

MINUTES OF THE FIFTY-FIRST MEETING
DECEMBER 2, 1952

Pursuant to call of the Chairman the Ohio Turnpike Commission met in regular open session at the Seneca Hotel in Columbus, Ohio, at 10:40 A. M. on December 2, 1952, with the key members of its staff, representatives of the Consulting Engineers, of the Trustee, of special counsel Squire, Sanders & Dempsey, representatives of the petroleum industry and the outdoor advertising industry, members of the press, and others also in attendance.

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

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

Absent: None.

The Chairman announced that a quorum was present.

A motion was made by Mr. Teagarden, seconded by Mr. Linzell, that the minutes of the meetings of October 7 and October 18, 1952, which had been examined by the members of the Commission and upon which the required corrections had been made, be approved without reading. A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

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

Nays, None.

The Chairman declared the motion carried.

The Chairman reported that since the last meeting both the Balduf case and the Greene case had been dismissed in the Court of Common Pleas of Lucas County, in accordance with the theory which the Commission's counsel had propounded to the Court, and that a notice of appeal had been filed in the Greene case.

The Chairman stated that since the last meeting the General Counsel had called a conference of the appraisers and negotiators for the Commission which met on November 17, 1952, and at that time pursuant to discussions previously had by the General Counsel and the Chairman on August 30, 1952, with the appraisers and negotiators and which were reported to the Commission at previous meetings, the appraisers and negotiators were requested to procure from all sellers of right-of-way to the Turnpike Commission an agreement that billboards and unsightly advertising be prohibited on

the residue of land purchased by the Commission. He said that the Commission had many times publicly avowed its purpose of prohibiting commercial advertising within the limits of the highway, and that at the conference on November 17, further in pursuance of that purpose and the discussion of August 30, the appraisers and negotiators were directed by General Counsel to seek the agreements with respect to the residue.

The Chairman stated that he would expect to appoint committees to consider for the Commission the matter of criteria for guard rail and for drainage pipe, and he suggested that the Commission should consider at this meeting the adjustment of alignment at the Toledo Airport and the purchase of definitive bonds. He then read a letter under date of December 3, 1952, received from Mrs. Raymond Sturgeon of the Youngstown Federation of Women's Clubs, in which the Commission was commended upon its diligence in banning the use of billboards on the Turnpike and adjacent property. The Executive Assistant was instructed to respond to the letter.

The Chairman suggested that the Commission authorize the appointment of a committee to be composed of representatives of garden clubs, Friends of the Land, landscape architects, roadside councils, and other appropriate organizations, to meet with the Commission and to consider the subject of billboard advertising.

The Chairman referred to a letter under date of November 26, 1952 which he had received from Mr. Arthur Dundon, Secretary-Treasurer of the Outdoor Advertising Association of Ohio, Columbus, Ohio, and to his response thereto under date of November 29, 1952, and advised the Commission that Mr. Dundon was then present at the meeting.

The Chairman made reference to an article in The Cleveland Press by Mr. Robert Bordner on the subject of borrow pit blight along the Turnpike in which the following statement by Mr. Ernest L. Dewald, Chairman of the Western Reserve Section of the American Society of Landscape Architects had been made: "We can picture a 241-mile scar across the State of Ohio if the grading and planting along the Turnpike and over the borrow pits is not properly handled." The Chairman observed that the writer obviously was not familiar with the provisions of the General Specifications then under consideration by the Commission. The Chairman said that because of the interest in the subject he considered it advisable to read from the General Specifications the item entitled "E-4 BORROW":

"Borrow pits shall be located only
at sites that have been approved for the purpose

by the Engineer. Unless otherwise approved by the Engineer in writing, borrow pits shall be located out-of-sight of the Turnpike and public roads. In all cases borrow pit areas, regardless of their location, shall be maintained and left in a condition satisfactory to the Engineer; pit areas shall be shaped so they will blend into the general topography of the locality; steep slopes or side-walls shall be avoided; ditches or other drains that may cause silting in downstream channels will not be permitted; all pit areas shall have natural and complete drainage, or, if they are to be left as ponds, they shall have a minimum depth of six (6) feet; pits to be left as ponds shall first have the written approval of the Engineer and the property owner; where borrow pits are located in areas equipped with underdrains or other means for draining the pit areas or adjacent areas, the Contractor shall replace or construct new drainage works that will adequately handle both surface and subsurface water; all pit areas shall be seeded as specified in Item L-19, or otherwise returned to cultivation, and any such areas which are unsuitable for seeding shall be top-soiled and seeded as specified in Items L-3 and L-19; unsightly eyesores will not be tolerated."

The Chairman then quoted the following from Section G-4.07 of the General Specifications:

"Upon completion of The Work and before acceptance and final payment shall be made, the Contractor shall clean the Turnpike, stream channels and banks within the right-of-way at drainage structures, borrow pits, and all ground occupied by him in connection with The Work, of all rubbish, excess materials, falsework, temporary paving and structures, and equipment, and all parts of The Work shall be left in a neat and presentable condition and satisfactory to the Engineer."

The Chairman requested that the Director of Information address a letter to Mr. Dewald and call to his attention the provisions of the General Specifications which he had read.

The Chairman reported that the members of the Commission, together with the Trustee, the principal underwriters, the Consulting Engineers, the General Counsel, special counsel, and members of the Commission's staff, had held a conference in Columbus on November 24, 1952 to discuss informally the lawsuit filed by Mr. Richard H. Shafer in the Court of Appeals in Franklin County and many matters which had been under consideration and had been the subject of activity since the financing of Ohio Turnpike Project No. 1, and in which the principal underwriters and the Trustee were interested especially.

The Chairman advised the Commission that there were then approximately 2200 pages of testimony offered before the referee in the Court of Appeals of Franklin County in the Shafer case, and the General Counsel was arranging for the transcripts of the testimony to be delivered to the Members of the Commission. He stated his belief that all of the members had already read a part of the transcript. He made reference to comments on the General Specifications which had been prepared by the Director of Highways and submitted for the consideration of the Commission. The Chairman expressed his hope that the Commission would meet again on Saturday, December 6, 1952, at which time the evaluation by the several members of the testimony in the Shafer case as related to the advertisement of the bids on the first roadway contract might be indicated. He reminded the Commission that such advertisement had been published once, but that after consultation with the Consulting Engineers it had been decided to postpone its further publication until later when the specifications were in ultimate form and also when it would be possible to evaluate the continuing testimony in the Shafer case in the Court of Appeals and that, accordingly, the Commission had withdrawn its advertisement in an abundance of caution. In response to inquiry of the Chairman, Mr. Donnelly stated his belief that the construction schedule would not be done violence if the first roadway contract were awarded early in January 1953.

