

MINUTES OF THE FIFTY-EIGHTH MEETING
FEBRUARY 17, 1953

Pursuant to call of the Chairman the Ohio Turnpike Commission met publicly in special session at the Seneca Hotel in Columbus, Ohio, at 11:15 A. M. on February 17, 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 to the Trustee, members of the press, including the major wire services, 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: Shocknessy, Linzell, McKay.

Absent: Teagarden, Allen.

The Chairman stated that under the law a quorum is constituted by three members and, therefore, three members being present the business of the Commission would proceed. He announced that Mr. Allen was expected to be present later during the meeting.

A motion was made by Mr. McKay, seconded by Mr. Linzell, that the minutes for the meeting of January 16, 1953 which had been examined by the members of the Commission and upon which the required corrections had been made be approved without reading. A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes, McKay, Linzell, Shocknessy.

Nays, None.

The Chairman declared the motion carried.

The Chairman stated that the business of the meeting would include interview of a firm of contracting

engineers, consideration of appropriation resolutions, and consideration of a recommendation for a partner for the Eastern Associates to succeed Mr. Rudolph, deceased. The Chairman stated that the Executive Assistant had been able to establish his controls in the coordination of land acquisition and so he was able to resume some of the duties temporarily laid aside. He advised the Commission that a conference had been arranged with a citizens' committee from Elyria which would be attended by the Commission's committee composed of Mr. Kauer, Mr. Donnelly and Mr. Hartshorne, to be held at one o'clock on February 18, 1953 in Columbus, and that General Counsel and land acquisition agents would be represented at the conference.

The Chairman stated that he had received a call on the preceding evening from Mr. Hirschfeld of the Cleveland Plain Dealer in which Mr. Hirschfeld asked whether or not the Commission was seeking a General Manager at \$25,000 to \$40,000 a year. The Chairman stated that he had told Mr. Hirschfeld that the Commission was not actively seeking a General Manager or Executive Director. He said that there are two theories in the management of turnpike commissions which had been exemplified in two major construction projects. He pointed out that in Pennsylvania the commission was the functional administrative organization from the beginning until the present time, while in New Jersey an executive director had been chosen early. The Chairman stated his belief that it was the view of the Commission that it does not purpose to act as the management for the construction or operation. He said that the Commission had discussed, from time to time, informally, and in meetings, the desirability of at some time having an executive director, but that up until at present it had not considered that the time had matured for the employment of such an executive director because the problems which the Commission had faced for the past three and a half years had, without exception, been problems that the Commission itself wanted to be fully advised about and which of necessity it would handle itself.

The Chairman stated that the time was approaching when the executive control could be passed to an executive

director or general manager, and when that time should come the Commission would let it be well known that it was actively seeking such a person. He said that he had advised Mr. Hirschfeld that the matter of salary had not been discussed by the Commission, and what salary a manager could command and what salary such a person would be paid by the Commission would be a matter of negotiation between the Commission and the person whose qualifications and duties would have to be determined before salary. In response to inquiry of the Chairman, Mr. McKay and Mr. Linzell expressed agreement with the statement which the Chairman had made to Mr. Hirschfeld.

The Chairman reminded Mr. Donnelly that several months earlier when the Commission was in the midst of the so-called Shafer case, he had asked Mr. Donnelly at a meeting if any ultimate disadvantage would be suffered by the postponing of the award of the first contract for construction section C-1 from December until January so that it would not be necessary to advertise for bids for that contract in November, and that he had suggested to Mr. Donnelly that the importance of the Shafer case be evaluated, and if no ultimate disadvantage would be suffered the Commission would not expect to award Contract No. C-1 until the January meeting. He then reminded Mr. Donnelly that the Commission had postponed the award of Contract C-1 for a month, an action that was taken openly and with everybody's understanding. He said that Mr. Donnelly had advised the Commission at that time that no ultimate disadvantage or loss of time would be suffered by postponing that month and that the Commission had with full knowledge postponed advertising until after its meetings of December 6 and December 9, 1952, after which it had decided to go ahead and advertise, that it had advertised and had awarded the contract on January 6, 1953.

