

MINUTES OF THE FIFTY-FOURTH MEETING
JANUARY 6, 1953

Pursuant to call of the Chairman the Ohio Turnpike Commission met in regular open session at the Seneca Hotel in Columbus, Ohio, at 10:45 A. M. on January 6, 1953, with the Key members of its staff, representatives of the Consulting Engineers, of the Trustee, Mr. Charles E. McKee of the Ohio Contractors Association, Mr. Dennis E. Murphy of The Ohio Company, Mr. J. P. Frazier of the Harrison Construction Company, members of the press, and others 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, Linzell, McKay, Shocknessy.

Absent: None.

The Chairman announced that a quorum was present.

A motion was made by Mr. Teagarden, seconded by Mr. McKay, that the minutes for the meetings of November 4, 1952 and December 2, 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 responded to roll call. The vote was as follows:

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

Nays, None.

The Chairman declared the motion carried.

The Chairman stated that a transcription had been made of the meeting of December 6, 1952 and of the meeting of December 9, 1952, and that the Chairman had announced at both of those meetings that a verbatim record of the proceedings was being taken. He reported that the record of those meetings had been transcribed and that the transcriptions had been referred to the members for their examination. He suggested that a motion for the approval of the minutes of those two meetings should incorporate therein by reference the transcriptions.

Resolution No. 1-1953 approving the minutes of the meetings of December 6, 1952 and December 9, 1952, was moved for adoption by Mr. Teagarden, seconded by Mr. Allen, as follows:

"WHEREAS copies of the minutes of the 52nd and 53rd meetings of the Commission which were held on December 6 and 9, respectively, 1952, have heretofore been submitted to and examined by the members of the Commission; and

"WHEREAS as announced by the chairman at the outset of each of said meetings, a verbatim record of the proceedings at each of those meetings was taken, and thereafter has been transcribed, by Ira W. Pratte, official court reporter of Springfield, Ohio, and said transcripts have been examined by the members of the Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that the minutes of the 52nd and 53rd meetings of the Commission, which were held on December 6 and 9, respectively, 1952, and which have heretofore been submitted to the members of the Commission, be and they hereby are, approved; provided, that there shall be appended to those minutes, respectively, and incorporated in and made a part of each of them, respectively, the transcripts made by Ira W. Pratte, court reporter, of the verbatim records made by him of the proceedings of said meetings."

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

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

Nays, None.

The Chairman declared the resolution adopted.

The Chairman stated that the Commission would have before it for consideration at this meeting the bids on Contract No. C-1 of Project No. 1, a slight adjustment in alignment in Erie and Lorain Counties, the matter of authority of the Chief Engineer to modify standard drawings, a number of appropriation resolutions, and several other matters generally in the nature of orderly day-to-day administration which required the Commission's action so as to uphold the hand of the staff.

The Chairman said that among the appropriation resolutions

would be one in which The Baltimore and Ohio Railroad would be the defendant. He said that the Commission had been in rather constant communication through its General Counsel, Chief Engineer and Consulting Engineers, with representatives of The Baltimore and Ohio Railroad, but that the results of the conferences had been from day to day negotiable. He cited an instance in which the representative of the B. & O. Railroad had been present at a conference with the Commission's staff and other railroads, and had concurred in the understandings reached in that conference, but that after the conference The B. & O. Railroad had once again retreated to its former position and had established its defenses. The Chairman stated his opinion that there was little left but to seek to effect condemnation to acquire the rights which the Commission requires from The B. & O. Railroad. The Chairman stated his belief that the attitude which had been evinced by The B. & O. Railroad through its representatives was not prophetic of what the Commission may expect from the other railroads.

The Chairman referred to the proposal which the Governor of Ohio had made to study the feasibility of another turnpike, which proposal the Commission had placed before the Director of Highways for consideration. The Chairman said that he had been advised by the Commission's counsel that if the so-called "Revised Code", as published and introduced in the Ohio General Assembly is enacted into law, it will not be possible for the Director of Highways to hire consulting engineers outside the Highway Department, and that it was the belief of counsel that in the absence of judicial interpretation the proposal of the Revised Code would prohibit the same procedure being followed in a second turnpike as was followed in procuring the engineering reports for Ohio Turnpike Project No. 1 in accordance with existing law. He pointed out that since the Commission itself is prohibited from spending any moneys derived from Project No. 1 for the study of a successor project, it would seem that if the Director of Highways were precluded, and the Commission precluded, from making a study for a second project that another project would be blocked. The Chairman reported that Mr. Henry Crawford of Squire, Sanders & Dempsey, speaking not on behalf of the Commission but as a member of the Bar, had brought this matter to the attention of the leadership of the General Assembly. The Chairman suggested that the Commission take no official position at all in the matter of the Revised Code.

Assistant Secretary-Treasurer and Comptroller reported for the Secretary-Treasurer that since the last meeting the following documents had been transmitted to each member of the Commission:

1. Minutes of the Meeting of November 4, mailed December 19.
2. Minutes of the Meeting of December 2, mailed January 2.

3. Minutes of the Meetings of December 6 and December 9, mailed December 30.
4. Right-of-way Report for the period of December 1-15, mailed December 22.
5. Letters detailing reinvestment of funds dated December 15 and December 23.
6. Letter outlining proposed changes in alignment vicinity Cleveland Quarries, Lorain and Erie Counties, Design Section D-8, dated December 18.
7. Progress Report No. 4 prepared by the J. E. Greiner Co. transmitted January 6, 1953.

Mr. Soller further reported that the audit of the Commission's accounts as of December 31, 1952, was in process and that the auditors would prepare tables of statistical data for the annual report of the Commission. In the absence of any objection the report of the Secretary-Treasurer was received as offered.

In response to an inquiry from the Chairman, the Director of Information and Research reported he was coordinating the information prepared by the several staff sections for the Fourth Annual Report to the General Assembly and that a draft of the report would be available for examination not later than January 23, 1953.

The Chief Engineer then reported to the Commission upon the bids received for Construction Contract No. C-1, the plans for which were prepared by contracting engineers Richardson, Morehouse, Ramsey & Fisher. He said that Contract C-1 had been advertised for bids in Columbus and Youngstown newspapers and in the Engineering News-Record, a construction-trade publication. He explained that the work involved in Contract No. C-1, beginning at the terminus of the Pennsylvania Turnpike at the Ohio border and extending 5.2 miles westerly in Mahoning County, included the grading, drainage and paving of a four-lane divided highway of reinforced concrete, structures carrying the Turnpike over Garfield Road and the Poland-Unity Road, and carrying the Turnpike under State Route 90 and Baird Road, and including more than 1,000,000 cubic yards of excavation and borrow, 6000 cubic yards of structure concrete, more than 1000 tons of steel, and approximately 150,000 square yards of reinforced concrete paving. He stated that the price bid for borrow on this contract was but a fraction of the cost for such material predicted in testimony of witnesses for the relator in the case brought by Richard Shafer in the Second District Court of Appeals in Franklin County.

The Chief Engineer placed before the Commission seven bids received for the construction of Contract No. C-1. He stated that all bids submitted had been found to be in strict conformity with the requirements of the general specifications and contract provisions; that each had been accompanied by a proposal guaranty in the form of a certified check on a solvent bank in the amount of at least 5% of the amount bid; that all bids had been carefully checked and reviewed; that confidential financial statements and experience questionnaires of the bidders had been reviewed by himself and by the Consulting Engineers; and that the contracting engineers had recommended the award of the contract to the low bidder, the Harrison Construction Company of Pittsburgh. The Chief Engineer said that the Harrison Construction Company had a good organization and was well equipped to perform the contract. He presented to the Commission a letter from the Consulting Engineers under date of January 5, 1953, signed by Mr. E. J. Donnelly, which stated that the Consulting Engineers had carefully reviewed all the bids received and that the Consulting Engineers recommended that award of Contract No. C-1 be made to the Harrison Construction Company. The Chief Engineer further reported that he was familiar with the conditions surrounding the work that he had discussed the work with Mr. J. P. Frazier, Vice President of the Harrison Construction Company, and that he recommended that the Harrison Construction Company be awarded the contract. He stated that the low bid was within the estimate of the engineering report for Construction Contract No. C-1, and he presented to the Commission his written recommendation for the award of the contract to the Harrison Construction Company.

