

MINUTES OF THE FIFTY-SEVENTH MEETING
FEBRUARY 3, 1953

Pursuant to call of the Chairman the Ohio Turnpike Commission met in regular open session at the Seneca Hotel in Columbus, Ohio, at 10:35 A. M. on February 3, 1953, with the key members of its staff, representatives of the Consulting Engineer, Mr. John Blanpied, representative of the Trustee, Mr. John W. Christensen of counsel for the Trustee, Mr. Dennis E. Murphy of The Ohio 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: McKay, Linzell, Allen, Shocknessy.

Absent: Teagarden.

The Chairman announced that a quorum was present.

The Chairman stated that the minutes for the meetings of January 16 and January 24, 1953 were in process of preparation.

The Chairman said that several days earlier he had been called by one of the press services and asked a question concerning his understanding of the Commission's responsibility with respect to the provision of what are sometimes called "access roads" and sometimes apparently called "feeder roads". The Chairman advised the Commission that he had replied as follows:

"The Commission under the law and under the Indenture is required to provide connections between the Turnpike existing highways. The Commission is not required by law nor authorized by the Indenture to provide roads which are necessary because of any change in traffic patterns brought about by the existence of the Turnpike any more than a city is required to provide highways to service it when existing highways are not adequate after it has experienced a great increase in population."

The Chairman asked if that statement represented the view of the Commission. Mr. McKay, Mr. Linzell and Mr. Allen

each expressed approval of the statement which the Chairman had made.

The Chairman announced that he had received under date of February 2, 1953, a letter from Squire, Sanders & Dempsey commenting upon the Ohio Turnpike Act and the amendments introduced and passed to the proposed code revision in the House of Representatives. He said that copies of the letter would be delivered to the members of the Commission, and that Mr. Henry Crawford of Squire, Sanders & Dempsey was presenting a copy of his opinion to the Chairman of the Judiciary Committee of the Ohio Senate during the morning of February 3, 1953.

The Chairman further advised the Commission that since the last meeting he and the General Counsel, Mr. Dunbar, and Mr. Crawford of Squire, Sanders & Dempsey, fiscal counsel, had appeared before the Senate Judiciary Committee and made some statements in response to questions of the Committee with respect to the impact of the proposed code revision, if enacted, upon the Turnpike Act. He said that the letter of Mr. Crawford was in some measure the result of the questioning at that conference, especially by the Chairman of the Judiciary Committee of the Senate who at that conference with the Judiciary Committee had requested Mr. Crawford to present a memorandum, and had also asked Mr. Dunbar to present a memorandum, not as counsel for the Commission but as a lawyer.

The Chairman said that since the appearance before the Senate Judiciary Committee he had addressed a letter to the Chairman of the Committee, not on behalf of himself as Chairman of the Commission, but as a lawyer, reviewing the incidents of the conference with the Committee and advising the committee as a lawyer of his views. He instructed the Executive Assistant to furnish copies of that letter to the members of the Commission.

The Chairman reported that he had told the Senate Judiciary Committee that so far as he personally was concerned he considered a revision of the Ohio General Code to be a proper objective for the State of Ohio, and so far as the Turnpike Commission was concerned it, of course, would have no objection as a Commission to a revision of the Revised Code if no violence were done in the revision to the existing Turnpike Act. He said that, accordingly, with his letter to the Committee he had filed a copy of a comment made by Mr. T. Henry Boyd of Blyth & Co., Inc., and a copy of an opinion of Mitchell & Pershing rendered to Blyth & Co., Inc. with respect to the impact which the revision, if enacted as

Passed in the House, might have upon the Turnpike Commission.

The Chairman read the following memorandum which he had addressed to the General Counsel under date of January 23, 1953:

"MEMORANDUM "January 23, 1953
"TO: Mr. Frank C. Dunbar, Jr.
"FROM: James W. Shocknessy

"The Editor of The Columbus Citizen informed me today that a member of the General Assembly, whom he did not name, had reported to the Citizen that in a County, which he did not name, collusive agreements were entered into by the so-called Turnpike land acquisition agents and others, to the profit of persons unnamed. Mr. Weaver said that James T. Keenan, who is a well known writer and investigator for Scripps-Howard, of which the Citizen is a member paper, was assigned to the lead and spent three days but was unable to uncover any bit of dishonesty.

"It is my belief that a competent member of your staff should call upon the Editor of the Citizen and upon Mr. Kennan and seek the identity of the informer and the County, and whatever information Mr. Keenan was able to garner so that we can make our own independent investigation because I do not want to be satisfied merely with the investigation made by the newspaper."