The Chairman said that Mr. Hirschfeld had expressed the belief that the Commission was a startling number of contracts behind schedule. He asked the Chief Engineer whether the Commission was behind more than the amount of the calculated risk which it took in November and December. The Chief Engineer stated that design work was almost all completed, and that five sets of plans had been received by his office. He said that the 34-month schedule for the construction of the Turnpike Project contemplated that all plans would be completed by May 1, 1953. He stated his belief that the plans would be completed in the month of March except for Design Section D-21 for which a contracting engineer had not yet been designated.

Mr. Donnelly supplemented the statement of the Chief Engineer and stated that the most recent report of the Consulting Engineer had stated that design progress was at that time a month ahead of schedule. He assured the Commission that it was no farther behind than the calculated risk which it took in November would make it in February. Mr. Donnelly pointed out that the Shafer case had had a psychological effect upon progress of the work in addition to the calculated risk that had been understood but that he expected to pick up that slack.

Mr. Allen arrived at the meeting at this juncture, answered to roll call, and was present for the remainder of the meeting.

The Chief Engineer advised the Commission that he was prepared to make recommendations for the selection of a contracting engineer for Design Section D-21. He handed to the Commission the following letter of the Consulting Engineer under date of February 14, 1953:

"J. E. Greiner Company
1106 North Charles St.
Baltimore 1, Maryland

February 14, 1953

Reply to: Cleveland Office . . . 2012 W. 25th St.
Cleveland, Ohio

Mr. T. J. Kauer, Chief Engineer
Ohio Turnpike Commission
361 East Broad Street
Columbus, Ohio

Dear Mr. Kauer:

In accordance with our understanding that the Commission desires at this time, to employ a Contracting Engineer for the design and supervision of construction of Design Section D-21 of the Ohio Turnpike Project No. 1, we submit the following:

Section D-21 is approximately 12.9 miles in length and is located in Williams County adjacent to the Indiana line at the western end of Ohio Turnpike Project No. 1. The estimated construction cost of Section D-21 is \$6,211,389.00, and it is estimated that the adjustment of

public utility facilities within the section will cost \$20,000.00.

We recommend the employment of the firm of Glancy-Carle-McFarland, whose address is 1506 Market Street, Youngstown 7, Ohio, as the Contracting Engineer for Section D-21. We have investigated the qualifications of this firm and believe that it is entirely capable of performing the work required. We have satisfied ourselves that this firm has no other commitments of sufficient magnitude at the present time to prevent its undertaking this assignment and prosecuting it with sufficient vigor to assure its completion within the time limitations of the project schedule.

We recommend that the fee for this contract be fixed in accordance with the recommended schedule of fees which was used to estimate the fees for all other Design Sections now under contract. Under this schedule, the fee for Section 21, is 8% divided into a design phase fee of 4-1/2% and a construction phase fee of 3-1/2%.

We recommend that Design Section D-21 be divided into three Construction Sections to be designated as C-60, C-61, and C-62, and that the completion dates for contract plans for these three construction sections be fixed at July 15, 1953.

We are submitting herewith letters and brochures relative to the organization and qualifications of Glancy-Carle-McFarland.

Very truly yours,

J. E. GREINER COMPANY

(Signed) J. J. Jenkins, Jr."

The Chief Engineer stated that he had interviewed Messrs. Glancy, Carle and McFarland and had investigated their previous work which included a considerable volume of design for the New York State Thruway and survey work for other contracting engineers on the Ohio Turnpike Project. He recommended that Glancy-Carle-McFarland be employed as contracting engineers for Section

D-21. He then introduced to the members of the Commission Mr. Glancy, Mr. Carle and Mr. McFarland who were present at the meeting. Mr. McFarland, as spokesman for the firm, responded to questions of the several members as to the ability of the firm to perform the work and promised that designs would be completed by July 15, 1953. He advised Mr. Linzell that the firm had sufficient technical force to make it unnecessary for them to make tantalizing offers to State Highway engineers.