The Chief Engineer introduced Mr. Frazier to the Commission, and Mr. Frazier, in response to questions from the members of the Commission, stated that his firm had built several sections of the Pennsylvania Turnpike.

The General Counsel presented to the Commission proofs of publication of the notice to take bids on Contract No. C-1, and stated that publication had been made as required by law. He expressed his opinion that the bid of the Harrison Construction Company conformed to all of the requirements of the applicable statute, Section 1205 of the Ohio General Code, and to the terms, conditions and specifications prescribed by the Commission, and to the legal notice.

Resolution No. 2-1953 awarding Construction Contract No. C-1, was moved for adoption by Mr. McKay and seconded by Mr. Teagarden, as follows:

" WHEREAS the Commission has duly advertised according to law for bids upon a contract for the construction of a portion of Ohio Turnpike Project No. 1 which has been designated as construction section C-1, and proof of said advertising is before this Commission;

"WHEREAS bids for the performance of that contract have been received, and were duly opened and read as provided in the published notice for said bids, and all of said bids are before this meeting;

"WHEREAS said bids have been analyzed by the chief engineer, and he has reported thereon to the Commission with respect to said analysis;

"WHEREAS all of the aforesaid bids were solicited on the basis of the same terms and conditions and the same specifications, and the bid of Harrison Construction Company was, and is by the Commission determined to be, the lowest of said bids, and the Commission has been advised by its general 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 as the lowest and best bid; and

"WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Harrison Construction Company for the performance of construction contract C-1, Ohio Turnpike Project No. 1, be, and hereby it is, determined to be the lowest and best bid and is accepted; and that each of the chairman and the chief engineer be, and each of them hereby is, authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid and upon condition that said successful bidder 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 other bidders the bid security furnished by each of them, respectively, (3) to return said successful bidder's bid security when the aforesaid contract shall have been duly executed and said performance bond furnished, and (4) to take any and all action necessary or proper to carry out the terms of said bid and said contract."

In response to inquiry of the Chairman, the General Counsel stated his opinion that the Commission suffered no disability, legal or otherwise, which would prohibit it from entering into the contract. A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

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

Nays, None.

The Chairman declared the resolution adopted and extended to Mr. Frazier the best wishes of the Commission for a good, quick job.

The Chief Engineer then stated that since the last meeting the members of the Commission had each received a letter from him explaining a suggested adjustment in the alignment of the Turnpike in Erie and Lorain Counties in the vicinity of operating sandstone quarries. He said that it was the opinion of the Consulting Engineers, with which he agreed, that the adjustment was necessary in order to better accommodate the alignment with respect to present and prospective quarry operations, and he expressed his opinion that it would be to the advantage of the Commission to authorize adjustment in alignment. Resolution No. 3-1953 granting authority to take action with respect to adjustment of alignment of the Turnpike near the Cleveland quarries in Lorain and Erie Counties was moved for adoption by Mr. Linzell and seconded by Mr. Teagarden, as follows:

"WHEREAS the Commission's consulting engineer and its chief engineer have recommended adjustments in the alignment of Ohio Turnpike Project No. 1 at and in the vicinity of the Cleveland Quarries in Lorain and Erie Counties, because of subsurface conditions; and

"WHEREAS the Commission has examined and fully considered said recommendations;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission approves the aforesaid adjustments in the alignment of Ohio Turnpike Project No. 1 between (approximately) Stations 181 + 50 and 313 + 00 in Lorain County, to be made in the manner and to the degree set forth in the plan and profile maps, drawings Nos. 111 to 114, both inclusive, prepared by the Commission's consulting engineer, the J. E. Greiner Company, revisions dated 11/25/52, which maps have been submitted to this meeting;

"FURTHER RESOLVED that the Commission approves the aforesaid adjustments in the alignment of Ohio Turnpike Project No. 1 between (approximately) stations 1266 + 50 and 1361 + 00 in Erie County, to be made in the manner and to the degree set forth on the plan and profile maps, drawings Nos. 106, 107, and 108, prepared by the Commission's consulting engineer, the J. E. Greiner Company, revision dated 11/25/52, which maps have been submitted to this meeting; and

"FURTHER RESOLVED that the chairman, the chief engineer, and 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 adjustments 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 adjustments 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 changes, or if they are unable to effect any arrangements with any natural or legal persons which they shall deem to be necessary in connection with such changes, 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, Linzell, Teagarden, Allen, McKay, Shoc knessy.

Nays, None.

The Chairman declared the resolution adopted.

The Chief Engineer reported that in the interim since the last meeting some errors had been discovered and some revisions had been found to be desirable on the standard drawings. He recommended that the Chief Engineer be authorized to issue and modify standard drawings.

Resolution No. 4-1953 authorizing the Chief Engineer to issue and modify standard drawings was moved for adoption by Mr. Allen and seconded by Mr. McKay, as follows:

"WHEREAS the Commission's engineers have heretofore prepared, and probably will in the future be required or find it desirable to prepare, standard drawings showing, defining, or illustrating the manner in which various components of Ohio Turnpike Project No. 1 shall be constructed; and

"WHEREAS it appears to the Commission that continuing developments and new information will from time to time make it advisable that some of the standard drawings heretofore issued and approved by the Commission be modified or substitutes provided for them, and that additional standard drawings be

issued;

"NOW, THEREFORE, BE IT

"RESOLVED that the chief engineer of the Commission be, and hereby he is, authorized, in his discretion and from time to time, to amend, modify and rescind any standard drawings pertaining to Ohio Turnpike Project No. 1, and to issue new (whether substitute or additional) standard drawings pertaining thereto, and to do or cause to be done all things that in his judgment may be necessary in order to assure that said project shall be designed and constructed in conformity with such standard drawings; and

"FURTHER RESOLVED that any and all things heretofore done by the chief engineer, since December 9, 1952, which he might have done under authority of the foregoing portion of this resolution if it had been adopted on December 9, 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, Allen, McKay, Teagarden, Linzell, Shocknessy.

Nays, None.

The Chairman declared the resolution adopted.

The Chief Engineer then presented to the Commission proposed Supplemental Specification No. A-1, Amendments to General Conditions and proposed Supplemental Specification No. I-30 for farm tile drains. He explained that Supplemental Specification No. A-1 had been prepared to correct certain errors and inadequate or inexplicit wordings which had been found in the printed General Specifications, as well as to accommodate several changes of substance in those specifications which appeared to be desirable and in the interest of the Commission, and that these changes had been the subject of a conference held on December 29, 1952, between representatives of the Commission's engineering and legal staffs, representatives of the Consulting Engineers, and representatives of the Ohio Contractors Association. He handed to the Commission written recommendations for the adoption of Supplemental Specification A-1, jointly prepared and jointly signed by himself, General Counsel, and Mr. Donnelly of the J. E. Greiner Company.

The Chief Engineer stated that proposed Supplemental Specification No. I-30 was developed following adoption by the Commission of design criteria for farm drainage in order to describe the construction of farm tile drainage in accordance with that criteria. He recommended adoption by the Commission of each of the proposed Supplemental Specifications. 552.

Resolution No. 5-1953 adopting Supplemental Specifications A-1 and I-30, was moved for adoption by Mr. Linzell and seconded by Mr. Allen, as follows:

"WHEREAS there have been presented to this meeting, for the Commission's consideration, proposed supplemental specifications A-1 and I-30, pertaining to the construction of Ohio Turnpike Project No. 1;

"WHEREAS the Commission's consulting engineer, chief engineer, and general counsel have reported to the Commission with respect to the aforesaid proposed supplemental specifications, and the Commission has duly and fully considered the same; and

"WHEREAS the Commission is of the opinion that said supplemental specifications should be adopted;

"NOW, THEREFORE, BE IT

"RESOLVED that supplemental specifications A-1, setting forth certain amendments to the general specifications for Ohio Turnpike Project No. 1, and I-30, pertaining to farm tile drains, which have been presented to this meeting, be, and the same hereby are, adopted."