At the request of the Chairman the General Counsel reported that the Chief of the Right-of-way Section had sought immediate conference with the Editor of The Columbus Citizen and had asked to know the name of the county where the occurrence was alleged to have taken place and the names of the persons involved, and that the Chief of the Right-of-way Section had reported that the Editor of The Columbus Citizen had said in substance that their investigation revealed there was no foundation for the report and that he either did not know or had refused to divulge the names of the persons or the identity of the place. The General Counsel said that following that the Chief of the Right-of-way Section had talked with Mr. Keenan who had said that his investigation revealed that there was no substance whatever to the report.

The Chairman then read the following letter which he had received from the Governor of Ohio under date of January 27, 1953:

"James W. Shocknessy, Chairman
Ohio Turnpike Commission
361 E. Broad Street
Columbus, Ohio

Dear Mr. Shocknessy:

It pleased me to learn of the favorable developments in the run-down of the rumor which came to the Scripps-Howard newspapers that collusive and fraudulent agreements were being made in connection with the acquisition of Turnpike lands.

I am in agreement with you that in fairness to the members of the Turnpike Commission the citizen ought to divulge who the persons were that made the complaint. If the rumor proved to be a reality it would be emblazoned on the front pages. For the defense of the members of the Commission, you ought to know who the person is because he may attempt to plant a similar seed at some other place.

Sincerely,

/s/ Frank J. Lausche
Frank J. Lausche

FJL:cc"

The Chairman stated that he had been informed that great progress was being made in the land acquisition department and that in accordance with an informal understanding reached with the Commission he had asked the Executive Assistant to undertake the coordination for the Commission of all the activities attendant upon land acquisition, and that the Executive Assistant had been devoting most of his time to that matter. He said that the Executive Assistant had conferred in New York City on January 30, 1953, with the contracting engineers whose offices were in that vicinity, and in Columbus on January 31, 1953 with the remaining contracting engineers. He said that it had been reported that the meetings were attended in both places by representatives of the Consulting Engineer and that the Executive Assistant was of the opinion that "the show is well on the road" in the matter of land acquisition.

The Chairman stated that he had had an inquiry from Mr. Reynders of the Toledo Blade asking whether or not it was true that a deviation in the right-of-way was contemplated some place in Lucas County, and that he had advised Mr. Reynders that there was no contemplated change in Lucas County other than the change at the Toledo Airport about which the Commission had already taken action.

The Assistant Secretary-Treasurer reported for the Secretary-Treasurer that since the meeting of January 16, 1953, the following documents had been sent to all members:

1. Draft of minutes of the meeting of January 6, 1953, mailed January 21, 1953.
2. Letter from the Chief Engineer referring to employment of staff engineers, mailed January 22, 1953.
3. Semi-monthly right-of-way summary for the period January 1, to January 15, 1953, mailed January 26, 1953.
4. Letter reconciling unaudited financial statements with auditor's report, mailed January 26, 1953.
5. Chief Engineer's recommendations on typical design of toll plazas, mailed January 30, 1953.
6. Letter detailing investment transactions in January, mailed February 2, 1953.

In the absence of objection, the report of the Secretary-Treasurer was accepted as offered.

The Chief Engineer handed to the Commission bids received for remodeling of the office building on East Gay Street in Columbus, together with a tabulation of the bids, the written recommendations of Tibbals, Crumley & Musson, architects, for the work dated February 3, 1953, recommendations of the Consulting Engineer dated February 3, 1953, and the following recommendations under date of February 3, 1953, signed by himself:

"Memo to Ohio Turnpike Commission February 3, 1953

From Chief Engineer`

Re: Recommendation of awards for Contracts R-1,
R-2, R-3, R-4 and R-5 for remodeling office
building at 135 E. Gay Street.

Transmitted herewith are the proposals received at 10:00 A. M. January 29, 1953, and publicly opened immediately thereafter for remodeling the office building at 135 E. Gay Street, Columbus, along with a tabulation of all bids received.

Contract R-1 - General Work.

Five bids were received on Contract R-1 (General Work).

A bid in amount of \$67,838.00 was received from Brock Sanders Construction Company for Contract R-1 (General Work). The bidder stipulated that 120 days would be required to complete the Contract whereas the Contract documents require that the work be completed in 90 days. This was the low bid received on Contract R-1.

A bid in the amount of \$76,000.00 was received from R. L. Wirtz, Inc. for Contract R-1 (General Work). The bidder stipulated that he would complete the work by May 9, 1953 which conforms substantially to the 90-day requirement of the contract documents. Therefore, I would recommend the award of Contract R-1 to R. L. Wirtz, Inc. for the General Work.