Mr. Soller reported for the Secretary-Treasurer that since the last meeting the following documents had been transmitted to each member of the Commission:

1. Semi-monthly right-of-way summaries for the periods October 1-15 and October 16-31, 1952, mailed November 5.
2. Semi-monthly right-of-way summary for the period November 1-15, mailed November 20.
3. Financial statements for the period ending October 31, 1952, mailed November 10.
4. Report of changes in the investment portfolio through October 30, 1952, mailed November 7.
5. Proposed General Specifications for construction, mailed November 7.
6. Suggested modification of design criteria for drainage pipe, mailed November 17.
7. Report by Consulting Engineers on agricultural drainage, mailed November 10.
8. Recommended design criteria for agricultural drainage, transmitted November 25.
9. Proposed adjustment in alignment in vicinity of projected Toledo Airport, mailed November 24.
10. Report by Chief Engineer concerning guard rail, mailed November 18.
11. Proposed supplemental construction specifications, mailed November 26.
12. Report of Consulting Engineers with respect to developments in the Cleveland Metropolitan Park area, mailed November 22.

In the absence of any objection the report of the Secretary-Treasurer was received as offered.

The General Counsel then reported to the Commission as follows with respect to general and supplemental specifications and with respect to plans for construction section C-1:

"Next, I present to you forms of four documents. The first of these is a complete set of proposed 'General Specifications' for the construction of Ohio Turnpike Project No. 1. A preliminary partial draft of these General Specifications came to me for the first time many months ago from the commission's consulting engineer. I understand that during the intervening months the consulting engineer has had various persons at work on the different portions of these General Specifications and in the form in which they are now presented to you they reflect the product of that work. They have also, I am informed, been intensively worked over by the commission's chief engineer and his assistants during recent months, and have been reviewed in great detail by various engineers of the highway department. Still further, the first portion of these specifications, which bears the label 'General Conditions,' being comprised of what amount to contract terms and provisions, and primarily a legal, and not an engineering nature, have been carefully and intensively studied and have been drafted by me, after numerous consultations with the commission's chief engineer and consulting engineer and, as to certain provisions, with the present director of highways, Mr. Linzell.

"Arrangements have been made for the printing of these specifications, and the work has progressed to the point at which type has been set. In fact, for the most part, the draft which I hand you is in the form of printer's page proof. A copy of that proof was sent to each of you on November 7, 1952. The draft now presented to you is in substantially the same form. However, several new portions have since been worked out and prepared by the commission's engineers and are incorporated in the present draft. The new portions have been transmitted to each of you with three covering memoranda signed by the chief engineer one dated November 26 and two dated December 1, 1952. These new portions are as follows:

- I-24 Delineators
- I-25 Permanent Barricades
- I-26 Permanent Monuments and Station Markers
- I-27 Classified Embankment Material
- I-28 Temporary Cattle Fence
- M-8.4 Round Wood Guard Rail Posts
- M-8.5 Square Sawed Wood Guard Rail Posts
- M-8.6 Treated Wood Guard Rail Posts
- M-10.33 Guard Rail - Woven Wire Type (Tape)

M -10.34 Guard Rail - - Woven Wire Type (Band)
M- 10.35 Guard Rail - - Flexible Steel Plate Tension Type
Also, certain matter previously incorporated in the draft
of proposed 'Supplemental Specifications,' and now
proposed to be transferred to the 'General Specifications.'

In addition, either the engineers or I have initiated, and we have collaborated with each other in working out some of, various suggested changes in the language in 23 of the paragraphs appearing in the printer's proof.

"If the work of constructing Ohio Turnpike Project No. 1, and especially the expedited eastern section, is to be completed upon schedule, there must be advertisement at a very early date for bids for the construction work on the easternmost construction section, which will have to be followed promptly by the taking of bids upon other construction sections.

"I might say that a notice of the taking of bids for construction section C-1 was advertised once about a month ago, but because of the pendency of certain litigation, it was decided to postpone the taking of such bids in order that testimony in that litigation might be received before the referee in that case prior to taking bids. Accordingly, the second advertisement was cancelled. However, since that hearing has been so protracted, and because it is my belief that enough testimony has been presented before the referee for the commission to satisfy itself as to the validity of proceeding to take bids at an early date, through a reading by the commission members of the transcript of testimony received thus far in the case, I recommend that you should proceed without further delay. The commission should act upon the General Specifications and all the other bidding and contract documents which will be involved in contract No. C-1 before advertisement is made.

"To facilitate your consideration of the matter, I am having copies made, as rapidly as possible, of the transcript of testimony in the pending case. These will be furnished promptly to each of you.

"In addition to the proposed General Specifications, I hand you three others of the documents that will be required in connection with the taking of bids for Contract C-1. One of these is a set of 'Supplemental Specifications,' which has been furnished to me by the chief engineer. He says it's in the same form as submitted by him to each of you under date of November

26, 1952, except for the transfer which I mentioned previously of certain portions to the proposed 'General Specifications.'

"The second of these additional documents is the 'Plans' for the construction section C-1, prepared, of course, by the contracting engineer for design section D-1, approved by the consulting engineer and chief engineer, and by him tendered to me. The third is a form of 'Notice to Bidders,' which has been prepared under my direction.

"In addition to the four documents tendered today, two others will be required. One is the 'Special Provisions' for contract C-1; the other, the form of 'Proposal.' These are being worked on by the engineers, and, of course, will have to be tendered to the legal department for final processing. I am informed that they should be ready for your consideration within two or three days.

"May I conclude this section of my report by reiterating my recommendation that you consider and take action upon this matter at as early a date as is feasible."

Mr. Linzell suggested that prior to December 6, 1952, the members of the Commission examine the comments of the Director of Highways with respect to the General Specifications. The Chairman directed the Executive Assistant to place in the hands of each member of the Commission a copy of the comments referred to by Mr. Linzell. Mr. McKay inquired whether there would be sufficient time before December 6 to complete the reviews and to make necessary changes in specifications and contract documents. The Chief Engineer advised Mr. McKay that the work could be done by December 5.