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.

The Chief Engineer next presented to the Commission documents which he stated had been prepared jointly by the General Counsel and himself pertaining to Contracts Nos. C-15-B, C-46, C-46-A, and C-46-B, including forms of notices to bidders, proposals, affidavits, special provisions, contracts, and contract bonds. He outlined to the Commission the work to be done under Construction Contracts Nos. C-15-B, C-46, C-46-A, and C-46-B, and recommended approval of the documents by the Commission. Mr. McKay stated his opinion that a standard procedure should be established whereby letters of recommendation from both the Consulting Engineer and the Chief Engineer would be submitted to the Commission prior to its consideration of such documents, and whereby also the members of the Commission would be advised of general details of the work involved in each construction contract in advance of its

consideration of that contract. There was discussion of Mr. McKay's suggestion, after which the Chief Engineer was instructed to establish and to follow such a standard procedure.

Resolution No. 6-1953 approving documents and providing for advertising for Contracts C-15-B, C-46, C-46-A, and C-46-B, was moved for adoption by Mr. Teagarden and seconded by Mr. Linzell, as follows:

"WHEREAS there are before this meeting forms of contract documents for construction contracts C-15-B, C-46, C-46-A, and C-46-B, to-wit: forms of notices to bidders, proposals, affidavits, special provisions, contracts, and contract bonds, for all of said contracts, and plans for contract C-46-B (which, together with the plans for contract C-46-A, which have heretofore been approved, constitute the plans for contract C-46); and

"WHEREAS the Commission has duly and fully considered the same;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby approves the above-described contract documents, being for and in connection with contracts for the construction of the superstructure of the twin bridges over the Cuyahoga River and of the substructures and superstructures of the twin bridges over the Maumee River, and ratifies, approves, and confirms all actions heretofore taken in connection with these contracts by general counsel and the chief engineer."

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

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

Nays, None.

The Chairman declared the resolution adopted.

The Chairman mentioned certain articles which had recently appeared in the public press pertaining to variable widths of median, and variable gradelines for the Turnpike Project, and advised the Commission that the Chief Engineer and the Consulting Engineer had been directed to prepare reports in the matter. After

general discussion, the Chairman stated that the Commission would expect to receive reports from the Chief Engineer and the Consulting Engineer not later than January 16, 1953, in which reports the matter of variable median width and variable roadway grades would be reevaluated.

The General Counsel then presented a recommended form of resolution by which the Commission would declare the necessity for appropriating Right-of-way Parcel No. 147-G. He stated that 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 Right-of-way Parcel No. 147-G. Resolution No. 7-1953 declaring the necessity of appropriating Parcel No. 147-G and directing that proceedings to effect such appropriation be begun and prosecuted, was moved for adoption by Mr. Linzell and seconded by Mr. Teagarden, as follows:

Resolution No. 7-1953

"RESOLVED that the Commission has endeavored for a reasonable time to agree with the Baltimore and Ohio Railroad Company regarding the acquisition of certain property described herein, but has been unable to agree with said Baltimore and Ohio Railroad Company, 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 any right, title, or interest in the following-described property claimed by the Baltimore & Ohio Railroad Company, whose address is Baltimore 1, Maryland:

"Turnpike Parcel No. 147G(1) - Fee Simple

"Situated in the Township of Boston, County of Summit and State of Ohio, and known as being part of Original Boston Township Lot No. 2, Tract No. 1, and bounded and described as follows:

"Beginning on the Westerly side of the Cuyahoga River at the point of intersection of the low water mark of said river with a line drawn parallel to and distant 17 feet Northwesterly of, measured on a line normal to, the center line of Ohio Turnpike Project No. 1 as shown by plat recorded in Volume 44, Page 113 of Summit County Map Records; thence Southwesterly along said parallel line about 20.60 feet but to its intersection with a line drawn Northwesterly at right angles to said center line of Ohio Turnpike Project No. 1 at Station

268 / 32.00; thence Northwesterly along said right angle line, 46.00 feet; thence Northeasterly parallel with the center line of Ohio Turnpike Project No. 1 about 21.60 feet but to the low water mark of the Cuyahoga River as aforesaid; thence Southerly along said low water mark about 46.00 feet to the place of beginning.

"Turnpike Parcel No. 147G(2) - Fee Simple

"Situated in the Township of Boston, County of Summit and State of Ohio, and known as being part of Original Boston Township Lot No. 2, Tract No. 1, and bounded and described as follows:

"Beginning on the Westerly side of the Cuyahoga River at the point of intersection of the low water mark of said river with a line drawn parallel to and distant 17 feet Southeasterly of, measured on a line normal to, the center line of Ohio Turnpike Project No. 1 as shown by plat recorded in Volume 44, Page 113 of Summit County Map Records; thence Southwesterly along said parallel line about 23.00 feet but to its intersection with a line drawn Southeasterly at right angles to said center line of Ohio Turnpike Project No. 1 at Station 268 / 32.00; thence Southeasterly along said right angle line, 46.00 feet; thence Northeasterly parallel with the center line of Ohio Turnpike Project No. 1 about 27.60 feet but to the low water mark of the Cuyahoga River as aforesaid; thence Northerly along said low water mark about 46.00 feet to the place of beginning.

"Turnpike Parcel No. 147G(3) - Temporary Right of Entry

"In, over and upon any of the property of the Baltimore and Ohio Railroad situated in Boston Township, Summit County, Ohio east of a line drawn parallel to and 15 feet east of the center-line of the tracks of the Baltimore and Ohio Railroad for purposes of constructing piers in accordance with the approved plans for Ohio Turnpike Project No. 1, C-15A.

"Turnpike Parcel No. 147G(4) - A Permanent Aerial Easement

for turnpike purposes in accordance with the approved plans for Ohio Turnpike Project No. 1, C-15B, over the following-described property:

"Situated in the Township of Boston, County of Summit and State of Ohio, and known as being part of Original Boston Township Lot No. 2, Tract No. 1, and bounded and described as follows:

"Beginning on the Westerly side of Cuyahoga River at the point of intersection of the low water mark of said river with a line drawn parallel to and distant 100 feet Northwesterly of, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 44, Page 113 of Summit County Map Records; thence Southwesterly along said parallel line to a point in said line distant 81.00 feet Southwesterly from its intersection with the center line of the B. & O. R. R. right of way as now located; thence Southerly in a direct line 75.60 feet to a point in a line drawn parallel to and distant 100 feet Southwesterly of, measured on a line normal to, the said center line of the B. & O. R. R.; thence Southeasterly along said parallel line to its intersection with a line drawn parallel to and distant 100 feet Southeasterly of, measured on a line normal to, the center line of Ohio Turnpike Project No. 1; thence Northeasterly along said parallel line to the low water mark of the Cuyahoga River as aforesaid; thence Northwesterly along said low water mark to the place of beginning."

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 General Counsel then presented nine recommended forms of resolutions by which the Commission would declare the necessity for appropriating nine designated parcels of property. He stated that in each of the nine 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 nine cases. Resolutions Nos. 8-1953, 9-1953, 10-1953, 11-1953, 12-1953, 13-1953, 14-1953, 15-1953 and 16-1953, each declaring the necessity of appropriating certain property and directing that proceedings to effect such appropriation be begun and prosecuted, were moved for adoption by Mr. Linzell and seconded by Mr. Allen, as follows:

Resolution No. 8-1953

"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 in fee simple of the following-described property, and the easements, rights, and restrictions hereinafter described, from the following-named owner or owners and persons having interests therein, to-wit:

<u>"Owner(s)</u>	<u>Place of Residence</u>
William Homer Dey	New Springfield, Ohio
Vera Esther Dey	New Springfield, Ohio
<u>Grindle, first name unknown, Address Unknown</u> Wife of Thomas Grindle	
<u>Grindle, first name unknown Address Unknown</u> Husband of Edith Grindle	
The Natural Gas Company of West Virginia	Wheeling, West Virginia
The Citizens Savings Bank	Columbiana, Ohio
The Unknown Heirs, Devisees, Successors, and Assigns of John Rukenbrod deceased	Addresses 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 in fee simple is described as follows:

"Parcel No. 196E

"Situated in the Township of Springfield, County of Mahoning and

State of Ohio, and known as being part of Original Springfield Township Section No. 21, and being all that part of the lands described in the deed to William Homer Dey and Vera Esther Dey dated March 20, 1948, and recorded in Volume 605, Page 392 of Mahoning County Deed Records lying within a strip of land 325 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 155 feet Northeasterly measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 25 of Mahoning County Map Records, and the Southwesterly line of said strip being parallel to and distant 170 feet Southwesterly measured on a line normal to said center line.