It is further recommended that the bid for an additional \$1200.00 on the alternate to Contract R-1 be awarded.

Contract R-2 - Plumbing.

Six bids were received on Contract R-2 (Plumbing).

The low bid in amount of \$8,734.00 was received from Thomas J. Croak for Contract R-2 (Plumbing). The bidder stipulated that he would complete the work by May 1, 1953 which is within the 90-day requirement of the contract documents. Therefore, I recommend the award of Contract R-2 to Thomas J. Croak for the Plumbing.

Contract R-3 - Heating and Air Conditioning

Five bids were received on Contract R-3 (Heating and Air Conditioning).

The low bid in amount of \$33,333.00 was received from Thomas J. Croak for Contract R-3 (Heating and Air Conditioning). The 90-day requirement of the Contract documents was not altered by the bidder. Therefore it shall be assumed that the work will be completed within the time limit specified. Therefore, I recommend the award of Contract R-3 to Thomas J. Croak for the Heating and Air Conditioning.

Contract R-2 and R-3 Combined - (Plumbing and Heating and Air Conditioning).

One bid in amount of \$61,632.00 was received from J. F. Oelgoetz Co. for Contract R-2 and R-3 combined (Plumbing and

and Heating and Air Conditioning). This total is in excess of the low bids on R-2 and R-3 respectively, and therefore, I recommend the rejection of the combination bid as noted above.

Contract R-4 - (Electrical Work)

Four bids were received on Contract R-4 (Electrical Work).

The low bid in amount of \$17,555.00 was received from Fast Electric Co. for Contract R-4 (Electrical Work). The 90-day requirement of the contract documents was not altered by the bidder, therefore, it shall be assumed that the work will be completed within the time limit specified. Therefore, I recommend the award of Contract R-4 to Fast Electric Co. for the Electrical work.

Contract R-5 - (Elevator Work)

Two bids were received on Contract R-5 (Elevator Work) and also on the Alternate #1 to Contract R-5.

The low bid in amount of \$15,374.00 was received from Otis Elevator Co. for Contract R-5 for Elevator Work, with a reduction of \$2,356.00 for the Alternate to Contract R-5. The bidder stipulated that he would complete the work by October 10, 1953.

The second bid in amount of \$17,595.00 was received from Haughton Elevator Co. for Contract R-5 for Elevator Work, with an increase of \$1500.00 for the Alternate to Contract R-5. This bidder stipulated that he would complete the work by January 1, 1954.

No other bids were received.

Since neither bidder agrees to complete the Elevator Work within the required 90-days, I recommend that the bids be rejected.

(Signed) T. J. Kauer
T. J. Kauer
Chief Engineer"

In response to a question of the Chairman, the Chief Engineer stated that the stipulation that the work would require 120 days for completion had been placed in the proposal submitted by

Brock-Sanders Construction Co. He pointed out also that the Brock-Sanders firm had not bid upon an alternate which was required by the invitation to bidders.

In response to a question of the Chairman as to the condition of the existing elevator, the representative of the architect stated that the existing elevator could be used temporarily but at considerable inconvenience, and he suggested that if bids for elevator work were rejected by the Commission that portion of the work should be readvertised for bids with the provision that the work be completed prior to December 1, 1953.

The General Counsel submitted the following opinion in the matter of award of contracts for the remodeling of the building on East Gay Street in Columbus, as follows:

"February 3, 1953

Ohio Turnpike Commission
Columbus, Ohio

Subject: Award of Contracts R-1, R-2, R-3,
R-2-3, R-4, and R-5.

Gentlemen:

The chief engineer has informed me that he expects to report to you today with respect to his opening and analysis of the bids for contracts R-1, R-2, R-3, R-4, and R-5, and that he prepared to recommend the award of such contracts.

I have reviewed the proceedings of the commission and the things done by its administrative officers having a bearing upon the award of the contracts, and find that the commission has duly advertised, according to law, for bids for each of them (proof of such advertising is herewith submitted to you), that all the bids received were solicited on the basis of the same terms and conditions and the same specifications, and that all requirements imposed by law or by the commission with respect to the taking of these bids have been met.

I find, however, that in the case of two of the contracts, bids which might otherwise merit favorable consideration contain stipulations at variance with the provisions of the contract documents relating to the time allowed for performance of the contract. Specifically, the low bidder for Contract R-1 (General

Work) inserted in its bid an estimate that it would not be able to complete the work for 120 days, and the only two bidders for Contract R-5 (Elevator Work) gave estimated completion dates in October of this year and January of 1954.

