

MINUTES OF THE FIFTIETH MEETING  
NOVEMBER 4, 1952

Pursuant to call of the Chairman the Ohio Turnpike Commission met in regular open session at the Seneca Hotel in Columbus, Ohio, at 2:25 P. M. on November 4, 1952, with the key members of its staff, representatives of the Consulting Engineers, of the Trustee, of special counsel Squire, Sanders & Dempsey, Mr. Robert Dow Hamilton, Mr. Frank Siedel, members of the press, and others also in attendance.

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

Present: Allen, Teagarden, Shocknessy, McKay, Linzell.

Absent: None.

The Chairman announced that a quorum was present.

The Chairman stated that the minutes for the meetings of October 7 and October 18, 1952 were not ready for action because they had not yet been submitted to the members for their examination.

The Chairman reported that since the meeting of the Commission of October 18, 1952 a milestone had been passed in the ground-breaking at the crossing of the Cuyahoga River in Summit County; that a large crowd had been present; that the newspapers, radio, and television had covered the event fully. He said that there had been no ceremony but that it had been an occasion whose significance was apparent. The Chairman mentioned that on the day of the ground-breaking the Governor of Ohio issued a statement suggesting that the Commission consider the construction of a turnpike, north and south. Saying that "the question of a north and south turnpike is not one for amateur conjecture" he suggested to the Commission that it take such action pursuant to the suggestion of the Governor as the law would require.

The Chairman then reviewed for the Commission its initial action in 1949 which led to the performance of engineering and other studies by the Director of Highways to determine the feasibility of Turnpike Project No. 1.

There was discussion, participated in by all members of the Commission, as to the method by which effect could be given to the recommendation of the Governor, after which a motion was made by Mr. Allen, seconded by Mr. Teagarden, that resolution No. 88-1952

requesting advice by the Director of Highways in the matter of the study of a Toledo-Cincinnati Turnpike, be adopted:

"RESOLVED, That the Chairman of the Commission request the Director of Highways to advise the Commission at his earliest convenience whether or not it is appropriate that studies be undertaken immediately pursuant to the request of the Governor and within the limitations of Section 1220 of the Turnpike Act to determine whether or not a turnpike terminating at Cincinnati and originating in the general area of Toledo is feasible."

Mr. McKay expressed his opposition to the drafting of resolutions during the course of a Commission meeting and his desire that resolutions be brought to the attention of the several members for consideration in advance of meetings. 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 resolution adopted and the Secretary was authorized and instructed to advise the Governor of Ohio of the action which had been taken and to send him a copy of the resolution.

The Chairman reported the receipt of a telegram from the Chairman of the Pennsylvania Turnpike Commission congratulating the Ohio Turnpike Commission upon the occasion of the first ground-breaking, and suggesting a joint commemoration when the first section of the Ohio Turnpike joining with the Pennsylvania Turnpike shall be opened.

The Chairman reported with respect to litigation that the Supreme Court of the United States had refused to hear the contentions of those persons at Maumee who sought to intervene in the case before the Supreme Court of Ohio, and stated his belief such action gave sanction in a very formidable way to the financing which had been completed by the Commission in the face of the petition for writ of certiorari in the Supreme Court of the United States. He reported also upon a case pending in the Court of Appeals of the Second Judicial District of Ohio, Franklin County, seeking to require the Commission to take bids in the alternative on competitive paving designs, and stated that the depositions of the Chairman, the Executive Assistant, the Chief Engineer, Mr. Ed D. Schorr and Mr. Charles Chastang,

counsel for the J. E. Greiner Company and several persons of the Department of Highways had been taken; that the Court had appointed a referee to take the testimony and make findings of fact and law; and that the case was scheduled for hearing before the referee on November 6, 1952.

The Chairman reported that after the special meeting of the Commission on October 18, 1952, the Commission had a conference with J. Clare George and Mr. Otto E. Schoepfle of the Elyria Chronicle Telegram who, he said, wanted as much information as they could procure concerning the so-called Elyria controversy. The Chairman said that the Commission had been greatly impressed with the sincerity of both those gentlemen and of their purpose to assist their community and the Commission in reaching a proper understanding.

