

MINUTES OF THE FIFTY-NINTH MEETING
MARCH 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 11:10 A. M. on March 3, 1953, with the key members of its staff, representatives of the Consulting Engineers, Mr. John Blanpied, and Mr. John Caren, representatives of the Trustee, members of the press, and others in attendance.

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

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

Absent: None.

The Chairman announced that a quorum was present.

A motion was made by Mr. McKay, seconded by Mr. Linzell, that the minutes for the meeting of January 24, 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 responded to roll call. The vote was as follows:

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

Nays, None.

The Chairman declared the motion adopted.

The Chairman stated that at the last meeting he had intended to mention that the Turnpike Act, as it appears in the Revised Code, is generally in conformity with the recommendations which Counsel for the Commission made to the committees of the House and Senate. He stated his belief that the Commission was indebted to those committees for the thoughtful consideration that they had given to the Commission's views and that any inadvertencies that may still appear in the Bill as enacted would be corrected later in the session.

The Chairman said that he had heard that the firm of Brock-Sanders had complained to one or more members of the General Assembly about the Commission's having awarded the contract for the remodeling of the building on Gay Street to another firm. He stated that all members of the Commission and the whole world were well advised the day the contract was awarded, that the Counsel for the Commission was of the opinion that the Brock-Sanders bid was not responsive to the invitation and could not have been accepted.

The Chairman reported that all members had received copies of the Referee's denominated decision in the Shafer case, that the Commission's Counsel would have a conference with the Court of Appeals on March 4, 1953 on procedural actions to be taken in the Court of Appeals and he stated his belief that the Commission's Counsel will offer oral argument and that the case will be heard by the Court of Appeals and the decision of the Referee either approved or rejected in prompt time. He said that meanwhile, the administrative officers of the Commission were proceeding in accordance with the action hitherto taken by the Commission.

The Chairman said that since the last meeting the members had had some telephone discussion about the matter of an Executive Director for the Turnpike Commission, and that the Commission had also been in receipt of at least one letter of application for the position. The Chairman said that in accordance with the understanding which had been reached among the members by telephone, he had been in communication with Major General Robert Beightler and had asked General Beightler to give consideration, if his health and other circumstances would permit, to the position and that the members of the Commission would like to be able to consider him as a prospective Executive Director. The Chairman said that General Beightler had stated that he had been making steady progress in the illness which began last December and that he would like very much to give consideration to the matter of becoming Executive Director for the Ohio Turnpike Commission and he would like the Commission to consider him.

The Chairman said that the members had in informal discussion often considered the matter of an Executive Director and that General Beightler's name has inevitably come forward. He said also that he did not mean to say it was his understanding that the Commission's interest in General Beightler is exclusive, but that it had a

priority. Mr. Allen and Mr. McKay each agreed with the statement by the Chairman.

The Chairman said that in his discussion with General Beightler there had been no mention of salary; that he had told General Beightler that some mention of salary had appeared in the newspapers, but that the Commission had not reached any conclusion with respect to the salary for such a position.

The Chairman said that a number of letters had been received congratulating the Commission upon its annual report. He stated that copies of the annual report had been sent to the members of the June 3rd Advisory Committee that met with the Commission when it considered the advisability of the financing plan and a very heartening response was had from the members of that committee.

The Chairman concluded his report by advising the Commission that special meeting would be called on or about March 20 and March 27 to consider the award of contracts; that the Commission was still receiving some inquiries about pipe design criteria and was giving consideration to the inquiries; that Mr. Henry Crawford of Fiscal Counsel had been operated in Cleveland for an emergency appendicitis and that Mr. Crawford was getting along all right.

At the suggestion of Mr. Teagarden, the Secretary was instructed on behalf of the Commission to send Mr. Crawford a letter of hope for his speedy recovery.

The Comptroller reported with respect to the receipt of bids from banking institutions who wish to act as depository for the Commission; that two applications had been found in the bidding box when it was opened, but that prior to opening the bidding box, a telegram had been received from one applicant asking that his application be withdrawn, which had been done. He said that the remaining application was from the Ohio National Bank of Columbus. The General Counsel commented that the applicant who had withdrawn his application had not been qualified, since it had no office in the City of Columbus, as is required by the statute.