In my opinion, the law of Ohio limits the right to consider bids, in those situations where competitive bidding is required, to those bids which conform in all material respects to the advertisement therefor. Stated conversely, it is mandatory to exclude other bids from consideration.

In this state of the law, it is quite likely that a large variance from the specific time requirements contained in the contract documents would be held to be a material variation. This appears to be especially likely when the time requirements are themselves stringent so that a number of potential bidders may have refrained from bidding due to inability to meet them or unwillingness to risk their reputation for punctual fulfillment of contractual obligations in attempting to do so.

I also desire to note that the Brock-Sanders Construction Company failed to bid on the alternate proposal which was advertised as a part of the general work, and for that additional reason the bid appears to be not fully responsive. For this reason also, it seems that the commission may decline that bid, since the notice to bidders specifies that bidding on such alternate is required. In addition, I find that the proposal as received did not include the entire affidavit form.

To conclude discussion of this point, I cannot advise the commission that it is entitled to accept the bid of the Brock-Sanders Construction Company, which proposes to perform contract R-1 (General Work) in 120 days. I can, and do, advise the commission, however, that it may, if it shall elect to do so, exclude said bid from full consideration and determine that R. L. Wirtz, Inc. is the lowest and best bidder, and award contract R-1 to said company.

For the same reasons, I cannot recommend to the commission that it accept either of the bids for contract R-5 (Elevator Work). Since the time requirements of that contract were evidently such as to preclude responsive bidding, I recommend that it be re-advertised with a different completion date.

I am informed that the chief engineer proposes to recommend that the other contracts be awarded as follows:

R-2 Thomas J. Croak
R-3 Thomas J. Croak
R-4 Fast Electric Company

In each of these instances the bid conforms to the advertisement therefor, and all requirements which are pre-requisite to the making of an award have been met. Accordingly, I am of the opinion that if you are satisfied on the basis of other than legal considerations that these bids are the lowest and best of all those which were received for the work, you may lawfully award the contracts to these bidders.

Very truly yours,

(Signed) Frank C. Dunbar, Jr.
Frank C. Dunbar, Jr.
General Counsel

cc: Messrs. Shocknessy
Teagarden
Allen
McKay
Linzell
Chief Engineer
Consulting Engineer (2)"

The General Counsel in response to a question by Mr. Linzell stated that his opinion was in exact conformance with the conclusions reached by the Chief Engineer. Resolution No. 37-1953 awarding remodeling Contracts R-1, R-2, R-3, R-4 and ordering readvertising of Contract R-5, was moved for adoption by Mr. Linzell and seconded by Mr. Allen, as follows:

"WHEREAS the Commission has duly advertised according to law for bids upon each of several contracts for the various classes of work required for the remodeling of the building at 135 East Gay Street, and proof of said advertising is before the Commission;

"WHEREAS bids for the performance of each such contract, and of contract R-2-3, being a contract for a combination of the work called for by contracts R-2 and R-3, are before the Commission;

"WHEREAS said bids have been analyzed by the chief engineer, and by the architects employed by the Commission, and they have reported thereon to the Commission;

"WHEREAS all of the bids for each of said contracts were solicited on the same terms and conditions and the same specifications, and the following bids were, and are by the Commission, determined to be the lowest and best bids for the respective contracts mentioned:

R-1 -- R. L. Wirtz, Inc.
R-2 -- Thomas J. Croak
R-3 -- Thomas J. Croak
R-4 -- Fast Electric Company

"WHEREAS no bid received for contract R 2-3 was the lowest and best bid for the work included therein, being the same work covered by both contract R-2 and contract R-3;

"WHEREAS the Commission has been advised by its general counsel that each of said bids conforms to the requirements of Sec. 1205 of the General Code of Ohio and to the terms and conditions and legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best bid;

"WHEREAS only two bids have been received for the performance of contract R-5, and neither of said bids is fully responsive to the Commission's advertisement, in that one of them estimates that performance will be completed in October of 1953 and another in January of 1954, which dates are substantially beyond the 90-day limit for performance set in the contract documents as prepared by and for the Commission;

"WHEREAS the Commission's general counsel has advised the Commission that it may decline both of said bids and has not advised the Commission that it may accept the lowest and best of said bids;

"NOW, THEREFORE, BE IT

"RESOLVED that the bids for the performance of each of contracts R-1, R-2, R-3, and R-4 be, and they hereby

are, determined to be the lowest and best bids, and are accepted, as follows:

R-1 -- R. L. Wirtz, Inc.
R-2 -- Thomas J. Croak
R-3 -- Thomas J. Croak
R-4 -- Fast Electric Company

and that each of the chairman and the executive assistant be, and each of them hereby is, authorized with respect to each of said contracts, (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; and

"FURTHER RESOLVED that no bid for contract R-5 be accepted, but that said contract be advertised again and that the executive assistant be, and he hereby is, authorized (1) to return the bid security of the bidders for said contract (2) determine upon and fix a time limit for the performance of said contract, to be specified in the contract documents for said contract and (3) to do any and all things necessary to readvertise said contract accordingly."