The Chairman asked Mr. McFarland whether the firm had employed anybody other than his ordinary organization to seek the approval of the Commission or of any of its agents, or otherwise. Mr. McFarland said that his firm had not. In response to an inquiry from Mr. McKay the Chief Engineer stated that the fee proposed for Design Section D-21 was comparable to engineering fees in other design sections. The General Counsel advised the Commission that except for minor variations the form of contract for Section D-21 was the same as the contracts for other roadway design sections, and that Messrs. Glancy, Carle and McFarland proposed to enter into the contract as a general partnership. He reminded the Commission that the contracts for the design sections contained minor variations depending upon whether they were for roadway sections or for bridge sections, and that in addition to these variations a change had been made in the provision with respect to the insurance to be carried by the contracting engineer for the purposes of clarity. The General Counsel then tendered a form of resolution upon which it might take action.

Resolution No. 47-1953 authorizing and directing the employment of a contracting engineer for Design Section No. D-21 was moved for adoption by Mr. Allen and seconded by Mr. Linzell, as follows:

"WHEREAS it is necessary to employ the services of a person or firm, engaged in the practice of engineering, in connection with the construction of Design Section No. "D-21" Ohio Turnpike Project No. 1; and

"WHEREAS the consulting engineer and chief engineer of the commission have submitted their recommendations with respect thereto and have recommended the employment of

Glancy-Carle-McFarland, a general partnership, and have further recommended the rates of fee of 4-1/2% of the cost of construction for the design-phase and 3-1/2% of the sum of the cost of construction plus 85% of the total of all payments to utility companies or contractors for the relocation of public-utility facilities for the construction-phase fee and have presented a proposed form of contract documents, and the commission having fully considered the same;

"NOW, THEREFORE, BE IT

"RESOLVED that the chairman be and he hereby is authorized and directed to enter into a contract on behalf of the commission with Glancy-Carle-McFarland, a general partnership, to perform engineering services in connection with the construction of Design Section No. "D-21" at the rates of fee as follows: 4-1/2% of the cost of construction for the design-phase fee and 3-1/2% of the sum of the cost of construction plus 85% of the total of all payments to utility companies or contractors for the relocation of public-utility facilities for the construction-phase fee;

"FURTHER RESOLVED that said contract shall be in the form and contain the terms and provisions as presented to the commission at this meeting."

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 and advised Mr. McFarland that his firm had been awarded the contract which would be entered into by the Commission in due course.

Mr. Donnelly stated that Design Section D-21 included the last 12-1/2 miles from Ohio State Route 15 to the Indiana border, and that the contract for its design had been delayed until the proposed Indiana Turnpike should be far enough advanced, and that a connection at the Ohio-Indiana border might be discussed with the Indiana Turnpike Commission. He advised the Commission that the consulting engineer for the Indiana Commission was the J. E. Greiner Co.

The Assistant Secretary-Treasurer reported for the Secretary-Treasurer that since the meeting of February 3, 1953, the following documents had been sent to all members:

1. Letter from Chief Engineer on toll plaza design, mailed February 4.
2. Financial Reports as of January 31, mailed February 5.
3. Letter from Chief Engineer on testing of materials for Contract C-1, mailed February 6.
4. Draft of minutes of Meeting January 16, mailed February 12.
5. Copy of letter addressed to fiscal counsel regarding the deposit of June 1 interest funds with the Co-Trustee mailed February 13.

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

The General Counsel reported that the first verdict had been rendered in one of the Commission's condemnation cases involving a very small parcel of land of the Youngstown Investments, Incorporated. He said that in this particular instance the Commission had offered the owner of the land \$450.00 as payment for the small portion of the parcel taken and in the nature of damages to the residue, but that the verdict of the jury had been for a total of \$165.00. He advised the Commission that under the law it would be entitled to take possession of the property as soon as a judgment was entered.

The General Counsel advised the Commission that the case had not yet been filed for appropriating a parcel of property in Wood County owned by the Toledo Trust Company on which the necessity for appropriating had been determined by resolution of the Commission at a previous meeting. He explained that it had developed after the resolution was adopted that there was a substantial prospect that the Commission would be able to reach an agreement with the owner of the property and negotiations had been continued. He advised the Commission that if the negotiations were not cleared up within two or three days the proceedings would definitely be filed.