The Chairman handed three prepared questions to Mr. Donnelly and asked him to give an answer upon them by December 6. The questions had to do with recommendations by the Consulting Engineers as to any change in the design standards or in the pavement design for the Turnpike project, re-examination of the economic comparison between flexible and rigid pavement, and confirmation of the adequacy of the quantities and unit costs included in the engineering report prepared by J. E. Greiner Company.

Mr. McKay suggested that the opinions of the contracting engineers with respect to the proposed General Specifications should be solicited by the Consulting Engineers, and that a report thereon should be rendered to the Commission. Mr. Donnelly was instructed by the Chairman to obtain such opinions, and also to transmit to the Commission a statement of the Consulting Engineers embodying the

approval of the Consulting Engineers as to the General and Supplemental Specifications and the revised criteria for guard rail, drainage pipe, and agricultural drainage.

The General Counsel then reported as follows concerning the engraving of definitive bonds:

"At the commission's last meeting it adopted Resolution No. 92-1952 approving the various forms of documents and papers relating to bids for the engraving of definitive bonds. Since then, legal notice of the taking of such bids has been published as provided in that resolution and by law and there has been submitted to the commission evidence of such publication. This evidence demonstrates that publication has been made for two consecutive weeks prior to November 24, 1952 in a newspaper of general circulation in the city of Columbus, Ohio and also in the Wall Street Journal. In accordance with that notice, bids were received until 10:00 A. M. Eastern Standard Time on November 24, 1952. At that time all bids which had been received were publicly opened and read. The bids so received were:

<u>Bidder</u>	<u>Price Per Bond</u>
Security Bank Note Co. 55th and Sansom Streets Philadelphia 39, Penna.	\$ 0.2415
American Bank Note Co. 70 Broad Street New York 4, New York	0.2430
Columbian Bank Note Co. 500 So. Ashland Boulevard Chicago 7, Illinois	0.2725

"The bid of Security Bank Note Co. and the various documents which it tendered in connection therewith, including its certified check and its affidavit, have been examined both by the commission's bond counsel and by me. These papers appear to be in all respects in compliance with the terms and conditions and specifications prescribed by the commission. The commission's bond counsel have told me that Security Bank Note Co. is generally recognized as a bank note company fully qualified to prepare and engrave such bonds as the commission requires. From all of these

things it appears that this company is ready, willing and able to perform pursuant to its bid. On the basis of these things I recommend acceptance of the bid of Security Bank Note Co. and that the commission authorize an appropriate officer to enter into a contract with Security on the basis of its bid upon condition, of course, that the successful bidder shall furnish a performance bond as heretofore approved by the commission by and in the commission's Resolution No. 69-1952, and meeting the conditions and requirements of that resolution. Such officer ought to be authorized to return the certified checks which were tendered by the bidders and to do all things necessary to carry out, on behalf of the commission, the terms and conditions of the bid and of the contract with Security Bank Note Co. The commission's bond counsel and I have prepared and I herewith tender to you a form of resolution which would accomplish these things."

A motion was made by Mr. Teagarden, seconded by Mr. Allen, that Resolution No. 94-1952 awarding contract for engraving of definitive bonds be adopted:

"WHEREAS the Ohio Turnpike Commission (herein called the 'Commission') advertised for bids to furnish definitive bonds to evidence its \$326,000,000 principal amount of Ohio Turnpike Revenue Bonds, Project No. 1, pursuant to the Trust Agreement, relating to said bonds;

"WHEREAS said advertisement has been duly published for not less than two consecutive weeks in a newspaper of general circulation in Franklin County, Ohio, and has also been published in the Wall Street Journal, all as appears from evidence filed with the Commission;

"WHEREAS the notice so published stated the general character of the definitive bonds to be furnished, the place where the terms and conditions and specifications therefor might be examined, and the time and place of receiving, opening, and reading bids;

"WHEREAS said terms and conditions and specifications were prepared with a view to complying with the security requirements generally considered necessary in connection with large issues of negotiable bonds and, in particular, and upon recommendation of the Commission's bond counsel, with the view to complying with those requirements as promulgated by the New York Stock Exchange;

"WHEREAS all three of the aforesaid bids were solicited on the basis of the same terms and conditions and the same specifi-

cations, and the bid of Security Bank Note Company was the lowest and the Commission has been advised by counsel that said bid conforms to the requirements of Section 1205 of the General Code of Ohio and to the terms and conditions and specifications and legal notice applicable thereto, and accordingly, the Commission is authorized to accept said bid of Security Bank Note Company as the lowest and best bid; and

"WHEREAS the Commission is satisfied with the capacity of said Security Bank Note Company to perform its obligations and the Commission is informed that said Security Bank Note Company is generally recognized as a bank note company fully qualified to prepare and engrave bonds of the type in question;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Security Bank Note Company of \$0.2415 per bond for furnishing 300,000 coupon definitive bonds and 15,000 registered definitive bonds in accordance with the legal notice published as aforesaid and the terms and conditions and specifications aforesaid be and it is determined to be the lowest and best bid and is accepted; and that each of the Chairman and the Executive Assistant be, and each of them hereby is, authorized (1) to execute a contract with said Security Bank Note Company in the form provided by the terms and conditions aforesaid, pursuant to said bid of Security Bank Note Company upon condition that said Security Bank Note Company shall furnish a performance bond as heretofore approved by the Commission by and in its resolution No. 69-1952, and meeting the conditions and requirements of said resolution, (2) to return to all bidders the checks delivered to the Commission as a guarantee of entering into the contract if awarded the same by the Commission, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract for the furnishing of definitive bonds."

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

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

Nays, None.

The Chairman declared the resolution adopted.