"The aforementioned easements, rights, and restrictions to be appropriated are as follows:

"First: Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the above-described real estate, including such rights to any turnpike constructed thereon.

"Second: All rights to erect on any of the aforesaid remaining lands any billboard, sign, notice, poster, or other advertising device which would be visible from the travelway of Ohio Turnpike Project No. 1, and which is not now upon said lands."

Resolution No. 9-1953

"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 in fee simple of the following-described property, and the easements, rights, and restrictions hereinafter described, from the following-named owner or owners and persons having interests therein, to-wit:

<u>"Owner(s)</u>	<u>Place of Residence</u>
Lloyd D. Bryan	Unity Road, New Springfield, Ohio
Anita G. Bryan	Unity Road, New Springfield, Ohio
Vesta Oil Company	Address Unknown

<u>"Owners(s)</u>	<u>Place of Residence</u>
Edgar Graham	Address Unknown
The Federal Land Bank of Louisville	Louisville, Kentucky
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 in fee simple is described as follows:

"Parcel No. 196A - Fee Simple

"Situated in the Township of Springfield, County of Mahoning and State of Ohio, and known as being part of Original Springfield Township Section No. 22, and being all that part of the lands described in the deed to Lloyd D. Bryan and Aneta G. Bryan dated October 11, 1926, and recorded in Volume 360, Page 58 of Mahoning County Deed Records, lying within a strip of land 390 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 165 feet Northeasterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 26 of Mahoning County Map Records, and the Southwesterly line of said strip being parallel to and distant 225 feet Southwesterly, measured on a line normal to said center line.

"Parcel No. 196A (1) - Permanent Easement for Highway Purposes

"Situated in the Township of Springfield, County of Mahoning and State of Ohio, and known as being part of Original Springfield Township Section No. 22 and bounded and described as follows:

"Beginning on the center line of Poland-Unity Road at its intersection with a line drawn parallel to and distant 225 feet Southwesterly, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33 of Maps, Page 26 of Mahoning County Records; thence Southeasterly along said parallel line to a point distant Easterly 45 feet, measured at right angles from the center line of Poland-Unity Road; thence Southerly parallel with the center line of Poland-Unity Road to a point distant 45 feet Easterly measured at right angles from a point in the center line of Poland-Unity Road distant 500 feet Southerly from its intersection with the center line of Ohio Turnpike Project No. 1; thence Southwesterly to a point distant 30 feet Easterly measured at

right angles from a point in the center line of Poland-Unity Road distant 750 feet Southerly from its intersection with the center line of Ohio Turnpike Project No. 1; thence Southwesterly to a point distant 20 feet Easterly measured at right angles from a point in the center line of Poland-Unity Road distant 800 feet Southerly from its intersection with the center line of Ohio Turnpike Project No. 1; thence Westerly at right angles to the center line of Poland-Unity Road 20 feet to the center line thereof; thence Northerly along the center line of Poland-Unity Road to the place of beginning. Excepting therefrom that portion thereof lying within the bounds of Poland-Unity Road as now established.

"Parcel No. 196A(2) - Permanent Easement for Highway Purposes

"Situated in the Township of Springfield, County of Mahoning and State of Ohio, and known as being part of Original Springfield Township Section No. 22, and bounded and described as follows:

"Beginning on the center line of Poland-Unity Road at its intersection with a line drawn parallel to and distant 165 feet Northeasterly, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33 of Maps, Page 26 of Mahoning County Records; thence Southeasterly along said parallel line to a point distant Easterly 45 feet, measured at right angles, from the center line of Poland-Unity Road; thence Northerly to a point in the Northerly line of land conveyed to Lloyd D. Bryan and Anita G. Bryan, by deed dated October 11, 1926 and recorded in Volume 360, Page 58 of Mahoning County Deed Records, distant 39.20 feet Easterly from the Northwesterly corner thereof; thence Westerly along the Northerly line of land so conveyed to Lloyd D. Bryan and Anita G. Bryan 39.20 feet to the center of Poland-Unity Road; thence Southerly along the center line of Poland-Unity Road to the place of beginning. Excepting therefrom that portion thereof lying within the bounds of Poland-Unity Road as now established.

"Parcel No. 196A(3) - Permanent Easement for Highway Purposes

"Situated in the Township of Springfield, County of Mahoning and State of Ohio, and known as being part of Original Springfield Township Section 22, and bounded and described as follows:

"Beginning on the center line of Columbiana-New Castle Road at its intersection with a line drawn parallel to and distant 225 feet Southwesterly, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33 of Maps, Page 26 of Mahoning County Records; thence Northwesterly along said parallel line to a point distant 35 feet Northwesterly,

measured at right angles, from the center line of Columbiana-New Castle Road; thence Southwesterly to a point distant 40 feet Northwesterly measured at right angles from a point in the center line of Columbiana-New Castle Road distant 500 feet Southwesterly from its intersection with the center line of Ohio Turnpike Project No. 1; thence Southwesterly parallel with the center line of Columbiana-New Castle Road 100 feet; thence Southwesterly to a point distant 25 feet Northwesterly measured on a line at right angles from a point in the center line of Columbiana-New Castle Road distant 750 feet Southwesterly from its intersection with the center line of Ohio Turnpike Project No. 1; thence Southeasterly at right angles to the center line of Columbiana-New Castle Road 25 feet to the center line thereof; thence Northeasterly along the center line of Columbiana-New Castle Road to the place of beginning. Excepting therefrom that portion thereof lying within the bounds of Columbiana-New Castle Road as now established.

"The aforementioned easements, rights, and restrictions to be appropriated are as follows:

"First: Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the above-described real estate, including such rights to any turnpike constructed thereon.

"Second: All rights to erect on any of the aforesaid remaining lands any billboard, sign, notice, poster, or other advertising device which would be visible from the travelway of Ohio Turnpike Project No. 1, and which is not now upon said lands."

Resolution No. 10-1953

"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 in fee simple of the following-described property, and the easements, rights, and restrictions hereinafter described, from the following-named owner or owners and persons having interests therein, to-wit:

<u>"Owner(s)</u>	<u>Place of Residence</u>
John E. Ernst	R. D., Petersburg, Ohio
Florence M. Ernst	R. D., Petersburg, Ohio
Charles E. Ernst	R. D., Bessemer, Pennsylvania
Belle J. Ernst	R. D., Bessemer, Pennsylvania
J. H. Flower	Address Unknown
G. N. Flower, also known as G. W. Flower	Address Unknown
Tennessee Gas Transmission Co.	Houston, Texas
The East Ohio Gas Company	1405 East Sixth Street Cleveland, 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 in fee simple is described as follows:

"Parcel No. 197-A(1)

"Situated in the Township of Springfield, County of Mahoning and State of Ohio, and known as being part of Original Springfield Township Section No. 27, and being all that part of the lands described in the second parcel in the deed to John E. Ernst, Florence M. Ernst and Charles E. Ernst dated October 23, 1943, and recorded in Volume 535, Page 168 of Mahoning County Deed Records, lying Southwesterly of a line drawn parallel to and distant 160 feet North-easterly, measured on a line normal to the centerline of Ohio Turn-pike Project No. 1, as shown by plat recorded in Volume 33, Page 28 of Mahoning County Map Records.