The General Counsel then presented six forms of resolutions by which the Commission would declare the necessity for appropriating six designated parcels of property. He stated that in each of the six cases the 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 six cases. Resolutions Numbers 48-1953, 49-1953, 50-1953, 51-1953, 52-1953, and 53-1953, each declaring the necessity of appropriating certain property and directing that proceedings to effect such appropriations be taken and prosecuted, were moved for adoption by Mr. Linzell and seconded by Mr. McKay, as follows:

RESOLUTION NO. 48-1953

"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>
Wladislaw Rutana	Pine Lake Road New Springfield, Ohio
Mary Rutana	Pine Lake Road New Springfield, Ohio

<u>"Owner(s)</u>	<u>Place of Residence</u>
The Marshall Mining 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 in fee simple is described as follows:

"Parcel No. 197-E

"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 deed to Wladislaw Rutana and Mary Rutana dated August 8, 1929, and recorded in Volume 400, Page 134 of Mahoning County Deed Records lying within a strip of land 400 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 170 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, Pages 27 and 28 of Mahoning County Map Records, and the Southwesterly line of said strip being parallel to and distant 230 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. 49-1953

"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>
Paul W. Apley	3033 Idlewood Avenue Youngstown, Ohio
Lena B. Apley	3033 Idlewood Avenue Youngstown, Ohio
M. Braunschweiger	Address Unknown
The Natural Gas Company of West Virginia	Wheeling, West Virginia
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 194A - 195J - 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. 18 and being all that part of the lands described in the deed to Paul W. Apley and Lena B. Apley dated February 28, 1946, and recorded in Volume 567, Page 333 of Mahoning County Deed Records lying within a strip of land 320 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 145 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 22 of Mahoning County Map Records, and the Southwesterly line of said strip being parallel to and distant 175 feet Southwesterly measured on a line normal to said center line.

"Parcel 194A - 195J (1) - Easement for Sewer and Drainage 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. 18 and being all that part of the lands described in the deed to Paul W. Apley and Lena B. Apley, dated February 28, 1946 and recorded in Volume 567, Page 333 of Mahoning County Deed Records lying within a strip of land 30 feet wide, between parallel lines, the center line of strip being described as follows:

"Beginning at a point distant 145 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 22 of Mahoning County Records, at Station 990 + 98 of said center line survey; thence Northwesterly in a direct line to a point distant 455 feet Northeasterly of, measured on a line normal to, the said center line at Station 989 + 72.

"Parcel 194A - 195J (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. 18 and bounded as follows:

"Easterly by the center line of New Springfield - Poland Road, being also the Easterly line of said Section No. 18; Westerly by a line drawn parallel to and distant 60 feet Westerly of, measured at right angles to, the center line of said New Springfield-Poland Road; Northerly by the Northerly line of land conveyed to Paul W. Apley and Lena B. Apley by deed dated February 28, 1946 and recorded in Volume 567, Page 333 of Mahoning County Deed Records and Southerly by a line drawn parallel to and distant 145 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, Page 22 of Mahoning County Map Records. Excepting therefrom that portion thereof lying within the bounds of New Springfield-Poland 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. 50 - 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>
Harvey F. Hewitt, also known as Harvey Francis Hewitt	R. D. #2, Warren, Ohio
Clara Hewitt	R. D. #2, Warren, Ohio
The Magnolia Petroleum Division of the Socony Vacuum Oil Company	Dallas, Texas
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. 180F - Fee Simple

"Situated in the Township of Jackson, County of Mahoning and State of Ohio, and being known as part of Tract 14 of the Original Jackson Township and bounded and described as follows:

"Beginning at a point on the centerline of the Ohio Turnpike where the same is intersected by the centerline of State Route 45 and from thence running (1) North $1^{\circ} 10' 10''$ West along the centerline of Route 45 205.05 feet to the North right-of-way line of the Ohio Turnpike, thence (2) South $52^{\circ} 38' 10''$ East along the North right-of-way line of the Ohio Turnpike 328.81 feet to the centerline of Gladstone Road, thence (3) South $88^{\circ} 46' 50''$ West along the centerline of Gladstone Road 257.18 feet to the centerline of State Route 45, thence (4) North $1^{\circ} 10' 10''$ West along the centerline of State Route 45 0.51 feet to the point or place of beginning, containing 0.605 acres.