Resolution No. 56-1953 awarding active deposits to the Ohio National Bank of Columbus was moved for adoption by Mr. Allen and seconded by Mr. Teagarden as follows:

"WHEREAS the Ohio Turnpike Commission by Resolution No. 45-1953, adopted on February 3, 1953, pursuant to GC Sections 2296-7 and 1215, provided for the receipt of applications from eligible institutions under the Uniform Depository Act to become a depository for active funds of the Ohio Turnpike Commission, and for award of moneys available for active deposit on the first Tuesday of March, 1953, namely March 3, 1953, at the regular meeting of the Commission to be held on that date and estimated the maximum amount of moneys that it would have available for award to be \$10,000, all of which would be for an active deposit, and further provided that the award should be for a period of two years beginning on the first Monday in April, 1953, and that notice by publication should be given in accordance with the Uniform Depository Act;

WHEREAS said notice pursuant to the Uniform Depository Act was duly given as is evidenced by the affidavit of publication which has been filed with the Commission at this meeting;

WHEREAS the eligible institution named below was the only one to make application and said institution accompanied the application with a financial statement under oath in such detail as to show its capital funds, together with any changes therein, prior to the date of application, all pursuant to GC Section 2296-8; and

WHEREAS said application did not specify that the maximum amount of such moneys which the applicant desired to receive and have on deposit at any one time during the aforesaid period was less than \$10,000.00;

NOW, THEREFORE, BE IT RESOLVED that

1. Pursuant to GC Sections 2296-10 and 1215, the Ohio Turnpike Commission hereby awards the active deposit of the money subject to its control and available under said Section 1215 and the Trust Agreement dated June 1, 1952, relating to Ohio Turnpike Commission revenue bonds to The Ohio National Bank of Columbus, Ohio, as the only institution making application. All moneys so deposited shall be held by the Bank in the manner and on the terms provided in GC Section 1215 for the deposit of moneys received by the Ohio Turnpike Commission pursuant to authority of the Ohio Turnpike Act as amended (GC Sections 1201 to 1222, both inclusive).

2. The Ohio Turnpike Commission estimates the probable amount of public moneys to be deposited in the foregoing eligible depository on the first Monday of April, 1953, at \$10,000.00, and also estimates the probable maximum amount subject to deposit therein at any time during the two-year period commencing on the first Monday of April, 1953, as \$10,000.00.

3. Pursuant to GC Section 2296-13 the designation of the foregoing depository shall constitute an acceptance of the offer embodied in its application to the extent of the award above made and obligates the Ohio Turnpike Commission to cause its moneys, so far as available as aforesaid for active deposit, to be deposited in and withdrawn from such depository during said two-year period, and the Chairman and Secretary-Treasurer of the Ohio Turnpike Commission are authorized and directed to evidence the foregoing by executing a written memorandum in the form prescribed by the Bureau of Inspection and Supervision of Public Offices of the State of Ohio with the foregoing institution, such form also to be executed by an executive officer of said institution."

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

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

Nays, none.

The Chairman declared the resolution adopted.

The Chief Engineer then presented for consideration by the Commission proposed Supplemental Specification A-3, consisting of amendments to the General Specifications. He explained the several amendments to the Commission. The Chairman stated that the Commission had always had confidence in the Chief Engineer, in both great and little matters. The General Counsel explained those portions of the proposed Supplemental Specifications which had to do with the general provisions of the General Specifications.

Resolution No. 57-1953 adopting Supplemental Specifications A-3 was moved for adoption by Mr. Linzell and seconded by Mr. Allen as follows:

"WHEREAS there has been presented to this meeting, for the Commission's consideration, proposed supplemental specification A-3, 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 specification and the Commission has duly and fully considered the same; and

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

NOW, THEREFORE, BE IT

RESOLVED that supplemental specification A-3, setting forth certain amendments to the General Specifications for Ohio Turnpike Project No. 1, be, and the same hereby is, adopted; provided, that any changes which are in the nature of adding or changing headings, captions, tables of contents, and style of writing or printing, or in the nature of filling in blank spaces or correcting typographical, clerical, or arithmetical errors, may be made upon the authorization of either the chief engineer or general counsel."

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

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

Nays, none.

The Chairman declared the resolution adopted.

The Chief Engineer then presented to the Commission plans and forms of contract documents for contracts Nos. C-2, C-3, C-2 and 3, C-6, C-7, C-38, C-38A, and C-38B, and gave the Commission a general description of each of those contracts. He said that the plans and contract documents had been checked and had been approved by the Consulting Engineer and he recommended their approval by the Commission.

