the property described herein as to the compensation to be paid therefore, but has been unable to agree with said owner or owners, and said property is needed for the construction and efficient operation of the Ohio Turnpike Project No. 1, and

BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the owner or owners and persons having interest therein, together with any and all abutter's rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners;

<u>Owner (s)</u>	<u>Place of Residence</u>
Youngstown Investments, Inc.	810 Mahoning Bank Building, Youngstown, Ohio
County Auditor of Mahoning County	Mahoning County Court House, Youngstown, Ohio
County Treasurer of Mahoning County	Mahoning County Court House, Youngstown, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 186-P

Situated in the Township of Canfield,  
County of Mahoning and State of Ohio,  
and known as being all that part of  
Sub Lot No. 15 in Plat of Village Acres,  
a subdivision of a part of Original Canfield  
Township Lot No. 8, in 2nd Division, as shown by  
the recorded plat of said Subdivision in Volume  
28 of Maps, Page 177 of Mahoning County Records,  
lying Northeasterly of a line drawn parallel to and  
distant 130 feet Southwesterly, measured on a line  
normal to the center line of Ohio Turnpike Project  
No. 1, as shown by the plat recorded in Volume  
33, Page 30 of Mahoning County Records."

A vote by ayes and nays was taken and all members responded to roll call.

The vote was as follows:

Ayes, Allen, Teagarden, McKay, Linzell, Shocknessy.

Nays, None.

The Chairman declared the motion adopted.

A motion was made by Mr. Linzell, seconded by Mr. Teagarden, that the following resolution (No. 78-1952) be adopted:

"RESOLUTION NO. 78-1952 DECLARING THE NECESSITY OF APPROPRIATING PROPERTY AND DIRECTING THAT PROCEEDINGS TO EFFECT SUCH APPROPRIATION BE BEGUN AND PROSECUTED.

RESOLVED that the Commission has endeavored for a reasonable time to agree with the owner or owners of the property described herein as to the compensation to be paid therefor, but has been unable to agree with said owner or owners, and said property is needed for the construction and efficient operation of the Ohio Turnpike Project No. 1, and

BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the following-described property from the following-named owner or owners and persons having interest therein, together with any and all abutter's rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners;

<u>Owner(s)</u>	<u>Place of Residence</u>
Louis DeMichele	546 Parkwood Avenue Youngstown, Ohio
Louise S. DeMichele	546 Parkwood Avenue Youngstown, Ohio
Robert Lamberton	Address Unknown
The Citizens Savings Bank of Columbiana, Ohio	Columbiana, Ohio
Joseph I. Craig	Address Unknown
Alfred S. Lodeen	Address Unknown
I. K. Jacobs	734 Brentwood Avenue Youngstown, Ohio

<u>Owner(s)</u>	<u>Place of Residence</u>
Charles F. Dill, d.b.a. Harry Dill and Son	R. D. #1, Columbiana, Ohio
County Auditor of Mahoning County	Mahoning County Court House, Youngstown, Ohio
County Treasurer of Mahoning County	Mahoning County Court House, Youngstown, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 192-T

Situated in the Township of Beaver, County of Mahoning and State of Ohio, and known as being All that part of Sub Lot No. 21 in Rickert Place Plat No. 3, a subdivision of a part of Original Beaver Township Section No. 11, as shown by the recorded plat of said Subdivision in Volume 28 of Maps, Page 185 of Mahoning County Records, lying Northeasterly of a line drawn parallel to and distant 150 feet Southwesterly, measured on a line normal to the centerline of the Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 7 of Mahoning County Map Records.

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

Ayes, Allen, McKay, Teagarden, Linzell, Shocknessy.

Nays, None.

The Chairman declared the motion adopted.

The General Counsel recommended adoption of a resolution to grant authority to make contracts for right of possession of real property. A motion was made by Mr. Teagarden, seconded by Mr. McKay, that the following resolution (No. 79-1952) be adopted:

"RESOLUTION GRANTING AUTHORITY TO MAKE  
CONTRACTS FOR RIGHT OF POSSESSION OF REAL  
PROPERTY.

WHEREAS it appears that in some instances in connection with the acquisition of right of way for Ohio Turnpike Project No. 1, in which the commission is unable to agree with the land owners as to the price to be paid, such land owners may nevertheless be willing to grant

to the commission an immediate or early right of possession, for a purely nominal consideration, if the commission will agree promptly to institute condemnation proceedings so that the price which it will have to pay will be determined by a court and jury;

WHEREAS it appears that it will be desirable for the commission to enter into contracts with land owners under the circumstances and according to the terms outlined above, in order that construction of the project may not be delayed and in order to effect economies in the acquisition of needed right of way;

NOW, THEREFORE, BE IT

RESOLVED that each of the chief of the right-of-way section and general counsel be and each of them hereby is authorized on behalf of the commission to enter into contracts with owners of land needed for the construction, maintenance or operation of Ohio Turnpike Project No. 1 providing for the commission to have the right at a time to be specified in each contract to take possession of and use such lands, upon the payment of a nominal consideration, which shall not exceed \$10.00, and in which contracts the commission shall obligate itself promptly to institute condemnation proceedings with respect to said lands;