"Parcel 180F (1) - Temporary Easement for Detour Road

"Situated in the Township of Jackson, County of Mahoning and State of Ohio, and being known as part of Tract 14 of the

Original Jackson Township and bounded and described as follows:

"Beginning at a point on the North right-of-way line of the Ohio Turnpike, said point being distant 38.40 feet Northwesterly along the North right-of-way line of the Ohio Turnpike from the intersection of the North right-of-way line of the Ohio Turnpike and the centerline of State Route 45, said intersection being distant 205.05 feet North from the intersection of the centerline of State Route 45 and the centerline of Gladstone Road and from thence running, (1) South 52° 38' 10" East along the North right-of-way line 242.33 feet to the North right-of-way line of Gladstone Road, thence (2) North 88° 46' 50" East along the right-of-way line of Gladstone Road 265.42 feet to the North easement line, thence (3) North 63° 35' 00" West along the North easement line 250.50 feet, thence (4) North 35° 57' 20" West along the North easement line 223.53 feet, thence (5) South 88° 49' 50" West along the North easement line 105.71 feet to the East right-of-way line of Route 45, thence (6) South 1° 10' 10" East along the East right-of-way line of State Route 45 148.84 feet to the point or place of beginning, containing 0.992 acres.

"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. 51-1953

"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>
Alva H. Reitz	Route #3, Perrysburg, Ohio
Adella Reitz	Route #3, Perrysburg, Ohio
County Auditor of Wood County	Wood County Court House, Bowling Green, Ohio
County Treasurer of Wood County	Wood County Court House, Bowling Green, O.

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

"Parcel No. 55-C - Fee Simple

"Situated in the Township of Perrysburg, County of Wood and State of Ohio, and known as being part of Original Perrysburg Township Section No. 12 Town 4 - United States Reserve, and being all that part of the lands described in the deed to Alva H. Reitz and Adella Reitz dated November 4, 1937, and recorded in Volume 243, Page 174 of Wood County Deed Records, lying within a strip of land 210 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 105 feet Northeasterly, measured on a line normal to the centerline of Ohio Turnpike Project No. 1, as shown by plats recorded in Volume 10, Pages 67 and 68 of Wood County Map Records, and the Southwesterly line of said strip being parallel to and distant 105 feet Southwesterly, measured on a line normal to said center line.

"Parcel No. 55-C(2) - Permanent Easement for
Highway Purposes.

"Situated in the Township of Perrysburg, County of Wood and State of Ohio, and known as part of Original Perrysburg Township Section 12, Town 4, United States Reserve, and being all that part of the lands described in the deed to Alva H. Reitz and Adella Reitz, dated November 4, 1937, and recorded in Volume 243, Page 174 of Wood County Deed Records, bounded and described as follows:

"Beginning at the Southeasterly corner of land so conveyed to Alva H. Reitz and Adella Reitz; thence Northerly along the Easterly line of land so conveyed to a point distant Northerly 840.19 feet, measured along said Easterly line, from its intersection with the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 10, Page 68 of Wood County Map Records; thence Westerly at right angles to said Easterly line 30 feet; thence Southerly parallel to said Easterly line, 250 feet; thence Southwesterly to a point distant 45 feet Westerly of, measured at right angles to, the Easterly line of land so conveyed, at a point distant 390.19 feet Northerly, measured along said Easterly line from its intersection with the centerline of said Ohio Turnpike Project No. 1; thence Southwesterly on a straight line, to the Southerly line of land so conveyed to Alva H. and Adella Reitz, which straight line if prolonged would intersect a point distant 85 feet Westerly of, measured at right angles to the Easterly line of land so conveyed, at a point distant Northerly 240.19 feet, measured along said Easterly line from its point of intersection with the center line of Ohio Turnpike Project No. 1; thence Easterly along the Southerly line of land so conveyed to the place of beginning. Excepting therefrom that portion thereof lying within the bounds of Oregon 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. 52 - 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>
William L. Swartz	Route #1, Walbridge, Ohio
Evalena M. Swartz	Route #1, Walbridge, Ohio
The Federal Land Bank of Louisville, Kentucky	Louisville, Kentucky
County Auditor of Wood County	Wood County Court House, Bowling Green, Ohio
County Treasurer of Wood County	Wood County Court House, Bowling Green, Ohio