The General Counsel reported progress in connection with the working out of arrangements with public utility companies and railroad companies, and advised the Commission that contractual arrangements were practically completed with telephone and electric power companies but were not quite so far advanced with respect to pipe line companies. He reported considerable difficulty with the railroad companies which had demanded that the Commission enter into contracts with them whereunder the Commission would indemnify them against all sorts of liability including their demand that the Commission indemnify them on account of all liability which they might sustain as a result of their sole negligence. He reported great difficulty with The Baltimore and Ohio Railroad Company and said that that railroad had refused to grant voluntarily to the Commission access to a parcel of land whereon Pier No. 4 for the Cuyahoga River Bridge must be constructed. He said that negotiations had been carried on over a period of several months by J. E. Greiner Company; that plans and specifications for the substructure work at the Cuyahoga River crossing had been approved by the Baltimore and Ohio Railroad Company which, nevertheless, refused to permit any access there voluntarily, until complete uniform arrangements, incorporating the railroads' "rather preposterous demands" with respect to indemnity and other things, had been worked out between the Commission and all the rest of the railroads. He advised the Commission that an emergency existed because of the unwillingness of The Baltimore and Ohio Railroad. Mr. Donnelly confirmed the seriousness of the situation and stated that the Consulting Engineers had been unable to negotiate a settlement with the Railroad Company.

General Counsel further said that in the week of November 24 he had told the B. & O. 's counsel that he was then prepared to recommend to the Commission that it immediately make a contract with the B. & O. under which (1) the Commission would agree that it would, retroactively, give the railroad company the benefit, with respect to the work on Pier No. 4, of all contractual arrangements that might be pertinent to that work which should be embodied in any contract applying to B. & O. crossings generally, which should ultimately be negotiated with the B. & O., (2) would include a provision for railroad protective insurance, as requested by the B. & O., and (3) would preclude the contractor from proceeding with its work until plans and arrangements for handling that work in such a manner to protect the railroad's interests should have been submitted by the contractor or by the Commission, and approved by the B. & O. Mr. Allen suggested that a report of the situation be presented directly by the senior partner of J. E. Greiner Company to the President of The Baltimore and Ohio Railroad Company. The Chairman characterized the attitude of the Railroad Company as paleolithic and instructed the Consulting Engineers to comply with the suggestion by Mr. Allen and report thereon at the next meeting of the Commission.

The General Counsel reported that the Hydrocoal Transportation

Company, a corporation formed by some persons in Youngstown, which did not own any public utility facilities but had plans for the construction of four parallel pipes to run along the general area of the Ohio-Pennsylvania border and to transport pulverized coal suspended in water, had bought a small parcel of land at a very high price immediately adjacent to the Pennsylvania border and lying in the path of the Turnpike. He said that the Hydrocoal Company demanded that the Commission pay the cost of a culvert under the Turnpike through which its pipes could be run, but that he was of the opinion that the Commission is not required to pay the cost of constructing such a facility. He referred to a letter which he had transmitted to the Hydrocoal Company setting forth his views as to the applicable law, his agreement with Hydrocoal as to the desirability of making present provision for the future construction of its pipelines, and his belief that it would be entirely satisfactory to the Commission for it to construct the desired culvert or other opening under the turnpike for Hydrocoal's use, subject only to Hydrocoal's agreeing in advance to pay the cost thereof and to its securing the payment of that cost. The Chairman said that he recognized the validity of the Hydrocoal project and stated his belief that the views expressed in the letter by General Counsel were entirely reasonable. The General Counsel advised the Commission that if reply were not received from the Hydrocoal Company before the next meeting of the Commission he would recommend that appropriation proceedings be commenced.

The General Counsel advised the Commission that occasionally a situation would arise in which it would be desirable and in the best interests of the Commission for it to employ an appraiser for some specific task. He recommended that the Commission authorize both the Chief of the Right-of-way Section and General Counsel to contract on behalf of the Commission for the employment of persons, firms or corporations to perform special appraisal or negotiating tasks and tendered a form of resolution by which such authority might be conferred. Mr. McKay stated his belief that the matter was not urgent and that resolutions should be prepared and submitted to the members in advance of the meetings. A motion was made by Mr. Allen, seconded by Mr. Teagarden, that Resolution No. 95-1952 authorizing employment of special appraisers and expert witnesses be adopted:

"WHEREAS special appraisal problems arise from time to time requiring the services of appraisers other than the firms of Rudolph, Carpenter, Dunlap and Free and Edgemon, Fast and Mayer Brothers now under contract with the Commission to perform appraisal services in connection with the acquisition of right-of-way for Ohio Turnpike Project No. 1;

"NOW, THEREFORE, BE IT

"RESOLVED that each of the Chief of Right-of-way Section and General Counsel be, and each of them hereby is, authorized to contract on behalf of the Commission for the employment of persons, firms, or corporations to perform appraisal services and services as expert witnesses in connection with the acquisition of right-of-way for Ohio Turnpike Project No. 1, when in the judgment of either with respect to a particular appraisal or evidence problem such employment is advisable."

A vote by ayes and nays was taken and all members responded to roll call and voted aye, except Mr. McKay, who voted nay. The vote was as follows:

Ayes, Allen, Teagarden, Linzell, Shocknessy.

Nays, McKay.

The Chairman declared the resolution adopted.

The General Counsel then discussed a problem which had arisen from one of the requirements of Section 1206 of the Ohio General Code which gives the Commission and its authorized agents and employees the right to enter upon lands, waters and premises in the State after giving a prescribed notice to the owner for the purpose of making surface soundings, drillings and examinations in connection with the construction of the Turnpike project, and which further requires the Commission to make reimbursement for any actual damage which is a result of such activities. He stated his opinion that authority should be conferred by the Commission upon someone to make settlement with respect to such damage and also on account of damage which may be done to growing crops. He tendered a form of resolution by which the Commission might confer such authority. A motion was made by Mr. Linzell, seconded by Mr. Allen, that Resolution No. 96-1952 authorizing settlement of damages caused by surveying, drilling, etc., or done to crops, be adopted:

"WHEREAS in causing surveys, soundings, drillings, and examinations to be made upon lands, waters and premises in the State of Ohio for the purpose

of constructing Ohio Turnpike Project No. 1, and as a result of such activities, the Ohio Turnpike Commission has incurred and will incur liability pursuant to Section 1206 of the Ohio General Code for actual damages resulting to such lands, waters, and premises and to private property located in, on, along, over, or under such lands, waters, and premises;

"WHEREAS in the acquisition of property for said project, it will frequently be necessary to pay for damages to crops which have been planted or have grown and become more valuable after appraisal has been made but before negotiations for the property have been concluded; and

"WHEREAS owners of parcels to be acquired for Turnpike Project No. 1, ordinarily will not consent to the sale of their property unless the damages above described are settled at the time they agree to sell their property to the Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that each of the Chief-of-Right of-way Section and the Executive Assistant be, and each of them hereby is, authorized to settle, on behalf of the Commission, claims for damages caused by the making of surveys, soundings, drillings, and examinations in connection with Turnpike Project No. 1 and for damages to crops caused by the acquisition of lands prior to opportunity of land-owners to harvest and remove them, in any instance in which the amount to be paid in settlement of the claim for such damages does not exceed \$1,000.00; provided, that neither of them shall make any such settlement until the same shall have been approved by General Counsel, or an attorney designated by him for the purpose, and also by the Commission's Consulting Engineer."