Mr. Soller reported for the Secretary-Treasurer that the first quarterly audit had been completed and that copies of the report thereof had been distributed to the members of the Commission and other interested parties. He said that at the end of October, 1952 the Commission had actual and accrued income from investments of \$1,572,000. He stated that when the original investment portfolio was established it was somewhat short of predicted requirements at the end of the construction schedule for the project, but that by reinvesting the interest which had been received, and by drawing down less than was anticipated and similarly reinvesting those amounts in 1955 maturities, that phase of the investment program was completed on October 29, 1952. He said that the latest investments were at a price to yield 2.14% and 2.16% to maturity. The Secretary-Treasurer was commended upon his report, and in the absence of any objection, the report was accepted.

The General Counsel then reported concerning negotiations by himself and Mr. Linzell with the owner of the property located at 135 to 141 East Gay Street, and 40-to 44 North Lazelle Street, in Columbus, and said that the main issues had been negotiated; that legal details had been almost completely worked out; that the building had been appraised by several competent firms of appraisers; and that the appraisals had been submitted to the members of the Commission for analysis, together with estimates which had been received for remodeling the structure. He recommended that the Commission authorize the leasing of the building for a period of ten years with an option on the part of the Commission after approximately a year to buy the property.

A motion was made by Mr. Allen, seconded by Mr. Teagarden, that resolution No. 89-1952, authorizing lease of office building with option to purchase, be adopted:

"WHEREAS the Commission has received a proposal from the owner of the four-story building located at and known as 135-141 East Gay Street in the City of Columbus, together with the adjoining garage building located at and known as 40-44 North Lazelle Street in the City of Columbus, to lease said properties to the Commission for a term of ten years at a rental of \$10,800.00 per year, the lease to include an option exercisable by the Commission on or after January 1, 1954 to purchase said building at the price of \$165,000.00; and

"WHEREAS the Commission has fully considered said offer, has examined and investigated said buildings, has been advised by architects with respect to the feasibility of adapting the same to the requirements of the Commission for a headquarters office, and has investigated and considered the value to the Commission of said buildings, and is of the opinion that it will be desirable and in the best interests of the Commission that it lease said buildings as aforesaid with said option to purchase;

"NOW, THEREFORE, BE IT

RESOLVED that the Chairman of the Commission be and he hereby is authorized on behalf of the Commission to enter into a lease of the buildings aforesaid, for a term of ten years, at an annual rental of not to exceed \$10,800.00 said rental to commence not earlier than January 1, 1953, but the Commission to have a right to possess all or most of said buildings immediately upon the execution of the lease; that any such lease shall contain an option exercisable by the Commission to purchase said property on or after January 1, 1954 at a price of not to exceed \$165,000.00, and that said lease shall contain such additional provisions relating to the payment of taxes, insuring of the buildings, maintenance of them, and other matters and things as shall be deemed satisfactory by the Chairman and be approved by the General Counsel or an attorney designated by him for the purpose; and

"FURTHER RESOLVED that the Chairman be and hereby he is authorized on behalf of the Commission to employ an architect or architects to prepare plans and do all other things in the nature of architectural services which appear needful or desirable in connection with the renovation, improvement, remodeling, and preparation for occupancy by the Commission of the buildings aforesaid, and the Chairman is also authorized on behalf of the Commission to employ the services of other

experts or other persons whose services he may deem to be necessary or desirable in connection with the leasing of the buildings aforesaid and their preparation for occupancy by the Commission, and, if said lease be executed, he is authorized and directed to do, or to cause to be done by the staff of the Commission, any and all things incidental to the carrying out of the purposes of this resolution which he may deem to be necessary or desirable, and for the protection of the interests of the Commission."

Mr. Allen stated that the Commission had searched diligently for space and had looked at many other buildings before finally coming to a conclusion. The Chairman stated that the only alternative which the Commission had after canvassing existing buildings in Franklin County was to construct a new building, and that Mr. Linzell was of the opinion that such construction would be unnecessarily expensive and would require too much time. Mr. Linzell said that the proposed building could be rehabilitated for the Commission's needs in four months. Mr. McKay stated his opinion that the building is in a badly congested traffic area and that perhaps ultimately the Commission would be better off in an outlying area but that he was willing to vote for the resolution. Mr. Teagarden said that the Gay Street property was the best which had come to his attention. A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

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

Nays, None.

