

MINUTES OF THE FORTY-NINTH MEETING  
OCTOBER 18, 1952

Pursuant to call of the Chairman, the Ohio Turnpike Commission convened in special session at the office of the Commission, 361 East Broad Street, Columbus, Ohio, at 11:00 A. M. on October 18, 1952, with representatives of the press and others 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, McKay, Shocknessy, Linzell.

Absent: None.

The Chairman reported there had not been opportunity to complete the minutes of the last meeting and that no action could be taken on them at this meeting. He stated that the Assistant Secretary-Treasurer had received, on October 7, 1952, a non-interest affidavit from the J. E. Greiner Company, signed by each of the six partners, and that this affidavit had been filed with their contract as consulting engineers.

The Chairman reported that an editorial had been published by the Columbus Dispatch which commented very favorably upon the attitude of Mr. McKay with respect to commercial billboard advertising along the Ohio Turnpike. The Chairman distributed a copy of the editorial to each member of the Commission and stated that all members had a common purpose on that subject, and that he had so advised certain civic-minded groups.

The Chairman then announced that the following letter had been received from Mr. Eric V. Weber, President of the Ohio Petroleum Parketers Association, Incorporated:

"October 15, 1952

"May I express to you my appreciation and also that of Mr. Maurice Hanning, of the very courteous treatment which you and your associates on the Turnpike Commission afforded us at our conference on Monday evening, October 6. And in this we also

"We assure you that a committee of the character indicated and representative of the entire industry in this state will be promptly created and the names of the members and their respective affiliations will thereupon be furnished for your records. It will be our endeavor to present to your Commission recommendations and suggestions which we believe will represent the best thought of the industry and which we hope will be worthy of your serious considerations.

/s/ Eric V. Weber  
President. "

The Chairman reported that the Commission also had conferred with representatives of the manufacturers of several types of drainage pipe on the same day and that these representatives also had advised the Commission that they would submit their recommendations and documentation of their statements and commitments made at the conference; that the memoranda of each firm had since been received by each member of the Commission.

It was also announced by the Chairman that a brief on the subject of drainage pipe criteria was expected to be received from the J. E. Greiner Company within the next three days, and that it would be distributed to the Commission members as soon as received.

The Chairman then stated that he had read in the Cleveland Plain Dealer that the first earth-turning was scheduled for October 27. He said that some persons contended that there is an inference of political import in that date. He said that there was no political significance in the date scheduled for ground-breaking, but that the event would be in due course of business just as was the awarding of a contract for the construction at the Cuyahoga River crossing after receipt of bids and after superb effort by the design engineers for timely completion of the prerequisite surveys and construction plans. He pointed out that the schedule was so drawn that the work might begin as soon as possible so that a maximum of construction may be accomplished during the winter months. The Chairman said that the significance of the ground-breaking event does not lie in any ceremony and that certainly the significance of the event is not partisan but rather it is a wholesome event in which the whole public is interested.

Concurrence in the statement by the Chairman with respect to the significance of the ground-breaking event was expressed by Mr. McKay, Mr. Teagarden, Mr. Allen and Mr. Linzell.

The Chairman asked the Commission to consider the need to change the date and hour of the next regular Commission meeting. It was agreed that the regular meeting for November would be held on November 4, at 1:30 P. M. rather than 10:30 A. M. in order that the Commission members might be able to vote in their own cities.

The Chairman then discussed the problem of the location of the turnpike through Elyria. He reviewed the report of the Chief Engineer given at the preceding meeting and the statement of the Chairman that the area of compromise, considering the decision by the officials of the City of Elyria, seemed to be exhausted. He reported that he had received a letter from Mr. George, Editor of the Elyria Chronicle-Telegram, asking if he could meet with the Commission and talk over the possibilities of some kind of agreement; that he had talked by telephone with Mr. George and that Mr. Hartshorne had conferred in Elyria with Mr. George and had made all communications of the Commission on the subject available to Mr. George for review.

The Chairman reported that later he received a telegram from Mr. George requesting conference with the Commission; that Mr. George and Mr. Schoepfle, publisher of the Elyria Chronicle-Telegram, were present and that the members of the Commission would confer with Mr. George and Mr. Schoepfle after adjournment of the meeting.

The Chairman said that a question had arisen as to when the Commission would reveal the engineering estimate for the contract that was expected to be awarded in this meeting, and that the Chief Engineer had said that he had not revealed the estimate because the estimate for the substructure which had been bid upon was part of a total estimate, containing work which had not yet been made the subject of bidding. The Chairman stated his belief that it would not be appropriate to reveal a portion of an estimate because he believed the total estimate should be revealed all at one time. Mr. Linzell concurred in the position taken by the Chairman. Mr. McKay stated that if part of an estimate were revealed, the remaining portion would perhaps constitute the revealing of an estimate before bidding. After full discussion among the members, the Chairman stated for the Commission that ordinarily when the Commission awards a contract in the usual course of business it will expect at the same time to disclose its estimates except in those cases where the contract awarded represents only part of a full design section, in which event it might be disadvantageous to the Commission to disclose the estimate for a part of a design section before bids have been received on the remainder of that design section. He said that the Commission will expect to make the disclosure of the several estimates on a design section at such time as its interests can be served best but that in any event disclosure will be made promptly after all the contracts within a design section have been awarded.