A vote by ayes and nays was taken and all members responded to roll call and voted aye, except Mr. McKay, who voted Nay. The vote was as

follows:

Ayes, Linzell, Allen, Teagarden, Shocknessy.

Nays, McKay.

The Chairman declared the resolution adopted.

The General Counsel then explained to the Commission the desirability of mitigating certain damages to property owners when those damages can be mitigated at a cost to the Commission less than the amount of damages which would be payable if they were not mitigated. He referred to a case in which the evidence definitely indicated that the drilling of a test hole caused the water to drain out of a nearby water well which was used for fire protection and other purposes by the owner of the well. The landowner preferred that the Commission take action to restore the usefulness of his well or to drill him another well, and the engineers indicated that the probable cost of complying with the request would be less than the amount that would otherwise be payable in damages. He tendred to the Commission a recommended form of resolution by which it might confer appropriate authority upon the Chief of the Right-of-way section and the Executive Assistant. A motion was made by Mr. Teagarden, seconded by Mr. Allen, that Resolution No. 97-1952 authorizing agreements to construct, replace, alter, or repair certain property, be adopted:

"WHEREAS in order to acquire land necessary for Ohio Turnpike Project No. 1 or to mitigate the damages which the Commission is required by Section 1206 of the Ohio General Code to pay, it is sometimes in the best interests of the Commission to arrange with the owner or owners of such land, or of interests therein, or with the persons entitled to such damages, for the Commission to construct, replace, alter, or repair access roads, drainage facilities, wells, fences, and other improvements, facilities, and things, or for the Commission to pay the cost of such construction, replacement, alteration, or repair;

"NOW, THEREFORE, BE IT

"RESOLVED that each of the Chief of the Right-of-way Section and the Executive Assistant be, and each of them hereby is, authorized to enter into agreements with owners of lands or of interests therein which are to be

acquired in connection with the construction of Ohio Turnpike Project No. 1, and with persons entitled by virtue of Section 1206 of the General Code of Ohio to reimbursement by the Commission for damages done as a result of the making by or on behalf of the Commission of surveys, soundings, drillings, or examinations in connection with the construction of said project, in any cases in which the making of such agreements is, in the judgment of either of them, in the best interests of the Commission, for the construction, replacement, alteration, or repair by the Commission of access roads, drainage facilities, wells, fences, and other improvements, facilities, and things, or for the payment by the Commission of the cost thereof; provided, however, that neither of them shall make any such agreement until the same shall have been approved by General Counsel, or an attorney designated by him for the purpose, by the Chief Engineer, and by the Commission's consulting engineer."

A vote by ayes and nays was taken and all members present responded to the roll call and voted aye, except Mr. McKay, who voted nay. The vote was as follows:

Ayes, Teagarden, Allen, Linzell, Shocknessy.

Nays, McKay.

The Chairman declared the resolution adopted.

The General Counsel then discussed another problem in connection with right-of-way acquisition which had its origin in a limitation upon certain authority which was conferred by the Commission's Resolution No. 71-1952, in which the Commission authorized each of the Chief of the Right-of-way Section and the Executive Assistant to accept offers made to the Commission by landowners to sell to the Commission land required for right-of-way for Ohio Turnpike Project No. 1, but in which the authority of these officials was limited to cases in which the offers are for amounts not in excess of the "negotiating price" previously fixed pursuant to Resolution No. 71-1952. He advised the Commission that there would be occasional cases in which it would be desirable to authorize contracts for the purchase of right-of-way parcels in excess of the "negotiating prices". He tendered to the Commission a recommended form of resolution which would confer such authority upon the General Counsel. A motion was made by Mr. Linzell, seconded by Mr. McKay, that Resolution No. 98-1952 conferring authority to contract for the purchase of rights-of-way in certain special cases be adopted:

"WHEREAS by its resolution No. 71-1952 the Commission authorized each of the Chief of the Right-of-way Section and the Executive Assistant to accept offers made to the Commission to sell to it land required for right of way for Ohio Turnpike Project No. 1, but limited the authority of said officials to cases in which the offers are for amounts not in excess of the 'negotiating price' (fixed pursuant to said resolution No. 71-1952); and

"WHEREAS it appears that there will be occasional cases in which it will be desirable and in the best interests of the Commission, and conducive to the economical acquisition of needed rights of way, due to facts which develop or are learned after the 'negotiating prices' have been fixed or due to unusual negotiating problems, difficulties in clearing title, or other factors, if an appropriate official be authorized to contract, on behalf of the Commission, for the acquisition of land at prices greater than the previously fixed 'negotiating prices';

"NOW, THEREFORE, BE IT

"RESOLVED that in any case in which the Commission's negotiators shall have been unable, after reasonable effort, to procure an offer to sell to the Commission a right-of-way parcel at the 'negotiating price' fixed therefor pursuant to resolution No. 71-1952, and in which General Counsel shall deem it in the best interests of the Commission and likely to result in more expeditious and economical acquisition of such parcel than would otherwise be possible, General Counsel shall have authority to contract on behalf of the Commission for the purchase of such parcel at a price which shall not be more than \$1500 greater than the aforesaid 'negotiating price' for such parcel; provided, such contract shall be approved by the Commission's consulting engineer."

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

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

Nays, None.

The Chairman declared the resolution adopted.