The Chairman declared the resolution adopted.

The General Counsel then reminded the Commission that he had previously reported the death of Mr. Max Rudolph of the Cleveland right-of-way "associates," Rudolph, Carpenter, Dunlap & Free, and read the following letter which he had received from them:

"October 28, 1952

"Mr. Frank Dunbar  
Ohio Turnpike Commission  
361 East Broad Street  
Columbus, Ohio

"Dear Mr. Dunbar:

"We wish to inform you that we have discussed the clause in our contract covering selection of a partner to replace one deceased.

"No time limit is set forth in the contract, but we feel that within a reasonable period of time either a request for approval of a new member should be submitted or ask that the requirement be waived.

"I am sure you are fully aware of the pressure being placed on the partnership to expedite appraisal and purchase. Our entire thought and effort is in doing a satisfactory job in the shortest time possible.

"Rather than make a hasty selection, we respectfully request that the Commission grant sufficient time for consideration.

"Very truly yours,

"OHIO TURNPIKE LAND AGENTS

"By. /s/ R. C. Carpenter

"RCC/lms" R. C. Carpenter

The Chairman stated his opinion that action of the Commission in the matter was not necessary, but that the determining factor would be the ability of the associates to maintain the required schedule. Mr. Hartford and Mr. Donnelly stated that the progress of the Cleveland Associates had been satisfactory. Mr. McKay said that the Cleveland Associates should select a replacement for approval by the Commission. The Chairman thereupon instructed the General Counsel to transmit a letter to the Cleveland Associates requesting that the name and qualifications of a successor to Mr. Rudolph be submitted to the Commission as soon as possible.

The General Counsel then recommended that the Chief of the Right-of-way Section be authorized to enter into a contract for the purchase of right-of-way parcel No. 147-D, and stated his reasons for the recommendation. A motion was made by Mr. Linzell, seconded by Mr. Allen, that resolution Number 90-1952, authorizing contract to acquire right-of-way parcel No. 147-D, be adopted:

"WHEREAS the Chief of the Right-of-way Section has reported to the Commission that special problems have arisen in negotiations with the owners of right-of-way parcel No. 147-D, required in connection with the construction of Ohio Turnpike Project No. 1, and it appears that said owners have asserted claims for damages alleged to have been suffered by them on account of surveying and test-drilling operations; and

"WHEREAS the Chief of the Right-of-way Section has recommended that an agreement be made with said owners, if possible, rather than taking resort to appropriation proceedings;

"NOW, THEREFORE, BE IT

RESOLVED That the Chief of the Right-of-way Section be, and he hereby is, authorized on behalf of the Commission to enter into a contract with the owners of right-of-way parcel No. 147-D for the purchase thereof by the Commission upon such terms as he shall deem to be satisfactory to, and in the best interests of, the Commission, subject to the approval thereof by General Counsel, provided that said owners shall release all claims for damages to their property resulting from surveying and test-drilling operations, and further provided that the aggregate amount of compensation and damages to be paid shall not exceed such amount as shall be recommended by the Commission's appraisers, Messrs. Rudolph, Carpenter, Dunlap, and Free, and as shall be approved by the Commission's Consulting Engineers."

Discussion ensued, and Mr. McKay stated that he would vote for the resolution because the Chief of the Right-of-way Section had stated that the original appraisal was in error due to failure to recognize certain compensatory costs.

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 resolution adopted.

The General Counsel then presented 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, and he tendered a form of resolution prepared by him to carry out the recommendations so made.

A motion was made by Mr. Teagarden, seconded by Mr. McKay, that resolution Number 91-1952, declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted, be adopted:

"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 the 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 abutters' 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>
Dominic A. DeMichele, Jr.	422 Broadview Drive Hubbard, Ohio
Concetta A. DeMichele	422 Broadview Drive Hubbard, Ohio
Robert Lamberton	Address Unknown
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-S

Situated in the Township of Beaver, County of Mahoning and State of Ohio, and known as being all that part of Sub Lot No. 19 in Rickert Place Plat No. 3, a Subdivision 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 Southwesterly of a line drawn parallel to and distant 135 feet Northeasterly 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 present responded to roll call. The vote was as follows:

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

Nays, None.