Resolution No. 58-1953 approving, adopting and ratifying documents for contracts C-2, C-3, C-2 and 3, C-6, C-7, C-38, C-38A and C-38B was moved for adoption by Mr. McKay and seconded by Mr. Linzell as follows:

"WHEREAS there are before this meeting forms of contract documents, to-wit, forms of notice to bidders, proposal, plans, special provisions, and contract for each of the following construction contracts: Contract C-2 & 3, Contract C-2, Contract C-3, Contract C-6, Contract C-7, Contract C-38, Contract C-38-A and Contract C-38-B; and

WHEREAS the commission has duly and fully considered the same;

NOW, THEREFORE, BE IT

RESOLVED that the commission hereby approves, adopts, and ratifies the forms before it at this meeting of the aforesaid contract documents; and

FURTHER RESOLVED that all action heretofore taken by the chief engineer and general counsel, or either of them, with reference to each of said contracts be, and the same hereby is ratified, approved, and confirmed; and the chief engineer shall take and open the bids for the same and report the results thereof to the commission."

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

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

Nays, none.

The Chairman declared the resolution adopted.

In response to an inquiry from Mr. McKay, the Executive Assistant stated that an accurate right-of-way report would be submitted to the Commission prior to its consideration of award of these contracts for construction.

The Chief Engineer advised the Commission that bids had been received as a result of re-advertising for the installation of a new elevator in the building on Gay Street in Columbus. He said that bids were received from the Haughton Elevator Company in the amount of \$19, 480.00, and from the Otis Elevator Company in the amount of \$17, 111.00. The Chief Engineer explained that the bids were about \$2, 000.00 higher than the previous bids received for the elevator work because the maximum period which elevator service would be permitted to be shut down under the second invitation for bids had been restricted to sixteen (16) days, which was a much more severe specification than had originally been proposed.

The Chief Engineer presented to the Commission written recommendations of the architect, the consulting engineers and himself, recommending that award be made to the Otis Elevator Company on its low bid of \$17, 111.00. The General Counsel handed to the Commission his written opinion under date of March 3, 1953 as follows:

"March 3, 1953

Ohio Turnpike Commission
Columbus, Ohio

Subject: Award of Contract 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 contract R-5, covering the elevator work in the building at 135 East Gay Street. I understand that the architects and the consulting engineer are also going to submit a report of their analysis of such bids. The bid of the Otis Elevator Company is the low bid, and I am informed that its acceptance will be recommended in these reports.

I have carefully examined the documents themselves, including the proposal, the certified check submitted with the proposal, and the other papers and documents accompanying the proposal, and have reviewed the proceedings of the commission and the things done by its administrative officers having a bearing upon the award of this contract. I find that the commission has duly advertised, according to law, for bids for it (proof of such advertising is herewith submitted to you), that bids were duly received, opened, and read, as provided in the public notice for said bids, that all the bids received were solicited on the basis of the same terms and conditions and the same specifications, and that all the requirements imposed by law or by the commission with respect to the taking of these bids, and which are prerequisite to the making of an award to Otis Elevator Company, have been met.

Accordingly, I am of the opinion that if you are satisfied on the basis of other-than-legal considerations that the bid of Otis Elevator Company is the lowest and best of those received, you may lawfully make the award to it.

Very truly yours,

/s/ Frank C. Dunbar, Jr.
Frank C. Dunbar, Jr.
General Counsel

cc: Chief Engineer
Consulting Engineer (2)"

Resolution No. 59-1953 awarding remodeling contract R-5 was moved for adoption by Mr. Teagarden and seconded by Mr. Allen as follows:

"WHEREAS the Commission has duly advertised according to law for bids upon contract R-5 for the performance of the elevator 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 said contract are before the Commission;

WHEREAS said bid has been analyzed by the Commission's architects, its chief engineer, and its consulting engineer, and they have reported thereon to the Commission; and

WHEREAS all of the bids for said contract were solicited on the same terms and conditions, and the bid of Otis Elevator Company was, and is by the Commission determined to be, the lowest and best bid for said contract;

NOW, THEREFORE, BE IT

RESOLVED that the bid of Otis Elevator Company for the performance of contract R-5 be, and the same hereby is, determined to be the lowest and best bid, and is accepted; and that each of the chairman and the chief engineer be, and each of them hereby is, authorized with respect to said contract (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 the other bidder the bid security furnished by it, (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."

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

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

Nays, none.

The Chairman declared the resolution adopted.