The General Counsel then presented five recommended forms of resolutions by which the Commission would declare the necessity for appropriating five designated parcels of property. He stated that in each of the five cases the Commission's negotiators had endeavored, without success, to agree with the owners of the land as to the compensation to be paid therefor. He presented to the Commission written recommendations signed by himself, by the Chief Engineer, and by the Chief of the Right-of-way Section with respect to each of the five cases. A motion was made by Mr. Linzell, seconded by Mr. McKay, that Resolutions Nos. 100-1952, 101-1952, 102-1952, 103-1952 and 104-1952, each declaring the necessity of appropriating certain property and directing that proceedings to effect such appropriation be begun and prosecuted, be adopted:

RESOLUTION NO. 100-1952

"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 interests 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>
Laura Mancz	Stine Road Peninsula, Ohio
Mike Mancz	Stine Road Peninsula, Ohio
Cleon Wells, Elden Wells and Arland Peninsula, Ohio Wells, doing business as The Wells Brothers	
Cleon Wells	Peninsula, Ohio
Elden Wells	Peninsula, Ohio
Arland Wells	Doylestown, Ohio
Bert Harter	Doylestown, Ohio
Fred Harter	346 Rose Boulevard Akron, Ohio
The East Ohio Gas Company	Cleveland, Ohio
County Auditor of Summit County	Summit County Court House Akron, Ohio
County Treasurer of Summit County	Summit County Court House Akron, Ohio
County Treasurer of Summit County	Summit County Court House Akron, Ohio

"The aforementioned property to be appropriated is described as follows:

"Parcel No. 143A-145D

"Situated in the Township of Boston, County of Summit and State of Ohio, and known as being part of Original Boston Township Lot 3, in Tract No. 1 and being all that part of the lands conveyed to Laura Mancz by deed dated December 27, 1934, and recorded in Volume 1600, Page 404 of Summit County Deed Records, lying Northerly of a line drawn parallel to and distant 280 feet Southerly, measured on a line normal to the center line, of the Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 44, Pages 141 and 142 of Summit County Map Records."

RESOLUTION NO. 101.1952

"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 interests 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>
Lloyd L. Bigelow	Stine Road Boston, Ohio
Dorothy Bigelow	Stine Road Boston, Ohio
The Ohio Edison Company	47 N. Main Street Akron, Ohio
The Bankers Trust Company of New York	New York City, New York
County Auditor of Summit County	Summit County Court House Akron, Ohio

<u>Owner(s)</u>	<u>Place of Residence</u>
County Treasurer of Summit County	Summit County Court House Akron, Ohio

"The aforementioned property to be appropriated is described as follows:

"Parcel No. 143-C

"Situated partly in the Township of Richfield and partly in the Township of Boston, County of Summit and State of Ohio, and known as being part of Original Richfield Township Lots Nos. 4 and 5 in Tract No. 5, and part of Original Boston Township Tract No. 7 and being all that part of the lands conveyed to Lloyd L. Bigelow, by deed dated July 5, 1949, and recorded in Volume 2625, Page 107 of Summit County Deed Records, lying within a strip of land 550 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 330 feet Northeasterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 44, Pages 130 and 142 of Summit County Map Records, and the Southwesterly line of said strip being parallel to and distant 220 feet Southwesterly measured on a line normal to said center line."

"RESOLUTION NO. 102-1952

"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 interests 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>
Herbert E. Bigelow	Stine Road Boston, Ohio
Jennie Bigelow	Stine Road Boston, Ohio
Henry G. Bender	Peninsula Road Peninsula, Ohio

<u>Owner(s)</u>	<u>Place of Residence</u>
County Auditor of Summit County	Summit County Court House Akron, Ohio
County Treasurer of Summit County	Summit County Court House Akron, Ohio

"The aforementioned property to be appropriated is described as follows:

"Parcel No. 143-B

"Situated in the Township of Boston, County of Summit and State of Ohio, and known as being a part of Original Boston Township Tract No. 7, and Lots Nos. 2 and 3 in Tract No. 1, and being all that part of the lands conveyed to Herbert E. Bigelow, by deed dated August 10, 1951, and recorded in Volume 2866, Page 147 of Summit County Deed Records, lying within a strip of land 445 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 245 feet Northeasterly measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 44, Page 142 of Summit County Map Records, and the Southwesterly line of said strip being parallel to and distant 200 feet Southwesterly measured on a line normal to said center line."

"RESOLUTION NO. 103-1952

"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 interests 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>
Clarence J. Holzbach	R. D #2 Warren, Ohio
Marguerite Holzbach	R. D. #2 Warren, Ohio
The Second National Bank of Warren,	Warren, Ohio
County Auditor of Trumbull County	Trumbull County Court House Warren, Ohio

"The aforementioned property to be appropriated is described as follows:

"Parcel No. 178-E

"Situated in the Township of Lordstown, County of Trumbull and State of Ohio, and known as being part of Original Lordstown Township Lot No. 61 and being all that part of the lands described in the deed to Clarence J. Holzbach & Marguerite Holzbach dated October 1, 1949, and recorded in Volume 535, Page 464 of Trumbull County Deed Records lying within a strip of land 255 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 135 feet Northeasterly measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 11, Pages 68 and 69 of Trumbull County Map Records, and the Southwesterly line of said strip being parallel to and distant 120 feet Southwesterly measured on a line normal to said center line."

"RESOLUTION NO. 104-1952

"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 interests 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>
Alice C. Sherl, a.k.a. Alice C. Scherl	North Benton and Calla Road North Lima, Ohio
Henry J. Sherl, a.k.a. Henry J. Scherl	North Benton and Calla Rd. North Lima, Ohio
Robert Lamberton	Address Unknown
The Home Savings and Loan Co.	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. 192-Q

"Situated in the Township of Beaver, County of Mahoning and State of Ohio, and known as being all that part of Sub Lot No. 17 in Rickert Place Plant 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 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 responded to roll call. The vote was as follows:

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

Nays, None.

The Chairman declared the resolutions adopted.

The General Counsel then reviewed for the Commission the studies which he had made over a period of about a year concerning billboards and other attention-distracting advertising

devices which might be erected in the proximity of the Turnpike. He said that he had consulted with the Consulting Engineers who had advised him that the problem had not been serious on the Pennsylvania Turnpike. He pointed out that the Commission has no general police power to control what people shall do and what people shall place on their lands, but that the Commission can control what goes on land owned by the Commission itself. He said that he had given consideration to the measures of protection which the Commission could provide by contractual arrangement, and that as a result of his studies and of the various conferences, including the one held on November 17, 1952, a standard provision had been developed and incorporated in the contracts which the Commission was making with land owners, and a standard form of language had been incorporated in the deeds which the Commission was taking from land owners when it acquired property, aimed at precluding for all future time the erection of billboards and advertising devices on the portions of land retained by such persons when they make conveyance to the Commission of billboards and advertising devices which are designed to attract attention from motorists traveling on the Turnpike.