The Chairman declared the motion adopted.

The General Counsel then reported that he had on behalf of the Commission retained Squire, Sanders & Dempsey of Cleveland as special counsel to handle the case which was pending in the Court of Appeals of Franklin County, Ohio, and that he had in addition retained that same firm to serve as special counsel and to furnish such services as may be required of them in the capacity of fiscal consultants to the Commission. He stated that there had been no further developments in the Balduf and Greene cases pending in the Common Pleas Court of Lucas County. He further reported with respect to the case of Steer and Adair against the Land Title Guarantee and Trust Company and the Commission, pending in the Common Pleas Court of Franklin County, Ohio, that the case had been tried on October 30, 1952; that he and Mr. Folkerth had represented the Commission; that evidence was presented to the Court; and that the Court had fixed times within which briefs should be filed on the merits by the parties to the case. He estimated that three months, or more, might elapse before a decision in that case.

The General Counsel concluded his report by advising the Commission that the Commission's bond counsel and he had prepared the necessary papers for the taking of bids for the engraving of definitive bonds. Mr. McKay restated his belief that resolutions should be prepared and submitted to the members of the Commission in advance of the meetings. A motion was made by Mr. McKay, seconded by Mr. Teagarden, that resolution No. 92, 1952, providing for bids for engraving definitive bonds, be adopted:

"WHEREAS the trust agreement dated June 1, 1952, between this Commission and The Ohio National Bank of Columbus, as Trustee, et al., relating to the Commission's Turnpike Revenue Bonds, Project No. 1, provides that the bonds heretofore issued thereunder in temporary form shall be exchanged for definitive bonds, and it is necessary for this Commission to make provision for the preparation of such definitive bonds; and

"WHEREAS there has been prepared by the Commission's Bond Counsel forms of bid papers for such purpose, consisting of forms of bid, and terms and conditions of bids, to the latter of which are attached forms of legal notice, specifications, contract, affidavit, and performance bond, and a copy of the Commission's seal, which forms have been presented to the Commission at this meeting;

"NOW, THEREFORE, BE IT

RESOLVED that the documents described in the foregoing

recitals are hereby approved and the Secretary-Treasurer of the Commission is hereby authorized and directed to cause said legal notice to be published in a newspaper of general circulation in the City of Columbus, Ohio, for two consecutive weeks prior to November 24, 1952, and in addition thereto in such trade journals or financial newspapers of national circulation as he shall determine to be advisable."

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

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

Nays, None.

The Chairman declared the motion adopted.

Finally, the General Counsel advised the Commission that a great amount of work had been done in endeavoring to develop forms of agreements with railroad and other public utility companies; that meetings had been had with two groups of utility companies; and that a meeting was scheduled with a third group. He said that he expected to present suggested standard forms of agreements with utility companies to the members of the Commission as soon as possible.

The Chief of the Right-of-way Section advised the Commission that a periodic report of progress of right-of-way acquisition had been prepared and would be mailed to each member of the Commission.

The Chief Engineer then reported that the contracting engineers who are engaged in the design of Project No. 1 were ahead of schedule on October 15, 1952; that 10% of the design work was scheduled to have been completed by that date, whereas 40% of the design work had actually been completed; and that plans were essentially complete for three construction contracts in addition to the one already awarded by the Commission. He said that the printing of the general specifications of the construction work was well under way, and he reported that Mr. G. K. Jewell, a soils engineer, had been hired for the staff of the Commission. The Chief Engineer concluded his report by advising the Commission that all test-boring contracts had either been awarded or had been advertised for bids.

The Executive Assistant reported the receipt of the following letter from Mr. Maurice F. Hanning:

"McAFEE, GROSSMAN, TAPLIN, HANNING, NEWCOMER & HAZLETT

Law Offices  
Midland Building  
Cleveland 15

November 1, 1952

"Mr. James W. Shocknessy  
Chairman  
Ohio Turnpike Commission  
Columbus, Ohio

"Dear Mr. Shocknessy:

"Since Mr. Eric V. Weber, President of Ohio Petroleum Marketers Association, and the writer as Chairman of the Ohio Petroleum Industry Committee, met with your Commission and staff on October 7, 1952 concerning service station setups on the Ohio Turnpike, I would like to advise you that we had a meeting at Columbus, Ohio of representatives of the oil industry October 13th to consider your invitation to the industry to present to your Commission by December 1, 1952 our suggestions in the way of plans with respect to gasoline service stations on the turnpike. At this meeting the representatives of the various companies were instructed to work out their ideas to be presented to our central committee at another meeting to be held at Columbus, Ohio, November 13 and 14. As a result of this I am very hopeful that we will be able to come up with some constructive suggestions.