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

Ayes, Linzell, Allen, McKay, Shocknessy.

Nays, None.

The Chairman declared the resolution adopted.

The Chief Engineer then submitted to the Commission written recommendations under date of February 3, 1953, signed by himself, by the General Counsel, and by Mr. E. J. Donnelly for the

Consulting Engineer, for the adoption of Amended Supplemental Specifications A-2, and he tendered to the Commission the complete text of the recommended supplemental specification. The Chief Engineer also tendered to the Commission the text of a recommended Supplemental Specification I-16 and recommended its adoption along with that of Supplemental Specification A-2. Resolution No. 38-1953 adopting Supplemental Specifications A-2 and I-16 was moved for adoption by Mr. Allen and seconded by Mr. Linzell, as follows:

"WHEREAS there have been presented to this meeting, for the Commission's consideration, proposed supplemental specifications A-2 and I-16, 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-2, setting forth certain amendments to the general specifications for Ohio Turnpike Project No. 1, and I-16, pertaining to man-holes, catch basins, or inlets abandoned, 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 present responded to roll call. The vote was as follows:

Ayes, Allen, Linzell, McKay, Shocknessy.

Nays, None.

The Chairman declared the resolution adopted.

The Chief Engineer then recommended to the Commission that it approve certain minor adjustments in the alignment of the Turnpike. Resolution No. 39-1953 granting authority to take action with respect to adjustment of alignment of the Turnpike in Cuyahoga, Erie and Sandusky Counties was moved for adoption by Mr. McKay and seconded by Mr. Allen, 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 Wood Road in Erie County; at and in the vicinity of U.S.R. 250 in Erie County; at and in the vicinity of Bennett Road and Ridge Road in Cuyahoga County; and at and in the vicinity of Pearson Road in Sandusky County; 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 310 + 00 to 470 + 00 in Erie County, to be made in the manner and to the degree set forth in the plan and profile maps, drawings Nos. 91, 92, 93, and 94, prepared by the Commission's consulting engineer, the J. E. Greiner Company, revision dated 8/29/52;

"FURTHER RESOLVED that the Commission approves the aforesaid adjustments in the alignment of Ohio Turnpike Project No. 1 between (approximately) Stations 542 + 48 to 669 + 06 in Erie County, to be made in the manner and to the degree set forth in the plan and profile maps, drawings Nos. 94, 95, 96, and 97, prepared by the Commission's consulting engineer, the J. E. Greiner Company, revision dated 1/5/53;

"FURTHER RESOLVED that the Commission approves the aforesaid adjustments in the alignment of Ohio Turnpike Project No. 1 between (approximately) Stations 674 + 00 to 712 + 00 in Cuyahoga County, to be made in the manner and to the degree set forth in the plan and profile maps, drawing No. 136, prepared by the Commission's consulting engineer, the J. E. Greiner Company, revision dated 9/12/52;

"FURTHER RESOLVED that the Commission approves the aforesaid adjustments in the alignment of Ohio Turnpike Project No. 1 between (approximately) stations 967 + 00 to 1030 + 00 in Sandusky County, to be made in the manner and to the degree set forth in the plan and profile maps, drawings Nos. 82 and 83, prepared by the Commission's consulting engineer, the J. E. Greiner Company, revision dated 10/4/52; 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 present responded to roll call. The vote was as follows:

Ayes, McKay, Allen, Linzell, Shocknessy.

Nays, None.

The Chairman declared the resolution adopted.

Action of the Commission with respect to the design of toll plazas was deferred to a later meeting.

The Chief Engineer submitted to the Commission a report by the Consulting Engineer under date of February 3, 1953, with respect to foundation investigation made in the vicinity of the intersection of the Turnpike with Ohio State Route 4 where alignment changes had been under study. He submitted also to the Commission his own report under date of February 3, 1953, which included his analysis of the foundation studies and his recommendation that the alignment of Ohio Turnpike Project No. 1 remain unchanged in the vicinity of State Route 4. Mr. McKay stated that these reports completed the assignment of the committee for which he was chairman to study proposed alignment changes in Erie County.