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

"Parcel No. 56-C - Fee Simple

"Situated in the Township of Lake, County of Wood and State of Ohio, and known as being part of Original Lake

Township Section No. 30, Township 7 North, Range 12 East, and being all that part of the lands described in Deed to William L. Swartz and Evalena M. Swartz dated August 28, 1922, and recorded in Volume 165, Page 294 of Wood County Deed Records, lying North-easterly of 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 10, Page 69 of Wood County Map Records.

"Parcel No. 56-C(2) - Easement for Sewer and Drainage Purposes.

"Situated in the Township of Lake, County of Wood, and State of Ohio, and known as being part of Original Lake Township Section No. 30, Township 7 North, Range 12 East, and bounded and described as follows:

"Beginning on the Easterly line of a parcel of land conveyed to William L. Swartz and Evalena M. Swartz by Deed dated August 28, 1922, and recorded in Volume 165, Page 294 of Wood County Records at a point distant Southerly 600 feet measured along said Easterly line from the center line of Ohio Turnpike Project No. 1, as shown by the recorded plat in Volume 10 of Maps, Page 69 of Wood County Records; thence Northerly along said Easterly line to its intersection with a line drawn parallel to and distant 150 feet Southwesterly measured on a line normal to said center line of Ohio Turnpike Project No. 1; thence Northwesterly along said parallel line to a point on said parallel line distant Westerly 175 feet by right angle measurement from said Easterly line of land conveyed to William L. Swartz and Evalena M. Schwartz as aforesaid; thence Southerly parallel to the Easterly line of land so conveyed to William L. Swartz and Evalena M. Swartz to its intersection with a line drawn Westerly at right angles to said Easterly line from a point distant Southerly measured along said Easterly line 275 feet from its intersection with the center line of Ohio Turnpike Project No. 1, as aforesaid; thence Southeasterly to a point distant 30 feet Westerly measured at right angles from the Easterly line of land so conveyed to William L. and Evalena M. Swartz from the place of beginning; thence Easterly 30 feet at right

angles to said Easterly line to the place of beginning.

"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. 53-1953

"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 the 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>
Emery Keller	Route #1, Walbridge, Ohio
Frank Keller, Jr.	Route #1, Walbridge, Ohio
<u> </u> Keller, first name unknown, spouse of Frank Keller, Jr.	Route #1, Walbridge, Ohio

<u>"Owner(s)</u>	<u>Place of Residence</u>
The Farmers Savings Bank Company	Stony Ridge, Ohio
County Auditor of Wood County	Wood County Court House, Bowling Green, Ohio
County Treasurer of Wood County	Wood County Court House Bowling Green, Ohio

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

"Parcel 56-D -- Fee Simple.

"Situated in the Township of Lake, County of Wood and State of Ohio, and known as being part of Original Lake Township Section No. 30 Township 7, North, Range 12 East, and being all that part of the lands described in deed to Emery Keller dated December 20, 1938, and recorded in Volume 246, Page 443 of Wood 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 150 feet Northeasterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 10, Page 69 of Wood County Map Records, and the Southwesterly line of said strip being parallel to and distant 120 feet Southwesterly, measured on a line normal to said center line.