"Parcel No. 197-A(2)

"Situated in the Township of Springfield, County of Mahoning and State of Ohio, and known as being part of Original Springfield Township Section No. 26, and being all that part of the lands described in the first parcel in the deed to John E. Ernst, Florence M. Ernst and

Charles E. Ernst, dated October 23, 1943, and recorded in Volume 535, Page 168 of Mahoning County Deed Records, lying within a strip of land 300 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 115 feet Northeasterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 28 of Mahoning County Map Records, and the Southwesterly line of said strip being parallel to and distant 185 feet Southwesterly, measured on a line normal to said center line.

"Parcel No. 197-A(3)

"Situated in the Township of Springfield, County of Mahoning and State of Ohio and known as being part of Original Springfield Township Section No. 27 and being all that part of the lands described in the second parcel in the deed to John E. Ernst, Florence M. Ernst and Charles E. Ernst, dated October 23, 1943 and recorded in Volume 535, Page 168 of Mahoning County Deed Records lying within a strip of land 45 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 205 feet Northeasterly measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 28 of Mahoning County Map Records, and the Southwesterly line of said strip being parallel to and distant 160 feet Northeasterly measured on a line normal to said center line.

"Parcel No. 197-A(4)

"Situated in the Township of Springfield, County of Mahoning and State of Ohio and known as being part of Original Springfield Township Section No. 26 and being all that part of the lands described in the first parcel in the deed to John E. Ernst, Florence M. Ernst and Charles E. Ernst, dated October 23, 1943 and recorded in Volume 535, Page 168 of Mahoning County Deed Records lying within a strip of land 25 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 140 feet Northeasterly measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plats recorded in Volume 33, Pages 28 and 29 of Mahoning County Map Records, and the Southwesterly line of said strip being parallel to and distant 115 feet Northeasterly measured on a line normal to said center line.

"The aforementioned easements, rights, and restrictions to be appropriated are as follows:

"First: Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands

of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the above-described real estate, including such rights to any turnpike constructed thereon.

"Second: All rights to erect on any of the aforesaid remaining lands any billboard, sign, notice, poster, or other advertising device which would be visible from the travelway of Ohio Turnpike Project No. 1, and which is not now upon said lands."

Resolution No. 11-1953.

"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 in fee simple of the following-described property, and the easements, rights, and restrictions hereinafter described, from the following-named owner or owners and persons having interests therein, to-wit:

<u>"Owner(s)</u>	<u>Place of Residence</u>
Helen L. Battin	Garfield Road, Petersburg, O.
Mary Ba ttin Nelson, now known as Mary B. Carna	Garfield Road, Petersburg, O.
George Carna	Garfield Road, Petersburg, 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 in fee simple is described as follows:

"Parcel No. 199B

"Situated in the Village of Petersburg, County of Mahoning and State of Ohio, and known as being parts of Out Lots Nos. 19, 20

and 21 in Peter Musser's Addition of a part of Original Springfield Township Section No. 36, and a part of Original Springfield Township Section No. 36, and being all that part of the lands recorded in Volume 635, Page 469 of Mahoning County Deed Records, lying within a strip of land 280 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 130 feet Northeasterly, measured on a line normal to the centerline of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Pages 9 and 10 of Mahoning County Map Records, and the Southwesterly line of said strip being parallel to and distant 150 feet Southwesterly, measured on a line normal to said center line. Excepting therefrom that part thereof conveyed to Kenneth M. Lloyd by deed dated August 29, 1952, and recorded in Volume 679, Page 345 of Mahoning County Deed Records.

"The aforementioned easements, rights, and restrictions to be appropriated are as follows:

"First: Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the above-described real estate, including such rights to any turnpike constructed thereon.

"Second: All rights to erect on any of the aforesaid remaining lands any billboard, sign, notice, poster, or other advertising device which would be visible from the travelway of Ohio Turnpike Project No. 1, and which is not now upon said lands."

Resolution No. 12-1953

"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, and the easements, rights, and restrictions hereinafter described, from the following-named owner or owners and persons having interests therein, to-wit:

<u>"Owner(s)</u>	<u>Place of Residence</u>
Robert A. Smith	Route 90 Petersburg, Ohio

<u>"Owner (s)</u>	<u>Place of Residence</u>
Gladys B. Smith	Route 90 Petersburg, Ohio
Edward N. Noel	Garfield Road Petersburg, Ohio
Helen J. Noel	Garfield Road Petersburg, 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. 198A-199E - FEE SIMPLE

"Situated in the Township of Springfield, County of Mahoning and State of Ohio, and known as being parts of Original Springfield Township Sections Nos. 25 and 36, and bounded and described as follows:

"Beginning on the center of the Youngstown-Pittsburg Road (State Route No. 90) at the Northwesterly corner of Parcel No. 1 of lands conveyed to Robert A. Smith and Gladys B. Smith by deed dated March 6, 1951, and recorded in Volume 653, Page 349 of Mahoning County Deed Records; thence Southeasterly along the center line of said road to its intersection with a line parallel to and distant 175 feet Southwesterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Pages 8 and 9 of Mahoning County Map Records; thence Southeasterly along said parallel line to its intersection with the Easterly line of Parcel No. 2 of lands conveyed to Robert A. Smith and Gladys B. Smith, as aforesaid; thence Northerly along the Easterly line of said Parcel No. 2 to the Northeasterly corner thereof, being also in the Southerly line of Parcel No. 3 of said deed; thence Easterly along the Southerly line of said Parcel No. 3, about 11.06 feet to the Southeasterly corner thereof, being also in the Westerly line of Parcel No. 5 of said deed; thence Southerly along the Westerly line of said Parcel No. 5 to its intersection with a line drawn parallel to and distant 175 feet Southwesterly, measured on a line normal to the center line of said Ohio Turnpike Project No. 1; thence Southeasterly along said parallel line to its intersection with the Northerly

line of land conveyed to Ethel M. Grise by deed dated March 29, 1905, and recorded in Volume 129, Page 53 of Mahoning County Deed Records; thence Northeasterly along the Northwesterly line of land so conveyed to Ethel M. Grise and along the Northwesterly line of land conveyed to Edward N. Noel and Helen J. Noel by deed dated July 24, 1943, and recorded in Volume 525, Page 63 of Mahoning County Deed Records, to the most Northerly corner of land so conveyed to Edward N. Noel and Helen J. Noel; thence Southeasterly along the Northeasterly line of said line so conveyed to Edward N. Noel and Helen J. Noel to the center line of Garfield Petersburg Road (State Route No. 617); thence Northeasterly along the center line of said Garfield Petersburg Road to its intersection with a line drawn parallel to and distant 155 feet Northeasterly, measured on a line normal to the center line of said Ohio Turnpike Project No. 1; thence Northwesterly along said parallel line to its intersection with the Northerly line of Parcel No. 1 of lands conveyed to Robert A. Smith and Gladys B. Smith, as aforesaid; thence Westerly along the Northerly line of land so conveyed to Robert A. Smith and Gladys B. Smith, to the place of beginning.

"Parcel No. 198A-199E(1) - EASEMENT FOR SEWER AND DRAINAGE PURPOSES.

"Situated in the Township of Springfield, County of Mahoning and State of Ohio and being part of Original Springfield Township Section No. 25 and being a strip of land 30 feet wide, between parallel lines, the center of said strip being described as follows:

"Beginning at a point distant 155 feet Northeasterly of, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33 of Maps, Page 9 of Mahoning County Records, at Station 1268 + 25 of said center line survey; thence Northeasterly to a point distant 370 feet Northeasterly of, measured on a line normal to the said center line at Station 1267 + 60.

"Parcel No. 198A-199E (2) - PERMANENT EASEMENT FOR HIGHWAY PURPOSES.