Resolution No. 40-1953 pertaining to the alignment of Ohio Turnpike Project No. 1 in Erie County was moved for adoption by Mr. McKay and seconded by Mr. Linzell, as follows:

"WHEREAS the committee, comprised of Commissioner McKay, the chief engineer, and the consulting engineer, which was appointed to investigate and consider certain

proposals that changes be made in the alignment of Ohio Turnpike Project No. 1 in Erie County, Construction Sections 29 & 33, filed its written report at the last meeting of the Commission, which report has been fully considered by the members of the Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that the aforesaid report be accepted, approved, and adopted, and that none of the proposed changes in alignment shall be made."

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

Ayes, McKay, Linzell, Allen, Shocknessy.

Nays, None.

The Chairman declared the resolution adopted.

The General Counsel then presented four forms of resolutions by which the Commission would declare the necessity for appropriating four designated parcels of property. He stated that in each of the four 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 four cases. Resolutions Nos. 41-1953, 42-1953, 43-1953, and 44-1953 each declaring the necessity of appropriating certain property and directing that proceedings to effect such appropriations be begun and prosecuted were moved for adoption by Mr. Linzell and seconded by Mr. McKay, as follows:

RESOLUTION NO. 41-1953

"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>
Nellie Mae Moore	Unity Road New Springfield, Ohio
Edmund Moore	Unit Road New Springfield, Ohio
Edgar Graham	Address Unknown
The Dollar Savings and Trust Company	Youngstown, Ohio
County Auditor of Mahoning County	Mahoning County Court House Youngstown, Ohio
County Treasurer of Mahoning County	Mahoning County Court House Youngstown, Ohio

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

"Parcel No. 196B - 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. 21, and being all that part of the lands described in the deed to Nellie Mae Moore dated June 20, 1946, and recorded in Volume 574, Page 341 of Mahoning County Deed Records, lying within a strip of land 270 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 120 feet Northeasterly, measured on a line normal to the centerline 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 150 feet Southwesterly, measured on a line normal to said center line.

"Parcel No. 196B(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. 21 and bounded and described as follows:

"Beginning on the center line of Poland-Unity Road, being also the Easterly line of said Section No. 21, at its intersection with a line drawn parallel to and distant 120 feet Northeasterly, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33 of Maps, Page 26 of Mahoning County Records; thence Northwesterly along said parallel line to a point distant Westerly 70 feet measured at right angles from the center line of Poland-Unity Road; thence Northerly to a point distant 65 feet Westerly measured at right angles from a point in the center line of Poland-Unity Road, distant 400 feet Northerly from its intersection with the center line of Ohio Turnpike Project No. 1; thence Northeasterly to a point distant 45 feet Westerly measured at right angles from a point in the center line of Poland-Unity Road distant 528 feet Northerly from its intersection with the center line of Ohio Turnpike Project No. 1; thence Northeasterly to a point distant 20 feet Westerly measured at right angles from a point in the center line of Poland-Unity Road distant 550 feet Northerly from its intersection with the center line of Ohio Turnpike Project No. 1; thence Easterly at right angles to the center line of Poland-Unity Road 20 feet to the center line thereof; 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. 196B(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. 21, and bounded and described as follows:

"Beginning on the center line of Poland-Unity Road, being also the Easterly line of said Section No. 21 at its intersection with a line drawn parallel to and distant 150 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 Westerly 60 feet measured at right angles from the center line of Poland-Unity Road; thence

Southerly to a point distant 50 feet Westerly measured at right angles from a point in the center line of Poland-Unity Road, distant 300 feet Southerly from its intersection with the center line of Ohio Turnpike Project No. 1; thence Southerly parallel with the center line of Poland-Unity Road 300 feet; thence Southeasterly to a point distant 40 feet Westerly measured at right angles from a point in the center line of Poland-Unity Road distant 700 feet Southerly from its intersection with the center line of Ohio Turnpike Project No. 1; thence Southeasterly to a point distant 20 feet Westerly 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 Easterly 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.