The Chief Engineer further advised the Commission that in addition to the five contracts which it had approved, advertisement was going forward on contract C-30, C-30-A, and C-30-B, as well as contracts C-4, C-8, C-9, C-36 and C-37. He said that plans had been received for contract sections C-29, C-56 and C-57, and that four more sets of contract plans were expected to be received by the Commission within the next several days.

Mr. Allen then read the following letter under date of March 3, 1953, which he said would serve as an interim report from the Committee on service stations:

"March 3, 1953

Ohio Turnpike Commission
361 East Broad Street
Columbus, Ohio

Subject: Interim Report of Commission's
Committee on Service Facilities

Gentlemen:

Your committee comprised of A. J. Allen, chairman, Samuel O. Linzell, T. J. Kauer (as chief engineer) Frank C. Dunbar (as general counsel), and E. J. Donnelly (representing the J. E. Greiner Company as consulting engineer) has conferred at length with a subcommittee, the Ohio Petroleum Industry Committee.

Your committee is not prepared to report fully at this time inasmuch as it has considerable investigatory work to do and expects to receive a large volume of data from the Ohio Petroleum Industry's subcommittee, which may bear upon a solution of the problems of this committee.

However, it appears at this time that your committee's problems will be much aided if it can have the advice of an architect or firm of architects, upon the basis of which assistance your committee should be able to reach more valid decisions with respect to the character and design of suitable service areas and facilities therein. We recommend accordingly.

Respectfully submitted,

/s/ A. J. Allen
A. J. Allen
Secretary-Treasurer"

Mr. Donnelly said that the consulting engineer had investigated architectural firms and had discussed Ohio architects with both Mr. Linzell and the Ohio State Architect and that the consulting engineer had recommended the firm of Bellman, Gillett & Richards, Architect-Engineers, for the performance of architectural services with respect to service areas. Both Mr. McKay and Mr. Teagarden commented upon the experience of that firm.

Resolution No. 60-1953 authorizing the employment of architects to furnish services in connection with design of a service area was moved for adoption by Mr. Allen and seconded by Mr. Teagarden as follows:

"WHEREAS it is or will be necessary for the Commission to employ the services of an architect to advise and consult with representatives and committees of the Commission and to furnish other professional services in connection with the designing and construction of the service areas and service facilities to be constructed on Ohio Turnpike Project No. 1, the locations of which are to be later determined by the Commission; and

WHEREAS the Commission has considered the employment of Bellman, Gillett & Richards, Architect-Engineers, a partnership of Toledo, Ohio, for the rendition of architectural services as aforesaid in connection with one of the service areas aforesaid; and

WHEREAS the Commission's consulting engineer has submitted to the Commission its recommendation for the employment of said Bellman, Gillett & Richards, Architect-Engineers, for the performance of said architectural services and the Commission has fully considered the same and is satisfied as to the professional competence of said firm and its ability to perform said services, and is also satisfied that the Commission should enter into a contract with it for the performance of said services, provided terms of such a contract can be negotiated which will be approved by the Commission's chief engineer, its consulting engineer, and its general counsel;

NOW, THEREFORE, BE IT

RESOLVED that the Commission's chief engineer be, and he hereby is, authorized to enter into a contract on behalf of the Commission with Bellman, Gillett & Richards, Architect-Engineers, a partnership of Toledo, Ohio, for the performance of architectural services in connection with the design of one of

the service areas to be constructed on Ohio Turnpike Project No. 1, at a location to be later determined by the Commission; provided, however, that said contract shall be subject to the approval of the Commission's general counsel and of the Commission's consulting engineer."

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

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

Nays, none.

The Chairman declared the resolution adopted.

The Chief Engineer said that conferences had been held with several firms of architects by himself and the Consulting Engineer, Mr. Linzell, the Ohio State Architect, with representatives of General Counsel and the Chief Engineer present, for the purpose of determining what recommendations should be made to the Commission for the retention of other architectural firms. He said that he and the Consulting Engineer recommended the firm of Stepleton, McDonnell & Barber of Toledo for the design of maintenance buildings in the western part of the state, and Arsene Y. Rousseau of Youngstown, an architect, for the design of maintenance buildings in the eastern part of the state.