The General Counsel reported that the practices of other agencies, municipalities, park boards, states, and other turnpike authorities had been investigated, and that he had studied the statutes of the State of New York pertaining to the erection of billboards. He stated his belief that it would be undesirable for the Commission to enter into a licensing operation for billboards. He then tendered to the Commission a recommended form of resolution with respect to policy in the matter. It then being 12:40 P. M., the Chairman recessed the meeting until 2:00 o'clock P. M. that same day.

The meeting was reconvened by the Chairman after the recess at 2:00 o'clock P. M. on December 2, 1952, and all members were present.

The Chairman advised the Commission that during the recess Mr. Arthur Dundon of the Outdoor Advertising Association of Ohio had asked to be permitted to make a statement to the Commission before it took action on the billboard resolution. He said that there was no prohibition against hearing Mr. Dundon but neither was it consistent with the Commission's policy. He pointed out that the Commission meets in public but that all of its meetings are not public hearings. He inquired as to the disposition of the members with respect to the

request of Mr. Dundon. It was determined that Mr. Dundon would be allowed five minutes to make a statement to the Commission.

Mr. Dundon asked that the Commission not come to a decision barring outdoor advertising on privately owned property adjacent to the Turnpike property until after the organization which he represented had had full opportunity for a hearing before the Commission. He said that the Outdoor Advertising Association possessed information with respect to safety which would be of interest to the Commission. He stated his opinion that the Commission was discriminating against his business and he said that statistics do not bear out the statement that billboards constitute a traffic hazard.

The Chairman stated his belief that it had always been the abiding purpose of the Commission to ban advertising within the right-of-way of the turnpike. There was general discussion of the form of resolution tendered by the General Counsel and it was revised in accordance with the desires of the several members. A motion was made by Mr. McKay, seconded by Mr. Teagarden, that Resolution No. 99-1952 declaring policy with respect to billboards and approving action taken by General Counsel be adopted:

"WHEREAS the Commission desires hereby to reiterate its declared policy of doing all that lies within its power to prevent the erection of commercial billboards and other advertising devices in the vicinity of Ohio Turnpike Project No. 1 to attract the attention of motorists traveling thereon;

"WHEREAS the Commission cannot by the exercise of any police power, for it possesses none in this connection, control the erection of such billboards and other advertising devices upon lands not owned by it, but may be able to limit or discourage the erection thereof not only by the use of suitable plantings but also by the acquisition of covenants, easements, or restrictions upon some of the lands which will be adjacent to Ohio Turnpike Project No. 1; and

"WHEREAS the Commission's general counsel has reported upon the actions taken by him or at his direction in order to acquire such covenants, easements, and restrictions;

"NOW, THEREFORE, BE IT

"RESOLVED that the Ohio Turnpike Commission does hereby reiterate and affirm its inflexible opposition

to the erection in the vicinity of Ohio Turnpike Project No. 1 of billboards and other advertising devices designed to attract the attention of motorists traversing the highway, and the Commission's unswerving desire, intention, determination and policy to do all that lies within its power, by legal and moral means, to limit, discourage, and otherwise prevent the erection of commercial billboards and other advertising devices; and

"FURTHER RESOLVED that the Commission approves the actions which have been taken by and at the direction of the Commission's general counsel in directing the Commission's right-of-way section and its negotiators to seek covenants, easements, or other restrictions to prevent the erection upon the residual portions of lands acquired by the Commission for right of way of billboards and other advertising devices which are visible from the travelway of Ohio Turnpike Project No. 1, and general counsel's report upon his said actions is approved hereby; and

"FURTHER RESOLVED that the erection of any commercial billboards and other advertising devices on the right of way of Ohio Turnpike Project No. 1 shall be prohibited; provided, however, that such prohibition shall in no way restrict the Commission from erecting such signs as it may deem necessary for the direction and control of traffic, or from permitting the erection of such signs as it may deem to be necessary with respect to facilities established within the right of way of said project."

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

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

Nays, None.

The Chairman declared the resolution adopted and instructed the Assistant Secretary-Treasurer to send a copy of the resolution to the Outdoor Advertising Association of Ohio. He thereupon advised Mr. Dundon that if he wished to submit a memorandum in writing the Commission would examine it, and that if the Commission then considered it advisable to grant a hearing to the Outdoor Advertising Association, such a hearing would be arranged. He said that if the Commission had any unalterable policy, it is its unalterable policy to be alterable in the face of altered facts.

The Chairman then invited Mr. Maurice F. Hanning, Chairman of the Petroleum Industry Committee of Ohio, and spokesman for a committee of representatives of the whole petroleum industry, to discuss the report of his committee with respect to service station facilities to be located on Ohio Turnpike Project No. 1, which report had been received and distributed to the several members of the Commission on December 1, 1952. Mr. Hanning introduced to the Commission the following persons who were present with him at the meeting:

Mr. Eric V. Weber, President
Ohio Petroleum Marketers Association, Inc.

Mr. V. T. Whitney
Gulf Oil Company

Mr. Hubert B. Fuller, General Counsel
Ohio Petroleum Marketers Association, Inc.

Mr. W. L. Hohn
Shell Oil Company

Mr. Clyde E. Wallingford, Executive Secretary
Ohio Petroleum Marketers Association, Inc.

Mr. J. R. Crosby
Standard Oil Company of Ohio

Mr. Hanning thanked the Commission for the opportunity which it was giving to the oil industry to present its ideas concerning service stations on the Ohio Turnpike, and advised the Commission that the report which had been presented represented the thinking of the oil industry of the whole United States.

The Chairman suggested that since all the members of the Commission had not had opportunity to read the report, and since the report encompassed a redesign of the service facilities, and since it represented some quite novel concepts so far as the Commission was concerned, a committee of the Commission should be appointed to meet with a small committee of the oil industry. There was general agreement to the suggestion of the Chairman who then appointed Mr. Allen, as Chairman, Mr. Linzell, Mr. Dunbar, Mr. Kauer, as Secretary, and the J. E. Greiner Company to constitute the Commission's committee.

Mr. Hanning then designated Mr. Eric V. Weber, as Chairman, Mr. J. R. Crosby, Mr. W. L. Hohn, Mr. V. T. Whitney,

Mr. Hubert B. Fuller, and himself, to constitute the oil industry's committee.