"Situated in the Township of Springfield, County of Mahoning and State of Ohio, and known as being part of Original Springfield Township Section No. 25, and bounded and described as follows:

"Beginning on the center line of Garfield Road at the Southeasterly corner of land conveyed to Stanley M. Cobb by deed dated February 25, 1937 and recorded in Volume 458, Page 200 of Mahoning County Deed Records; thence Southwesterly along the center line of

Garfield Road 50 feet; thence Northwesterly at right angles to the center line of Garfield Road 25 feet; thence Northeasterly in a direct line to a point in the Southwesterly line of land conveyed to Stanley M. Cobb as aforesaid distant 30 feet Northwesterly from the Southeasterly corner thereof; thence Southeasterly along the Southwesterly line of land so conveyed to Stanley M. Cobb 30 feet to the place of beginning. Excepting therefrom that portion thereof lying within the bounds of Garfield Road as now established.

"The aforementioned easements, rights, and restrictions to be appropriated are as follows:

"First: Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the above-described real estate, including such rights to any turnpike constructed thereon.

"Second: All rights to erect on any of the aforesaid remaining lands any billboard, sign, notice, poster, or other advertising device which would be visible from the travelway of Ohio Turnpike Project No. 1, and which is not now upon said lands."

Resolution No. 13-1953

"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 in fee simple of the following-described property, and the easements, rights, and restrictions hereinafter described, from the following-named owner or owners and persons having interests therein, to-wit:

<u>"Owner (s)</u>	<u>Place of Residence</u>
Robert A. Smith	Route 90, Petersburg, Ohio
Gladys B. Smith	Route 90, Petersburg, Ohio
Lewis Huxley. The Unknown Heirs, Devises and Legal Representatives of Lewis Huxley, deceased	Address Unknown

"Owners(s)

Place of Residence

Harry Duckworth. The Unknown Heirs, Devises and Legal Representatives of Harry Duckworth, deceased	Address Unknown
Jennie Huxley. The Unknown Heirs, Devises and Legal Representatives of Jennie Huxley, deceased	Address Unknown
Caroline Baumgartner. The Unknown Heirs, Devises and Legal Representatives of Caroline Baumgartner, deceased	Address Unknown
Joseph Myers. The Unknown Heirs, Devises and Legal Representatives of Joseph Myers, deceased	Address Unknown
Pauline Myers. The Unknown Heirs, Devises and Legal Representatives of Pauline Myers, deceased	Address Unknown
Jemina Summers. The Unknown Heirs, Devises and Legal Representatives of Jemina Summers, deceased	Address Unknown
Mary Johnson. The Unknown Heirs, Devises and Legal Representatives of Mary Johnson, deceased	Address Unknown
David C. Johnson. The Unknown Heirs, Devises and Legal Representatives of David C. Johnson, deceased	Address Unknown
Elizabeth Frankinberger. The Unknown Heirs, Devises and Legal Representa- tives of Elizabeth Frankinberger, deceased	Address Unknown
Lewis Frankinberger. The Unknown Heirs, Devises and Legal Representatives of Lewis Frankinberger, deceased	Address Unknown
Alonzo Sharp. The Unknown Heirs, Devises, and Legal Representatives of Alonzo Sharp, deceased	Address Unknown
Sarah Sharp, The Unknown Heirs, Devises, and Legal Representatives of Sarah Sharp, deceased	Address Unknown

<u>"Owner(s)</u>	<u>Place of Residence</u>
Henry Huxley. The Unknown Heirs Devisees, and Legal Representatives of Henry Huxley, deceased	Address Unknown
Dora Huxley. The Unknown Heirs Devisees, and Legal Representatives of Dora Huxley, deceased	Address Unknown
Henry K. Spickler. The Unknown Heirs, Devisees, and Legal Representatives of Henry K. Spickler, deceased	Address Unknown
Nancy E. Spickler. The Unknown Heirs, Devisees, and Legal Representatives of Nancy E. Spickler, deceased	Address Unknown
Lewis Spickler. The Unknown Heirs, Devisees, and Legal Representatives of Lewis Spickler, deceased	Address Unknown
Mary Spickler. The Unknown Heirs, Devisees, and Legal Representatives of Mary Spickler, deceased	Address Unknown
Wallace Neff. The Unknown Heirs, Devisees, and Legal Representatives of Wallace Neff, deceased	Address Unknown
Carrie A. Neff. The Unknown Heirs, Devisees, and Legal Representatives of Carrie A. Neff, deceased	Address Unknown
Lewis Schuler. The Unknown Heirs, Devisees, and Legal Representatives of Lewis Schuler, deceased	Address Unknown
Rosanna Schuler. The Unknown Heirs, Devisees, and Legal Representatives of Rosanna Schuler, deceased	Address Unknown
G. W. Spickler. The Unknown Heirs, Devisees, and Legal Representatives of G. W. Spickler, deceased	Address Unknown
County Auditor of Mahoning County	Mahoning County Court House, Youngstown, O.
County Treasurer of Mahoning County	Mahoning County Court House, Youngstown, O.

"The aforementioned property to be appropriated in fee
simple is described as follows: 571.

"Parcel No. 199J

"Situated in the Township of Springfield, County of Mahoning and State of Ohio, and known as being part of Original Springfield Township Section No. 25, and bounded and described as follows:

"Beginning at the Northeasterly corner of Parcel No. 2 of lands conveyed to Robert A. Smith and Gladys B. Smith by deed dated March 6, 1951, and recorded in Volume 653, Page 349 of Mahoning County Deed Records, said point being also in the Southerly line of Parcel No. 3 of said deed; thence Easterly along the Southerly line of said Parcel No. 3, about 11.06 feet to the Southeasterly corner thereof, being also in the Westerly line of Parcel No. 5 of said deed; thence Southerly along the Westerly line of said Parcel No. 5 to its intersection with a line drawn parallel to and distant 175 feet Southwesterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 9 of Mahoning County Map Records; thence Northwesterly along said parallel line to its intersection with the Easterly line of Parcel No. 2 in the aforesaid deed to Robert A. Smith and Gladys B. Smith; thence Northerly along said Easterly line of Parcel No. 2 to the place of beginning.

"The aforementioned easements, rights, and restrictions to be appropriated are as follows:

"First: Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over or to the above-described real estate, including such rights to any turnpike constructed thereon.

"Second: All rights to erect on any of the aforesaid remaining lands any billboard, sign, notice, poster, or other advertising device which would be visible from the travelway of Ohio Turnpike Project No. 1, and which is not now upon said lands."

Resolution No. 14-1953

"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 in fee simple of the following-described property, and the easements, rights, and restrictions hereinafter described, from the following-named owner or owners and persons having interests therein, to-wit:

<u>"Owner(s)</u>	<u>Place of Residence</u>
Arthur Price	R. D. #1 North Lima, Ohio
Mary Price	R. D. #1 North Lima, Ohio
First Federal Savings and Loan Association of Youngstown, Ohio	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 in fee simple is described as follows:

"Parcel No. 192-R

"Situated in the Township of Beaver, County of Mahoning and State of Ohio, and known as being all that part of Sub Lot No. 18 in Rickert Place Plat No. 3, a Subdivision of a part of Original Beaver Township Section No. 11, as shown by the recorded plat of said Subdivision in Volume 28 of Maps, Page 185 of Mahoning County Records, lying Southwesterly of a line drawn parallel to and distant 135 feet Northeasterly measured on a line normal to the centerline of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 7 of Mahoning County Map Records.

"The aforementioned easements, rights, and restrictions to be appropriated are as follows:

"First: Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the above-

described real estate, including such rights to any turnpike constructed thereon.

"Second: All rights to erect on any of the aforesaid remaining lands any billboard, sign, notice, poster, or other advertising device which would be visible from the travelway of Ohio Turnpike Project No. 1, and which is not now upon said lands."

Resolution No. 15-1953.