"The aforementioned 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. 42-1953

"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>
Willis C. Belden	R. D. #1, Windham, Ohio
Laverne J. Belden	R. D. #1, Windham, Ohio
County Auditor of Portage County	Portage County Court House, Ravenna, Ohio
County Treasurer of Portage County	Portage County Court House, Ravenna, Ohio

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

"Parcel No. 169A-170F

"Situated in the Township of Windham, County of Portage and State of Ohio, and known as being part of Original Windham Township Lot No. 58, and being all that part of the lands described in the deeds to Willis C. Belden and Laverne J. Belden, one dated May 29, 1946, and recorded in Volume 422, Page 411, one dated November 6, 1947, and recorded in Volume 435, Page 381, and one dated November 6, 1951, and recorded in Volume 512, Page 277 of Portage County Deed Records, lying within a strip of land 295 feet wide between parallel lines, the Northerly line of said strip being parallel to and distant 150 feet Northerly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 8, Page 35 of Portage County Map Records, and the Southerly line of said strip being parallel to and distant 145 feet Southerly, 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. 43-1953

"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>
James H. Leet, Jr.	R. D. #2, Mantua, Ohio
Martha Leet	R. D. #2, Mantua, Ohio
Iola T. Norton	Box 64A, Shalimar, Florida
Hugh D. Norton	Box 64A, Shalimar, Florida
Iola M. Leet	19LaSona, Orlando, Florida
Buckeye Pipe Line Company	30 Broad Street, New York, N. Y.
Petroleum Development Syndicate	Address Unknown
County Auditor of Portage County	Portage County Court House, Ravenna, Ohio
County Treasurer of Portage County	Portage County Court House, Ravenna, Ohio

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

"Parcel No. 163-B

"Situating in the Township of Freedom, County of Portage and State of Ohio, and known as being part of Original Freedom Township Lots Nos. 78 and 86, and being all that part of the lands described as first and second tracts in the deed to James H. Leet dated May 9, 1935, and recorded in Volume 346, Page 92 of Portage County Deed Records, lying Southerly of a line drawn parallel to and distant 145 feet Northerly, measured on a line normal to the centerline of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 8, Page 20 and 21 of Portage 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. 44-1953

"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, from the following-named owner or owners and persons having interests therein, to-wit:

<u>"Owner(s)</u>	<u>Place of Residence</u>
Genevieve Hall	Address Unknown
_____ Hall, first name unknown, husband of Genevieve Hall	Address Unknown
The unknown heirs, devisees, and legal representatives of Genevieve Hall, deceased	Address Unknown

County Auditor of Lucas County

Lucas County Court House
Toledo, Ohio

County Treasurer of Lucas
County

Lucas County Court House
Toledo, Ohio

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

"Parcel No. 51-Z

"Situated in the Township of Adams, County of Lucas and State of Ohio, and known as being Sub Lots Nos. 251 and 252 in Maumee Boulevard Terrace recorded in Volume 34 of Maps, Page 23 of Lucas County Records, and together forming a parcel of land 120 feet front on the Northeasterly side of Rose-dale Street, and extending back of equal width 104 feet, as appears by said plat."

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

Ayes, Linzell, McKay, Allen, Shocknessy.

Nays, None.

The Chairman declared the resolutions adopted.

The General Counsel advised the Commission that it was necessary that it take action to provide for the selection of a depository for the funds of the Commission. He said that, generally speaking, the funds of the Commission which are available for the construction of Ohio Turnpike Project No. 1 are in the hands of the Trustee under the Indenture securing the bonds and are disbursed by the check of the Trustee, but that the Commission did have available the sum of \$10,000.00 which should be placed in a checking account. He stated that fiscal counsel for the Commission had at his request prepared a form of resolution which would provide for the selection of a depository for this cash fund, and he recommended the adoption of the resolution by the Commission. In response to a question of the Chairman the General Counsel stated that it was necessary under the statute that there be advertisement of a notice that selection of a depository will be made.

Resolution No. 45-1953 providing for the selection of public depositories for active funds of the Ohio Turnpike Commission

was moved for adoption by Mr. Allen and seconded by Mr. McKay, as follows:

"WHEREAS, the Ohio Turnpike Commission now holds moneys which it wishes to award as an active deposit to one or more properly qualified depositories;

"BE IT RESOLVED BY THE OHIO TURNPIKE COMMISSION, That:

"1. There are no public funds subject to its control to be awarded and to be on deposit as inactive deposits.

"2. Not more than fifteen (15) days prior to the first Tuesday in March, 1953, the Ohio Turnpike Commission will receive applications from eligible institutions as defined in the Uniform Depository Act, Sections 2296-1 to 2296-25, Ohio General Code, especially Section 2296-5, having an office in the City of Columbus, Ohio, to become a depository for active deposits of the Ohio Turnpike Commission.

"3. On the first Tuesday in March, 1953, the Ohio Turnpike Commission, at its regular meeting to be held at 10:30 o'clock A. M. that day or at any adjourned session thereof, will award the moneys available for active deposit for a period of two (2) years commencing the first Monday in April, 1953 to one or more eligible institutions whose applications have been received prior to 9:30 A. M. March 3, 1953, at the office of the Assistant Secretary-Treasurer of the Commission at its principal office at 361 East Broad Street in Columbus, Ohio.