The Chairman stated for the Commission that the working committee could speak authoritatively for the Commission, and he recommended that the Commission's committee meet with the committee of the oil industry and bring in a report as soon as possible.

The General Counsel then advised the Commission that the Legal Department had developed, at the request of the Chief Engineer, a form of contract suitable for entering into between the Commission and testing laboratories. He tendered a recommended form of resolution which would authorize each of the Chairman and the Chief Engineer to enter into contracts for such services. A motion was made by Mr. McKay, seconded by Mr. Linzell, that Resolution No. 105-1952 authorizing the making of contracts with testing laboratories be adopted:

"WHEREAS it is and will be necessary for the Commission to arrange for the performance by testing laboratories of various services in connection with the sampling and testing of materials to be used in the construction of Ohio Turnpike Project No. 1 in order that the Commission may determine and have assurance that such materials shall conform to the requirements of the specifications which shall have been prescribed by the Commission for such materials;

"NOW, THEREFORE, BE IT

"RESOLVED that each of the chairman and chief engineer of the Commission be, and hereby each of them is, authorized on behalf of the Commission to enter into contracts with testing laboratories for the sampling and testing of materials to be used in the construction of Ohio Turnpike Project No. 1; provided, that each such contract shall be subject to the approval of general counsel or an attorney designated by him for the purpose and of the Commission's consulting engineer."

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

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

Nays, None.

The Chairman declared the resolution adopted.

The General Counsel then presented to the Commission the matter of a proposed change in alignment in Lucas County in the vicinity of the proposed Toledo Express Airport, and tendered to the Commission a proposed form of resolution in the matter. A motion was made by Mr. Teagarden, seconded by Mr. Linzell, that Resolution No. 106-1952 granting authority to take action with respect to adjustment of alignment of Turnpike near proposed Toledo Express Airport, be adopted:

"WHEREAS the Commission's consulting engineer and its chief engineer have recommended a northward adjustment in the alignment of Ohio Turnpike Project No. 1 at and in the vicinity of the proposed Toledo Express Airport, in Lucas County, in order that Ohio Turnpike Project No. 1 may avoid the so-called 'crash areas' at the ends of two proposed runways and that there may be additional clearance between the turnpike and the airways; and

"WHEREAS representatives of the City of Toledo are reported to have indicated that such an adjustment in alignment is desired by said City;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission approves the aforesaid northward adjustment in the alignment of Ohio Turnpike Project No. 1 between Stations 187 + 00 and 285 + 00 in Lucas County to be made in the manner and to the degree set forth in the plan submitted the Commission's consulting engineer, the J. E. Greiner Company, over date of November 22, 1952, and labeled 'Proposed New Location'.

"FURTHER RESOLVED that, subject to the approval of General Counsel, the Chairman is authorized to inform the City of Toledo of the foregoing approval, and the Chairman, the Chief Engineer and the General Counsel are authorized to take whatever action, make whatever arrangements, and enter into whatever agreements on behalf of the Commission they may determine to be necessary or desirable to effect such adjustment in alignment and to protect the interests of the Commission in connection therewith; provided, that the foregoing approval is not to be deemed to be a

mandate that such an adjustment in alignment shall be made if said officers shall, upon further consideration and investigation, determine it to be practically or legally undesirable to make such change, or if they are unable to effect any arrangements with the City of Toledo or any other natural or legal persons which they shall deem to be necessary and in the public interest."

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

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

Nays, None.

The Chairman declared the resolution adopted.

The General Counsel then tendered a recommended form of resolution approving agricultural drainage criteria. The Chairman stated that the proposed criteria had previously been submitted to the members of the Commission with the approval of the Consulting Engineers and the Chief Engineer. A motion was made by Mr. Teagarden, seconded by Mr. McKay, that Resolution No. 107-1952 adopting supplemental design criteria for agricultural drainage, be adopted:

"WHEREAS it is urgently required in the public interest that in those areas to be traversed by Ohio Turnpike Project No. 1 where agricultural drainage systems exist, the construction of said project shall not interfere with such drainage systems; and

"WHEREAS the Commission's consulting engineer has intensively studied the problems which are presented by the existence as well as the possible future expansion of such agricultural drainage systems, together with the means of preventing interference by Ohio Turnpike Project No. 1 with such systems, present and prospective, and has developed and presented to the Commission's chief engineer, and he has recommended to the Commission the adoption of, supplemental design criteria for agricultural drainage designed to achieve the ends aforesaid;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission does hereby adopt the 'Supplemental Design Criteria for Agricultural Drainage'

which have been presented to the Commission at this meeting on December 2, 1952, and does hereby direct that the plans for the construction of said project shall be prepared in conformity with said design criteria."

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

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

Nays, None.

The Chairman declared the resolution adopted.

The Chairman then appointed a committee on drainage pipe composed of Mr. McKay, as Chairman, Mr. Teagarden, Mr. Lehman, and a representative of J. E. Greiner Company; and a committee on guard rail composed of Mr. Linzell, as Chairman, Mr. Allen, Mr. Lehman, and a representative of J. E. Greiner Company.

The Chief Engineer then reported that a great bulk of detailed information had been sent out by him to the several members of the Commission since its previous meeting and that plans were completed for the superstructure of the Cuyahoga River Bridge and the Maumee River Bridge. He stated that plans for Roadway Contract C-2 were 98% complete; that the design work was progressing at a satisfactory rate; that engineers of the Commission and of the Department of Highways had been meeting with County Engineers across the State with regard to details of intersections of the Turnpike with other highways; and that, in general, the engineering work was progressing satisfactorily.

A motion was made by Mr. Linzell, seconded by Mr. Allen, that Resolution No. 108-1952 ratifying actions of administrative officers be adopted:

"WHEREAS the executive assistant, chief engineer, general counsel, assistant secretary, 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
November 4, 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, Linzell, Allen, Teagarden, McKay, Shocknessy.

Nays, None.

The Chairman declared the resolution adopted.


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 to meet again at 10:30
A. M. on Saturday, December 6, 1952. A vote by ayes and nays
was taken and all members responded to roll call. The vote was
as follows:

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

Nays, None.

The Chairman declared the meeting adjourned. The time of
adjournment was 3:25 o'clock P. M.

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



A. J. Allen
Secretary-Treasurer