"Meanwhile, Mr. J. J. Jenkins, Jr. of The J. E. Greiner Company has sent me two copies of the Engineering report and two copies of the Traffic report of the Ohio Turnpike for use in connection with the study we are making.

"Mr. Weber, President of the Ohio Petroleum Marketers Association, has reminded me that we were to give you a list of the membership of our group, so you may have some idea of its representation. The list is as follows:

"Eric V. Weber, Cincinnati, Ohio  
President, Ohio Petroleum Marketers Association

"Hubert B. Fuller, General Counsel  
Ohio Petroleum Marketers Association

"W. L. Hahn, Shell Oil Company, Cleveland, Ohio

"Edward J. Bassett, Sinclair Refining Company  
Worthington, Ohio

"C. J. Bolton, Ashland Oil and Refining Company  
Ashland, Kentucky

"W. A. Bourne, Gulf Refining Company, Toledo, Ohio

"Chas. A. Beuchner, Ohio Oil Company, Findlay, Ohio

"Ralph L. Isselhardt, Cities Service Oil Company  
Cleveland, Ohio

"William T. Leslie, The Pure Oil Co., Columbus, Ohio

"F. E. Lewellen, Socony-Vacuum Oil Co., Detroit, Mich.

"Dale Pumphrey, The Texas Company, Cleveland, Ohio

"G. Boyd Wreith, Sun Oil Company, Detroit, Mich.

"C. H. Knowlton, Atlantic Refining Co., Columbus, Ohio

"J. L. Marsh, Executive Secretary, Ohio Petroleum  
Industry Committee, Youngstown, Ohio

and of course the writer, representing SOHIO, and Chairman of the Ohio Petroleum Industry Committee. This group with the assistance of technical personnel of the various companies are presently formulating their ideas and suggestions for presentation and consideration at our meeting at Columbus on the 13th of this month.

"Yours very truly,

" /s/ Maurice F. Hanning

"Maurice F. Hanning

JFH:gg"

The Chairman instructed the Executive Assistant to acknowledge the letter from Mr. Hanning, and to indicate the pleasure of the Commission that his group is making progress.

The Executive Assistant reported the receipt of bids for a dry-process whiteprinting machine, and that the Ferd Wagner Company of Cincinnati, Ohio, had submitted the lowest and best bid. He recommended the purchase of the machine from that firm, and indicated that the Chief Engineer concurred in the recommendation. He said that he had advice from the General Counsel that the Executive Assistant was authorized to award the contract to the Ferd Wagner Company. A motion was made by Mr. Allen, seconded by Mr. McKay,

that the proposed purchase of a whiteprinting machine from the Ferd Wagner Company be approved. A vote by ayes and nays was taken and all members responded to roll call and voted aye, except the Chairman who did not vote. The vote was as follows:

Ayes, Teagarden, McKay, Allen, Linzell.

Nays, None.

Not voting, Chairman

The Chairman declared the motion carried.

A motion was made by Mr. McKay, seconded by Mr. Linzell, that resolution Number 93-1952, ratifying actions of Administrative Officers, be adopted:

"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 October 7, 1952, are hereby ratified, approved and confirmed."

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

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

Nays, None.

The Chairman declared the resolution adopted.

The Director of Information and Research advised the Commission that a report of his activities had been prepared and would be mailed to each member of the Commission.

There being no further business to come before the Commission, a motion was made by Mr. Teagarden, seconded by Mr. McKay, that the meeting adjourn subject to call of the

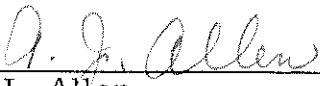
Chairman. A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

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

Nays, None.

The Chairman declared the meeting adjourned. The time of adjournment was 4:00 o'clock P. M.

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

  
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A. J. Allen  
Secretary-Treasurer