PROVIDED that no such contracts shall be entered into by the chief of the right-of-way section unless the same shall have been approved by general counsel or an attorney of the commission designated by him for the purpose, and further provided that no such contract shall be entered into by either of the aforesaid officials until the Chief Engineer of the Commission shall be prepared to certify to the commission that the acquisition of any lands involved therein, or of an interest in such lands, is necessary for the construction of Ohio Turnpike Project No. 1, nor until the making of such contract be approved by J. E. Greiner Company as consulting engineers to the commission; and any such contract shall include any additional terms not inconsistent herewith and be in such form as shall be prescribed or approved by general counsel or an attorney of the commission designated by him for the purpose."

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

Ayes, Allen, Teagarden, McKay, Linzell, Shocknessy.

Nays, None.

The Chairman declared the motion adopted.

A motion was made by Mr. Linzell, seconded by Mr. Allen, that the following resolution (No. 80-1952) be adopted:



"RESOLUTION REGARDING REIMBURSEMENT OF  
RIGHT-OF-WAY 'ASSOCIATES' FOR FUNDS ADVANCED  
OR PAID BY THEM.

WHEREAS the contracts between the Commission and Messrs. Rudolph, Carpenter, Dunlap and Free, dated June 4, 1952, and also the contract of the same date between the Commission and Messrs. Edgemon, Fast and Mayer Brothers each provides for the Commission to reimburse each of said firms for funds advanced or paid by them for certain specified purposes in connection with the acquisition of right-of-way by the Commission, and further provides for the reimbursement to them of other costs and expenses the advancing or payment of which by them is authorized or approved by the Commission;

WHEREAS in the iterim between meetings of the Commission, Messrs. Rudolph, Carpenter, Dunlap and Free requested authority to incur a reimbursable obligation of not to exceed \$200.00 for the employment by them of an expert in the valuation of gas wells in order to facilitate the Commission's acquisition of certain right-of-way, and also requested like authority to incur obligations of not to exceed \$10,000 for coal drilling and analysis, and general counsel notified them that reimbursement up to those amounts would be made; and

WHEREAS it is desirable in the interests of speedy acquisition of right-of-way for Ohio Turnpike Project No. 1 that appropriate persons be authorized on behalf of the Commission and within the terms of the aforesaid contracts to authorize or approve the advancing of other costs and expenses which may in the future be incurred by the associates, up to a limited extent;

NOW, THEREFORE, BE IT

RESOLVED that the actions of general counsel in authorizing the advancement or payment by Messrs. Rudolph, Carpenter, Dunlap and Free of the aforesaid reimbursable advancements or payments of not to exceed \$200.00 and \$10,000.00 respectively, are hereby ratified and confirmed; and

FURTHER RESOLVED that any two of general counsel, the chief of the right-of-way section, and the executive assistant be, and they hereby are, authorized on behalf of the Commission to grant authority for, or approval of, the advancing or paying of any other costs and expenses in connection with the acquisition of right of way for Ohio Turnpike Project No. 1, by either Messrs. Rudolph, Carpenter, Dunlap and Free or Messrs. Edgemon, Fast and Mayer Brothers, and the successors of each, but no single advancement or payment to be so authorized or approved shall exceed \$500.00; and no such approval or authority shall be granted without the written concurrence or approval of J. E. Greiner Company, as Consulting Engineers of the Commission."

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

Ayes, Linzell, Allen, McKay, Teagarden, Shocknessy.

Nays, None.

The Chairman declared the motion adopted.

A motion was made by Mr. McKay, seconded by Mr. Linzell, that the following resolution (No. 81-1952) be adopted:

"RESOLUTION RATIFYING ACTIONS OF ADMINISTRATIVE OFFICERS.

WHEREAS the executive assistant, chief engineer, general counsel, comptroller, and chief of the right-of-way section of the Commission have, by various written and oral communications, fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting, and the Commission has duly reviewed and considered the same;

NOW, THEREFORE, BE IT

RESOLVED that all official actions taken by the aforesaid administrative officers of the Commission on its behalf since the Commission's meeting on August 29, 1952, are hereby ratified, approved and confirmed."

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

Ayes, McKay, Linzell, Allen, Teagarden, Shocknessy.

Nays, None.

The Chairman declared the motion adopted.

A motion was made by Mr. McKay, seconded by Mr. Linzell, that the following resolution (No. 82-1952) be adopted:

"RESOLUTION DESIGNATING CHIEF RIGHT-OF-WAY ATTORNEY TO SIGN STATEMENTS, OPINIONS, AND APPROVALS REQUIRED BY SECTION 408 OF THE TRUST AGREEMENT.