"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 in fee simple of the following-described property, and the easements, rights, and restrictions hereinafter described, from the following-named owner or owners and persons having interests therein, to-wit:

<u>"Owner(s)</u>	<u>Place of Residence</u>
Hubron W. Drye	North Benton- Calla Road, North Lima, Ohio
Dorothy M. Drye	North Benton-Calla Road, North Lima, Ohio
The Home Savings and Loan Company of Youngstown, Ohio	Youngstown, Ohio
County Auditor of Mahoning County	Mahoning County Court House, Youngstown, O.
County Treasurer of Mahoning County	Mahoning County Court House Youngstown, Ohio

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

"Parcel No. 192-P

Situated in the Township of Beaver, County of Mahoning and State of Ohio, and known as being all that part of Sub Lot No. 16 in Rickert Place Plat No. 3, a Subdivision of a part of Original Beaver Township Section No. 11, as shown by the recorded plat of said Subdivision in Volume 28 of Maps, Page 185

of Mahoning County Records, lying Southwesterly of a line drawn parallel to and distant 135 feet Northeasterly measured on a line normal to the center line of the Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 7 of Mahoning County Map Records.

"The aforementioned easements, rights, and restrictions to be appropriated are as follows:

First: Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the above-described real estate, including such rights to any turnpike constructed thereon.

Second: All rights to erect on any of the aforesaid remaining lands any billboard, sign, notice, poster, or other advertising device which would be visible from the travelway of Ohio Turnpike Project No. 1, and which is not now upon said lands."

Resolution No. 16-1953.

"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 in fee simple of the following-described property, and the easements, rights, and restrictions hereinafter described, from the following-named owner or owners and persons having interests therein, to-wit:

<u>"Owner(s)</u>	<u>Place of Residence</u>
Edward K.Knost	Market Street Extension North Lima, Ohio
Nellie M. Knost	Market Street Extension North Lima, Ohio
The Dollar Savings and Trust Company	Youngstown, Ohio

County Auditor of Mahoning
County

Mahoning County Court
House, Youngstown, O.

County Treasurer of Mahoning
County

Mahoning County Court
House, Youngstown, O.

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

"Parcel No. 192-H

"Situated in the Township of Beaver, County of Mahoning and State of Ohio, and known as being part of Original Beaver Township Section No. 11, and being all that part of the lands conveyed to Edward K. Knost and Nellie M. Knost by deed dated August 1, 1945, and recorded in Volume 558, Page 90 of Mahoning County Deed Records lying Northeasterly of a line drawn parallel to and distant 125 feet Southwesterly, measured on a line normal to the centerline of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 7 of Mahoning County Map Records.

"The aforementioned easements, rights, and restrictions to be appropriated are as follows:

"First: Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the above-described real estate, including such rights to any turnpike constructed thereon.

"Second: All rights to erect on any of the aforesaid remaining lands any billboard, sign, notice, poster, or other advertising device which would be visible from the travelway of Ohio Turnpike Project No. 1, and which is not now upon said lands."

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

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

Nays, None.

The Chairman declared the resolutions adopted.

The General Counsel stated that he had some time ago sent to each member of the Commission a preliminary draft of

proposed and recommended rules and regulations for the installation, construction, renewal, repair, relocation, and removal of facilities of public utilities, both public and privately owned. He reported that a series of conferences had been held with representatives of the various classes of utilities involved, and stated his opinion that the utility companies were definitely in accord with most of the substance, although they had not seen the final, revised wording, of the final draft of these proposed rules and regulations. The General Counsel then presented the final draft of Rules and Regulations to the Commission and recommended its adoption. Resolution No. 17-1953 adopting Rules and Regulations with respect to utility facilities was moved for adoption by Mr. Teagarden and seconded by Mr. Linzell, as follows:

"WHEREAS the facilities of certain public utilities, both publicly and privately owned, and of pipe-line carriers, both common and private, now are or hereafter may be located in, on, along, over or under Ohio Turnpike Project No. 1;

"WHEREAS in connection with the construction, maintenance, and operation of said project, it will be necessary that such facilities be installed, constructed, maintained, repaired, renewed, relocated and removed;

"WHEREAS the Commission is authorized and empowered, by law, to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation, and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances of any public utility in, on, along, over, and under any turnpike project, and also to establish rules and regulations for the use of any turnpike project and for the protection and preservation of property under the jurisdiction and control of the Commission; and is further authorized and empowered to do all things necessary or proper to carry out the powers expressly granted to it in the legislative act by which it was created; and

"WHEREAS the Commission deems it advisable, necessary, and proper, and in its and public interest, and in the interest of the owners and operators of such facilities, to provide rules and regulations governing the aforesaid installations, constructions, maintenance, repairs, renewals, relocations, or removals;

"NOW, THEREFORE, BE IT

"RESOLVED that the following rules and regulations are determined to be proper, necessary, advisable, and reasonable,

and that the same be, and they hereby are, adopted to become effective on January 15, 1953:

"OHIO TURNPIKE COMMISSION

"Ohio Turnpike Project No. 1

"RULES AND REGULATIONS FOR THE INSTALLATION, CONSTRUCTION, REPAIR, RENEWAL, RELOCATION AND REMOVAL OF FACILITIES OF PUBLIC UTILITIES, BOTH PUBLICLY AND PRIVATELY OWNED, AND OF CARRIERS BY PIPE LINE, BOTH COMMON AND PRIVATE

"Sec. 1 - Definitions

"Par. 1. 1 "Commission" means the Ohio Turnpike Commission.

"Par. 1. 2. "Utility facilities" includes pipes, mains, conduits, cables, wires, towers, poles, and other equipment, property, and appliances of any public utility, whether the same be publicly or privately owned, and of any carrier by pipe line, whether the same be a common or a private carrier.

"Par. 1. 3. "Turnpike" means the limited-access, multi-lane, express highway which is the major component of Ohio Turnpike Project No. 1, the eastern terminus of which is at the place where the Western Extension of the Pennsylvania Turnpike meets the Ohio-Pennsylvania state line, and the western terminus of which is at the Ohio-Indiana state line, near U. S. Route 20.

"Par. 1. 4. "Turnpike right of way" includes all land acquired or to be acquired by the Commission in the name of the State of Ohio, as shown on the official plans, entitled "Ohio Turnpike Project No. 1," which are or shall be on file in the principal office of the Commission in Columbus, within the lines designated thereon as "R/W line." (The "turnpike right-of-way fence" will usually, but not always, be placed along the outer limits of the turnpike right of way.)

"Par. 1. 5. "Owner" means the person (or persons), firm, corporation, body politic, political subdivision, or other legal entity which owns or is the lessee of any utility facilities.

"Par. 1. 6. "Road" includes street, alley, and highway.

"Sec. 2 - General

"Par. 2.1 All utility facilities, both aerial and underground, located longitudinally within the turnpike right of way, shall, if the Commission deems it necessary, be relocated outside the limits of the turnpike right of way.

"Par. 2.2. Existing utility facilities which cross the turnpike right of way at a number of points within the same general area shall be combined insofar as practicable and economical in order to reduce to a minimum the total number of crossings.

"Par. 2.3 All utility facilities within the turnpike right of way shall be installed or reconstructed in such a manner that access thereto for the maintenance thereof can be had from the land adjoining that portion of the turnpike right of way upon which said facilities are located; provided, that the owner, with the consent of the Commission, may enter upon and leave the turnpike right of way at places designated by the Commission in order that the owner may properly operate and maintain its facilities.

"Par. 2.4. All utility facilities crossing the turnpike, except those crossing under bridges or grade-separation structures, shall be at as near right angles to the turnpike center line as is practicable and economical.

"Par.2.5. Where, in the opinion of the Commission, it is unnecessary to relocate or alter any existing utility facilities crossing the turnpike, all renewals or replacements shall be at the expense of the owner, unless payment therefor is specifically authorized by the Commission.

"Sec. 3 - Electric Power, Telephone, and Telegraph
Facilities

"Par. 3.1. All poles, guys, anchors, and towers shall be located outside the turnpike right-of-way fence, unless otherwise specifically permitted by the Commission.

"Par. 3.2. Where existing aerial wires or cables are in close proximity to a proposed grade-separation structure, or bridge, a temporary line shall be constructed to provide ample clearance of said proposed structure or bridge, and the existing line shall be removed prior to the beginning of construction of said structure or bridge. As soon as practicable after such construction, the permanent line shall be constructed and the temporary line removed.