"Parcel 56-D(2) -- Permanent Easement for Highway Purposes

"Situated in the Township of Lake, County of Wood and State of Ohio, and known as being part of Original Lake Township Section No. 30, Township 7 North, Range 12 East, and bounded and described as follows:

"Beginning on the Easterly line of said Lake Township Section 30, at a point distant Northeasterly 150 feet, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by the recorded plat in Volume 10 of Maps, Page 69 of Wood County Records; thence

Northwesterly on a line parallel with said center line to its intersection with a line drawn parallel to and distant 125 feet Westerly, measured at right angles from said Easterly line of Section 30; thence Northerly along said parallel line to its intersection with a line drawn Westerly at right angles to said Easterly line of Section 30 from a point distant Northerly 200 feet, measured along said Easterly line from its intersection with said center line of Ohio Turnpike Project No. 1; thence Northeasterly to a point distant Westerly 30 feet, measured at right angles to said Easterly line of Section 30 from a point on said Easterly line of Section 30 distant Northerly 450 feet, measured along said Easterly line, from its intersection with said center line of Ohio Turnpike Project No. 1; thence Easterly to a point on said Easterly line distant Northerly 450 feet, measured along said Easterly line from its intersection with said centerline of said Ohio Turnpike Project No. 1; thence Southerly along said Easterly line of Section 30 to the place of beginning.

"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."

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.

In response to inquiry of the Chairman the General Counsel stated that he had retained counsel in every county in which the Commission had appropriation cases ready to file and in one or two others, and that he was prepared to retain counsel in additional counties forthwith. He made reference to the fact that in addition to the papers reported by the Assistant Secretary-Treasurer as having been transmitted to the members of the Commission there had been a considerable flow from his office of communications of various kinds. The General Counsel advised the Commission that a public meeting was being arranged to be held in Trumbull County in March at which certain complaints of a small organized group of landowners in the vicinity of Lordstown might be heard by the Chief of the Right-of-way Section and other representatives of the Commission staff.

The General Counsel stated that he had delivered to the Chairman, with copies to the several members of the Commission, a written response to its request for his advice as to whether the Commission ought to insist upon the designation of a suitable partner in the firm of Rudolph, Carpenter, Dunlap and Free to replace Mr. Rudolph who had died. He said that his conclusion was that if a completely satisfactory person could be found who would be available to this partnership it would probably be in the interest of the Commission that the replacement be made. The General Counsel stated that he had advised the firm in advance what his recommendation would be and had asked the firm to submit to the Commission for its approval, as required by contract, the name of a replacement partner. He advised the Commission that a teletype communication had been received from the firm, as follows:

"We propose Mr. A. J. Lehman of Lehman-Johnson Company, Elyria, as a partner to replace Mr. Max Rudolph. We feel that he has the necessary qualifications and responsibility, and respectfully request the commission's approval."

The General Counsel stated that his written report detailed the inquiries which he had made with respect to Mr. Lehman's qualifications and the responses which those inquiries elicited, and that a statement of the experience and qualifications of Mr. Lehman had been attached to his report.

Resolution No. 54-1953 was moved for adoption by Mr. McKay and seconded by Mr. Allen, as follows:

"RESOLVED that the Commission approves the nomination by Messrs. Carpenter, Dunlap and Free of Mr. A. J. Lehman of Elyria as a partner to replace the deceased Max Rudolph."

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.

The General Counsel concluded his report by advising the Commission that readvertising had been commenced for bids for elevator work in the office building on East Gay Street in Columbus.. He said also that the attitude and co-operation of lawyers for the railroad companies during recent conferences had left nothing whatsoever to be desired. In response to inquiry of the Chief Engineer, the General Counsel stated his opinion that when the time is ripe from the standpoint of plans and every other consideration to start advertising on any particular construction section, and when his own investigation revealed no reason from the legal or right-of-way standpoints for not doing so, he would cause the advertising to be commenced forthwith and would report to the Commission at whatever would be its next meeting.

The Executive Assistant reported that the rate of progress on right-of-way acquisition had been increased materially.

Mr. Allen reported a conference had been held with representatives of the petroleum industry during which it was developed that a number of additional facts were needed in connection with the statements made in the original report upon service facilities by the representatives of the petroleum industry and that those representatives had agreed to give the Commission further information.

Resolution No. 55-1953 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 February 3, 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.

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

Ayes, Linzell, McKay, Allen, 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.