The General Counsel reported upon the status of the Balduf and Greene cases pending in the Court of Common Pleas of Lucas County. He said that the Court has under advisement, with a decision expected in a couple of weeks, the question of the order to be entered upon the Commission's motions to quash service of summons upon the amended petition, and to strike the amended petition from the files. He said that no decision had yet been rendered upon similar motions in the Greene case.

With respect to the application for writ of certiorari filed in the Supreme Court of the United States by Balduf and the Greenes, Mr. Dunbar said there had been no development since the last meeting of the Commission. Finally, he reported that since the previous meeting of the Commission a suit had been filed against the Commission and its officers in the Court of Appeals of Franklin County, Ohio, in which the relator had asked the Court to issue a writ of mandamus to compel the Commission to take bids for alternative paving materials. He said that the petition was under study.

Next the General Counsel presented the written recommendations, signed by himself, the Chief Engineer and the Chief of the Right-of-way Section, that the Commission adopt a resolution 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 a form of resolution prepared by him to carry out the recommendations so made. A motion was made by Mr. McKay, seconded by Mr. Allen, that the following resolution (No. 84-1952) 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 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>
Frances F. Minter	16 East Main Street Canfield, Ohio
J. M. Minter	16 East Main Street Canfield, Ohio

<u>Owner(s)</u>	<u>Place of Residence</u>
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-C

Situated in the Township of Canfield, County of Mahoning and State of Ohio, and known as being part of Original Canfield Township Lot No. 7, in 2nd Division, and being all that part of the lands described in the deed to Frances F. Minter dated May 29, 1937, and recorded in Volume 460, Page 612 of Mahoning County Deed Records lying within a strip of land 280 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 120 feet Northeasterly measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Pages 30 and 32 of Mahoning County Map Records, and the Southwesterly line of said strip being parallel to and distant 160 feet Southwesterly, measured on a line normal to said center line.

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

Ayes, McKay, Allen, Teagarden, Linzell, Shocknessy

Nays, None.

The Chairman declared the motion adopted.

It was recommended by the Chief Engineer that Test Boring Contract B-14, in Ottawa and Sandusky Counties, Ohio, be awarded to the Mott Core Drilling Co., Inc., Huntington, West Virginia, on its bid of \$38,058.25.

A motion was made by Mr. Teagarden, seconded by Mr. Linzell, that the following resolution (No. 85-1952) be adopted:

RESOLVED, That the bid of Mott Core Drilling Company, Inc. is the lowest and best bid for Contract No. B-14, for test-boring work in Ottawa and Sandusky Counties, and, therefore, award of said contract is hereby made to said Mott Core Drilling Company, Inc., and, subject to the provisions of Resolution No. 69-1952, the Chief Engineer is authorized, on behalf of the Commission, to enter into such contract with said bidder.

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

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

Nays, None.

The Chairman declared the motion adopted.

The Chief Engineer also recommended that Test Boring Contract B-15, in Wood and Ottawa Counties, Ohio, be awarded by resolution to the Cunningham Core Drilling and Grouting Corp., Salem, Virginia, on its bid of \$33,317.50. A motion was made by Mr. Teagarden, seconded by Mr. McKay, that the following resolution (No. 86-1952) be adopted:

"RESOLVED, That the bid of Cunningham Core Drilling & Grouting Corporation is the lowest and best bid for Contract No. B-15 for test-boring work in Wood and Ottawa Counties, and, therefore, award of said contract is hereby made to said Cunningham Core Drilling & Grouting Corporation, and, subject to the provisions of resolution No. 69-1952, the Chief Engineer is authorized, on behalf of the Commission, to enter into such contract with said bidder.

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

The vote was as follows:

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

Nays, None.

The Chairman declared the motion adopted.

The Chief Engineer reported that seventeen bids were received on October 15, 1952 for the construction of the substructure of the Cuyahoga River bridge. The lowest was that of the Horvitz Company, Cleveland, Ohio, their bid being \$1,163,433.00. The Chief Engineer said that the three lowest bids were lower than engineers expected. He recommended the contract be awarded to the Horvitz Company.

A motion was made by Mr. McKay, seconded by Mr. Linzell, that the following resolution (No. 87-1952) be adopted:

"CONTRACT C-15-A

RESOLVED, That the action of the Chief Engineer in advertising for, receiving, and opening bids for Contract No. C-15-A, for construction of the substructure of the Cuyahoga River bridge, and in prescribing forms of all contract documents in connection therewith, is hereby ratified, approved, and confirmed; and

FURTHER RESOLVED, That the bid therefor of The Horvitz Company is hereby determined to be the lowest and best bid and, accordingly, award of said contract is hereby made to said The Horvitz Company, and the Chief Engineer is authorized to enter into such contract on behalf of the Commission, subject to approval, as to all legal aspects, of 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, McKay, Linzell, Teagarden, Allen, Shocknessy.

Nays, None.

The Chairman declared the motion adopted and advised Mr. Walter Fleming, representative of The Horvitz Company who was present at the meeting, that it gave great satisfaction to the Commission to be able to award its first construction contract to a fine Ohio company.

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

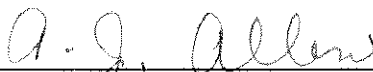


Ayes, Teagarden, Allen, McKay, Linzell, Shocknessy.

Nays, None.

The Chairman declared the motion adopted, and the meeting adjourned. The time of adjournment was 12:00 o'clock Noon.

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



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A. J. Allen  
Secretary-Treasurer