"Par. 3.3 All aerial utility lines passing over the turnpike shall be constructed to conform with the requirements for the highest grade of construction for main-line railroad crossings, specified in the National

Electrical Safety Code or in Administrative Order No. 72 of the Public Utilities Commission of Ohio, whichever requires the higher grade of construction. When such lines occupy public-road crossings they shall be permanently located within such public-road rights of way, or outside the turnpike right-of-way fence. No attachments shall be made to any bridge or other structure within the limits of the turnpike right of way without specific approval of the Commission.

"Par. 3.4. Where the turnpike passes over a road on a grade-separation structure, aerial utility lines may be attached to the underside of the structure, unless such attachment would violate a regulation or order of the Public Utilities Commission of Ohio.

"Par. 3.5. Where feasible, underground cables shall cross the turnpike under bridges or grade-separation structures, or at a place where the turnpike is or will be on a fill or in a shallow cut. Where an existing underground cable crosses the line of the turnpike where it is to be in a deep cut, a special study shall be made by the owner to determine the feasibility and cost of relocating the crossing to a place where the turnpike will be on a fill or in a shallow cut.

"Par. 3.6 Where an existing underground cable is located in a road that will pass under the turnpike through grade-separation structures or where such cable is at a place which will be under bridges carrying the turnpike, such cable will not be disturbed, except when it may interfere with the construction of the structure or bridge foundations or with a revision in the grade of such road. The existing type of construction shall be deemed adequate for any relocation under this condition, when the relocated cable is placed between the foundations of the structures or bridges.

"Par. 3.7. Where an underground cable passes under the turnpike under conditions and at places other than those described above in Par. 3.6, it shall be installed in conduit of sufficient strength to support the superimposed load and satisfactory to the Commission's engineers. The conduit shall be of adequate length and diameter to allow the cable to be readily serviced from points outside the turnpike right-of-way fence.

"Sec. 4 - Pipe Lines

"Par. 4.1. Included in this category are pipe lines carrying petroleum, petroleum products, natural gas, artificial gas, water, and other fluids under pressure, whether or not solids be carried in suspension in any such fluid.

"Par. 4.2. Where an existing pipe line is located in a road that will pass under the turnpike through grade-separation structures or where such

pipe line is at a place which will be under bridges carrying the turnpike such pipe line will not be disturbed, except when it may interfere with the construction of the structure or bridge foundations or with a revision in the grade of such road. The existing type of construction shall be deemed adequate for any relocation under this condition, when the relocated pipe line is placed between the foundations of the structures or bridges.

"Par. 4.3. Pipe lines passing under the turnpike under conditions and at places other than those described above in Par. 4.2 shall be installed in steel casings, reinforced concrete conduits, precast pipe, or cast-in-place boxes, as may be approved by the Commission, depending upon the requirements of the installation. All such conduits shall be water-tight and of sufficient strength to support the superimposed loads. Wherever practical, the conduit shall be constructed on a grade to provide drainage.

"Sec. 5 - Sewers

"Par. 5.1. Included in this category are storm and sanitary sewers.

"Par. 5.2. Where an existing sewer is located in a road that will pass under the turnpike through grade-separation structures or where such sewer is at a place which will be under bridges carrying the turnpike such sewer will not be disturbed, except when it may interfere with the construction of the structure or bridge foundations or with a revision in the grade of such road. The existing type of construction shall be deemed adequate for any relocation under this condition, when the relocated sewer is placed between the foundations of the structures or bridges.

"Par. 5.3. Where a sewer passes under the turnpike under conditions and at places other than those described above in Par. 5.2, it shall be installed in conduit of sufficient strength to support the superimposed load and satisfactory to the Commission's engineers. Whenever the Commission deems it necessary, sewers shall be constructed of concrete or vitrified-clay pipe set in concrete cradles, or of cast-iron pipe. All joints shall be water-tight. All manholes shall be located outside the turnpike right-of-way fence.

"Par. 5.4. Existing sewers crossing the line of the turnpike where it will be in cut shall be lowered, if practical, to maintain grades for gravity flow of the sewage. When gravity flow in a storm sewer cannot be maintained by lowering the line, storm water shall be diverted into the nearest stream, if practicable.

"5.5. Each existing sewer crossing the line of the turnpike where it will be on fill shall be uncovered and rehabilitated. If the pipe be deteriorated or of insufficient strength to support the superimposed load, the line shall be reconstructed, within the limits of the turnpike right of way, with pipe meeting such standards of strength as shall be prescribed or approved by the Commission's chief engineer. All joints shall be water-tight to prevent seepage into the fill."

"and

"FURTHER RESOLVED that general counsel shall cause the foregoing rules and regulations and a statement of their effective date to be published, not later than January 9, 1953, in a newspaper of general circulation in Franklin County, Ohio; that he shall mail a copy of said rules and regulations to the Public Utilities Commission of Ohio; and that he may cause to be given such additional notice of them to other persons, and in such manner, as he may deem advisable."

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 submitted to the Commission a recommended form of resolution amending the plan of organization and administration of the legal staff. The Chairman advised the Commission that plans of organization for the staffs of the Comptroller and the Chief Engineer were under preparation and would be similarly submitted to the Commission for consideration. Resolution No. 18-1953 amending the plan of organization and administration of the legal staff was moved for adoption by Mr. Linzell and seconded by Mr. Allen, as follows:

"WHEREAS the Commission adopted on February 27, 1952, 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 therefrom item (16) of par. 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:

"Par. 5.10 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.

"Par. 5.20 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 resolution No. 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."

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, Teagarden, Allen, Linzell, Shocknessy.

Nays, McKay .

The Chairman declared the resolution adopted.

In response to inquiry from the Chairman, Mr. McKay reported as Chairman of the committee to consider the alignment of the Turnpike project in Erie County that the committee, consisting of himself, Mr. Teagarden, Mr. Allen, Mr. Kauer and Mr. Jenkins, would meet on Saturday, January 10, 1953 and inspect the locations which were under consideration by the committee, and that subsequently he would report to the Commission. Mr. Allen reported as Chairman of the committee on service facilities that all members of his committee had been furnished available information and that he planned to meet soon with the committee of the petroleum industry.

The Director of Information and Research reported that he had attended a number of meetings and conferences, including conferences arranged by the Ohio Farm Bureau, and that he had under preparation a history of Ohio Turnpike Project No. 1, and the Annual Report of the Commission for 1952.

Mr. McKay offered a resolution requiring written copies of resolutions proposed for adoption by the Commission to be delivered personally or by mail to each member of the Commission at least twenty-four hours prior to the convening of any regular or special meeting of the Commission at which such resolutions are proposed for adoption. There was no second to the motion. The Chairman declared the motion failed for lack of a second.

Mr. McKay offered a resolution repealing certain paragraphs of Resolution No. 69-1952, adopted August 29, 1952. There was no second to the motion. The Chairman declared the motion failed for lack of a second.

Mr. McKay stated again his opinion that important resolutions of the Commission should be placed in the hands of the members prior to meetings of the Commission at which final action was required to be taken. The Chairman stated his opinion that there was no substitute for evolving resolutions as the Commission considered its business, but that there was validity in the members having an understanding of any known proposals to be brought before the Commission.

A motion was made by Mr. Allen, seconded by Mr. Teagarden and Mr. Linzell, that the resolutions which had been proposed by Mr. McKay be referred to the appropriate staff section of the Commission for examination and consideration. A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

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

Nays, None.

The Chairman declared the motion carried.

Resolution No. 19-1953 ratifying actions of administrative officers was moved for adoption by Mr. Teagarden and seconded by Mr. Allen, as follows:

"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 December 9, 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, Teagarden, Allen, McKay, Linzell, Shocknessy.

Nays, None.

The Chairman declared the resolution adopted.

The Chairman announced that he would expect to call a special meeting to consider the award of Contract No. C-15-B on January 16, 1953, and a special meeting to consider the award of Contracts C-46, C-46-A, and C-46-B on or about January 23, or January 24, 1953.

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

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

Nays, None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:40 o'clock P. M.

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

A. J. Allen
A. J. Allen, Secretary-Treasurer