WHEREAS Section 408 of the Trust Agreement dated June 1, 1952, between the Ohio Turnpike Commission and the Ohio National Bank of Columbus as Trustee and the National City Bank of New York as Co-

Trustee, requires that Counsel for the Commission sign statements, opinions, and approvals in connection with the requisition for payments for real property for temporary or permanent use of the Commission;

WHEREAS Section 101 of said Trust Agreement defines "Counsel for the Commission" as "the General Counsel of the Commission, if there be such, or such counsel as the Commission may from time to time by resolution designate to exercise any of the duties or functions required by this Agreement to be exercised by Counsel for the Commission"; and

WHEREAS it is desirable in order to expedite the requisition of payments for real property for the permanent or temporary use of the Commission that more than one person be designated to execute the statements, opinions, and approvals required of Counsel for the Commission by the said Section 408;

NOW, THEREFORE, BE IT

RESOLVED that, in addition to the General Counsel of the Commission, the Commission's Chief Right-of-Way Attorney, as appointed from time to time by General Counsel, be, and he hereby is, designated to sign and execute as Counsel for the Commission the statements, opinions, and approvals required of Counsel for the Commission by Section 408 of the aforesaid Trust Agreement."

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

Ayes, McKay, Linzell, Allen, Teagarden, Shocknessy.

Nays, None.

The Chairman declared the motion adopted.

The Chief Engineer reported that the work on the design of the turnpike is ahead of schedule in all the design sections. He also stated that four test boring contracts had been awarded and others were under preparation. The Chief Engineer announced that the preparation of standard specifications had been completed to the point of advertising for printing. He also reported that the plans for the Maumee River Bridge were complete.

The Chief Engineer stated that at the meeting of the Elyria City Council held at an earlier date concerning the grade line for the proposed turnpike on the route within the limits of the City of Elyria, the city officials held that neither the original proposal of the Commission

with regard to the grade line nor the alternative proposal was acceptable. He reported that the city officials would not compromise, the City Council having adopted a resolution a year ago objecting to any location of the turnpike within Elyria.

The Chief Engineer stated that an alternative route in the vicinity of Elyria had been studied in 1951 by the Greiner Company who had estimated that the additional cost of the alternative location would exceed \$ 1,000,000. He said that the alternative proposal to lower the grade line through Elyria which had been rejected by city officials would have resulted in added costs to the Commission of \$265,000. The Chairman observed that it would seem, insofar as the City of Elyria was concerned, that the area of compromise had been exhausted.

The Chief Engineer reported that in view of the large quantities of cement proposed to be used in construction of the Ohio Turnpike, he had scheduled a meeting for all interested cement companies at 10:00 A. M., October 9, 1952 in Cleveland, at which time discussion would be had regarding the cement needs for the construction of this project. He announced that on the same date and at the same place at 2:00 P. M., a meeting would be held with all interested aggregate suppliers. This meeting was to provide an opportunity for discussing the operational requirements and arrangements necessary for the aggregate suppliers to meet the unusual demand of the Ohio Turnpike project. It was reported by the Chief Engineer that telegrams had been received from potential suppliers of cement confirming again their ability to produce the cement for the turnpike.

The Chief Engineer then recommended adoption of a resolution approving specifications for the Cuyahoga River Bridge substructure.

A motion was made by Mr. McKay, seconded by Mr. Teagarden, that the following resolution (No. 83-1952) be adopted:

"RESOLUTION APPROVING GENERAL SPECIFICATIONS  
FOR CUYAHOGA RIVER BRIDGE SUBSTRUCTURE.

NOW THEREFORE BE IT RESOLVED BY THE OHIO TURN-PIKE COMMISSION, State of Ohio: That the Commission hereby approves the plans and specifications for Contract No. C-15-A, being the contract for the construction of the substructure of the Cuyahoga River Bridge as heretofore promulgated by the Chief Engineer and as modified by Addendum No 1 to the contract documents for said construction contract."

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

Ayes, Allen, McKay, Teagarden, Linzell, Shocknessy.

Nays, None.

The Chairman declared the motion adopted.

The Director of Information and Research reported that information and data pertaining to the Ohio Turnpike were furnished to numerous representatives of newspapers and other public information media and that several news releases were issued pertaining to activities of the Commission.

The General Counsel stated that he had been present at a conference in September at which members of the Metropolitan Park Board and its attorney and chief engineer, Dr. McKay, a representative of the Greiner Company, and Mr. Hartshorne were in attendance, and during which it was agreed that the attorney for the Park Board would draft a contract to embody the proposed arrangements between the Park Board and the Commission. He advised the Commission that the draft of a contract had not yet been received.

The Chairman directed that the minutes show that Mr. J. W. Christensen, Counsel for the Trustee and Mr. John Blanpied, representative of the Trustee, were in attendance at this regular meeting of the Commission and again announced that there would be a special meeting of the Commission on or about October 17, and that each member would be given proper notification.

There being no further business to come before the meeting, a motion was made by Mr. Teagarden, seconded by Mr. McKay, 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, Teagarden, McKay, Shocknessy, Linzell.

Nays, None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:30 o'clock P. M.

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

  
A. J. Allen  
Secretary-Treasurer