"4. The Commission estimates that the maximum amount of moneys which it will have available for award as an active deposit will be Ten Thousand Dollars (\$10,000) and that the maximum amount which it will have on active deposit at any one time during the two year period will be Ten Thousand Dollars (\$10,000).

"5. The selection of depositories of said funds shall be made by the Commission as required by Ohio General Code, Section 1215 and will be subject to the terms and conditions of the Uniform Depository Act, insofar as they are applicable, and all such deposits shall be secured as provided therein.

"6. The Commission's general counsel is directed to give immediate notice of the selection to be made in conformance with this resolution by publishing a copy of

this Resolution once a week for two consecutive weeks in two newspapers of opposite politics and of general circulation in Franklin County, Ohio, a notice in substantially the following form:

NOTICE FOR APPLICATIONS FOR ACTIVE DEPOSITS OF MONEYS.

NOTICE is hereby given by the Ohio Turnpike Commission that applications for selection of depositories of moneys of the Commission as active deposits will be received at the office of the Assistant Secretary-Treasurer of the Commission, at its principal office at 361 East Broad Street, Columbus, Ohio from Monday, February 16, 1953 until 9:30 A. M. Eastern Standard Time, Tuesday, March 3, 1953. All applications will be publicly opened March 3, 1953 at 9:30 o'clock A. M. Depositories for the active deposits of the Commission will be selected at a meeting of the Commission held at 10:30 A. M. Tuesday, March 3, 1953 or at any adjourned session thereof. Selection of depositories shall be made as required by Ohio General Code, Section 1215, will be for a period of two years commencing April 6, 1953, and will be subject to the terms and conditions of the Uniform Depository Act (Sections 2296-1 to 2296-25, General Code) insofar as they are applicable and to the Resolution adopted by the Ohio Turnpike Commission on February 3, 1953, to which reference is made, for all of the terms and provisions thereof. Said Resolution, among other things, provides for the award of moneys for active deposit to one or more eligible institutions as defined in the Uniform Depository Act, especially Section 2296-5, General Code, having an office in the City of Columbus, Ohio, whose have been duly received during the time above stated; estimates that the maximum amount that will be available for award will be \$10,000, and that the maximum amount on active deposit at any one time during the period will be \$10,000.

'All applications shall be sealed and endorsed "Application for active deposits of moneys of the Ohio Turnpike Commission".

'By order of the Commission.

Frank C. Dunbar, Jr.
General Counsel''

A vote by ayes and nays was taken and all members present

responded to roll call. The vote was as follows:

Ayes, Allen, McKay, Linzell, Shocknessy.

Nays, None.

The Chairman declared the resolution adopted.

Resolution No. 46-1953 ratifying actions of administrative officers was moved for adoption by Mr. Linzell 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 January 24, 1953, are hereby ratified, approved, and confirmed."

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

Ayes, Linzell, Allen, McKay, Shocknessy.

Nays, None.

The Chairman declared the resolution adopted.

The Director of Information and Research reported that the City of Elyria had contracted with Wilbur Watson Associates, a firm of engineers, to make a survey to determine the impact of the Turnpike on the City of Elyria. He said that the Commission had received a letter under date of January 30, 1953 from Mr. J. Clare George, Editor of the Elyria Chronicle-Telegram, informing the Commission that a committee of Elyria citizens had been appointed by the President of the City Council to be composed of

three citizens of Elyria and two of the city's officials. He stated further that Mr. George had advised in his letter that the citizens' committee was anxious to meet with the Commission after the report of Wilbur Watson Associates was received. The matter was discussed by the several members and it was the disposition of the Commission that a committee of the Commission composed of the Chief Engineer, the Director of Information and Research, and Mr. Donnelly of the Commission's Consulting Engineers should confer first with the committee of Elyria citizens to consider the report of Wilbur Watson Associates; that the Director of Highways should be kept advised of developments since a State highway was involved at Elyria; and that the committee of the Commission should report to the Commission after such a conference. The Director of Information and Research was instructed to so advise Mr. George.

There being no further business to come before the Commission a motion was made by Mr. McKay, seconded by Mr. Linzell, that the meeting adjourn subject to call of the Chairman. In the absence of any discussion and without a vote, the Chairman declared the meeting adjourned. The time of adjournment was 11:30 o'clock A. M.

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



A. J. Allen, Secretary-Treasurer.