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OHIO TURNPIKE COMMISSION

**Resolution No. 72 - 1953 Amending Plan of Organization
and Administration of Legal Staff**

WHEREAS the Commission adopted on February 27, 1953 and modified on August 5, 1952 a plan of organization and administration of its legal staff; and

WHEREAS it now appears to the Commission to be desirable that said plan should be amended by providing therein for additional duties, responsibilities and authority of the Commission's general counsel, and also by providing therein for the operation, under the general supervision of general counsel, of the Commission's right-of-way section;

NOW, THEREFORE, BE IT

RESOLVED that the aforesaid "Plan of Organization and Administration of Legal Staff" be, and the same hereby is, amended by striking ^{there-}from item (16) of §4.10 and substituting therefor the following items:

- "(16) Have general supervision over the Commission's right-of-way section; and when the chief of the right-of-way section is absent or unavailable, general counsel may, in his discretion, exercise any authority or discharge any duty of said chief.
- "(17) Make contracts, on behalf of the Commission, for the furnishing to it of all services and things deemed necessary or desirable by him in connection with, or to protect against, pending, prospective, or anticipated litigation and claims of or against the Commission, or affecting it, including, but in no wise limited to, the services of and things furnished by engineering, valuation, and other experts, court reporters, printers, photographers, and investigators; and he may authorize or approve disbursements to pay for such services and things.
- "(18) Purchase on behalf of the Commission all insurance of every kind and character (1) which the Commission is required by any contract to carry or to pay for or (2) which, in his judgment, is required for the direct or indirect benefit of the Commission and for the protection of its interests; manage, control, and supervise all such insurance, and do in relation to it, on behalf of the Commission, any and all things which he deems it necessary or desirable to do, including, but in no wise limited to, the exercise of rights and options, the making and waiving and settling of claims, the furnishing or causing to be furnished of information of reports related to any such insurance, and the cancellation of policies; employ advisers, consultants, investigators, and others to advise or assist him or the Commission with respect to such insurance or any matter pertaining thereto.

"(19) Adjust, compromise, and settle all claims of or against the Commission, and, on its behalf, make agreements with others as to the interpretation of its contracts.

"(20) Supervise, control, and contract for all the Commission's legal advertising.

"(21) Issue, jointly with the chief engineer of the Commission, addenda to any contract documents in connection with any contracts for which the Commission shall seek competitive bids under section 1205 of the General Code of Ohio.

"(22) Perform such other services as shall from time to time be requested by the Commission, or, between meetings of the Commission, by its chairman."

and

FURTHER RESOLVED that said "Plan" be further amended by adding at the end thereof the following:

"75.10 Right-of-Way Section - Personnel. The right-of-way section shall consist of a chief and such other employees as the chief of the right-of-way section shall, with the consent of the general counsel, employ.

"75.20 Duties, Responsibilities, and Authority of the Chief of the Right-of-way Section. The chief of the right-of-way section is the chief administrative officer of the Commission for the acquisition of right of way and for the handling of all non-legal problems incidental thereto. In the aforesaid capacity he shall:

"(1) Be responsible for all work of the right-of-way section.

"(2) Manage and direct the work of the right-of-way section, under the general supervision of general counsel, to whom the chief of the right-of-way section shall report.

"(3) Contract, on behalf of the Commission, for the acquisition of all lands and interests therein which are necessary for any turnpike project, subject to such limitations as are contained in resolutions Nos. 71-1952 and 98-1952.

"(4) Contract, on behalf of the Commission, for rights of entry on lands the acquisition of which or of interests in which is necessary for any turnpike project, subject to such limitations as are contained in resolution No. 79-1952; and he may so contract for any such rights of entry for a consideration greater than the maximum stated in said resolution in any case in which the contract for such right of entry provides that such consideration shall be applied against the ultimate purchase price of the land with respect to which the right of entry is obtained, or against the award for such land in a proceeding for the appropriation thereof.

"(5) Contract, on behalf of the Commission, for the performance of services and the furnishing of things needed in connection with the acquisition of lands or interests in lands necessary for any turnpike project.

"(6) Supervise the performance of the Commission's contracts with negotiators, appraisers, and abstract and title companies, and take any action with respect to or under such contracts which the Commission might take, subject to such limitations as are contained in resolution No. 80-1952.

"(7) Manage and dispose of all houses and other buildings and improvements located on lands acquired by the Commission for right-of-way purposes, subject to such limitations as are contained in resolutions Nos. 105-1952 and 115-1952.

"(8) Settle claims for damages done to real property in connection with any turnpike project, subject to such limitations as are contained in resolution No. 96-1952.

"(9) Contract, on behalf of the Commission, with owners of real property to be acquired for any turnpike project and with owners of real property damaged in connection therewith for the construction, replacement, alteration, and repair of improvements and special facilities upon or comprising such real property, subject to such limitations as are contained in resolution No. 97-1952.

"(10) Permit persons to utilize the right of way of turnpike projects in accordance with resolution No. 114-1952.

"(11) Keep the Commission and general counsel fully advised with respect to the work of the right-of-way section, by making reports in such form, in such manner, of such scope, and at such times as the Commission or general counsel shall from time to time request.

"(12) Attend meetings of the Commission, to the extent requested.

"(13) Perform such other services as shall from time to time be requested by the Commission or by general counsel."

Adoption moved by Mr. Linzell

Motion seconded by Mr. Allen

Voting Yes: 4 of them

Voting No: Dr. Kay