Resolution No. 61-1953 authorizing the employment of architects to furnish services in connection with maintenance buildings in the western portion of Ohio Turnpike Project No. 1 was moved for adoption by Mr. Teagarden and seconded by Mr. Allen, as follows:

"WHEREAS it is or will be necessary for the Commission to retain the services of an architect or architects in connection with the construction of the maintenance buildings, the exact location of which shall be later determined by the Commission, to be constructed in each of the eight maintenance districts to be established for Ohio Turnpike Project No. 1;

WHEREAS the Commission has considered the employment of an architect for all architectural services in connection with the construction of the maintenance buildings, designated as M-5, M-6, M-7 and M-8, to be located respectively, in the four maintenance districts in the western portion of Ohio Turnpike Project No. 1, and being numbered consecutively from east to west, ending with the district adjacent to the Indiana state line; and

WHEREAS the Commission's consulting engineer has recommended the employment of Stepleton, McDonnell & Barber, architects, partnership, of Toledo, Ohio, for the performance of all architectural services in connection with the design and supervision of the construction of said maintenance buildings M-5, M-6, M-7 and M-8, and the Commission has fully considered the same and is satisfied as to the professional competence of said Stepleton, McDonnell & Barber and its ability to perform said services, and is also satisfied that the Commission should enter into a contract with said partnership for the performance of said services, provided terms of such a contract can be negotiated which will be approved by the Commission's chief engineer, its consulting engineer, and its general counsel;

NOW, THEREFORE, BE IT

RESOLVED that the Commission's chief engineer be and he hereby is authorized to enter into a contract on behalf of the Commission with Stepleton, McDonnell & Barber, a partnership, for the performance of all architectural services in connection with the design and supervision of the construction of maintenance buildings, designated as M-5, M-6, M-7 and M-8, to be located respectively, in the four maintenance districts in the western portion of Ohio Turnpike Project No. 1; provided, however, that said contract shall be subject to the approval of the Commission's general counsel and its consulting engineer. "

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

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

Nays, none.

The Chairman declared the resolution adopted.

Resolution No. 62-1953 authorizing the employment of an architect to furnish services in connection with maintenance buildings in the eastern portion of Ohio Turnpike Project No. 1 was moved for adoption by Mr. McKay and seconded by Mr. Teagarden as follows:

"WHEREAS it is or will be necessary for the Commission to retain the services of an architect or architects in connection

with the construction of the maintenance buildings, the exact location of which shall be later determined by the Commission, to be constructed in each of the eight maintenance districts to be established for Ohio Turnpike Project No. 1;

WHEREAS the Commission has considered the employment of an architect for all architectural services in connection with the construction of the maintenance buildings, designated as M-1, M-2, M-3, and M-4, to be located respectively, in the four maintenance districts in the eastern portion of Ohio Turnpike Project No. 1, and being numbered consecutively from east to west, beginning with the district adjacent to the Pennsylvania State line; and

WHEREAS the Commission's consulting engineer has recommended the employment of Arsene Y. Rousseau, architect, of Youngstown, Ohio, for the performance of all architectural services in connection with the design and supervision of the construction of said maintenance buildings M-1, M-2, M-3, and M-4, and the Commission has fully considered the same and is satisfied as to the professional competence of said Arsene Y. Rousseau and his ability to perform said services, and is also satisfied that the Commission should enter into a contract with him for the performance of said services, provided terms of such a contract can be negotiated which will be approved by the Commission's chief engineer, its consulting engineer, and its general counsel;

NOW, THEREFORE, BE IT

RESOLVED that the Commission's chief engineer be and he hereby is authorized to enter into a contract on behalf of the Commission with Arsene Y. Rousseau for the performance of all architectural services in connection with the design and supervision of the construction of maintenance buildings, designated as M-1, M-2, M-3, and M-4, to be located respectively, in the four maintenance districts in the eastern portion of Ohio Turnpike Project No. 1; provided, however, that said contract shall be subject to the approval of the Commission's general counsel and its consulting engineer."

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

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

Nays, none.

The Chairman declared the resolution adopted.

Mr. Linzell remarked with respect to the last two resolutions adopted, that the Consulting Engineer as well as members of the staff of the Commission had consulted with him regarding architects for the Turnpike Project, and that he had supplied them with a list of names of architects who had done work for the State while he was Director of Public Works for Ohio. Mr. Linzell said that the recommendations of the Greiner Company had been from that list and that he did not know what other firms outside that list had been considered by the Consulting Engineer.

The representative of the Consulting Engineer then presented to the Commission the representatives present at the meeting of the firm of Bellman, Gillett & Richards, who were Mr. Gillett and Mr. Ballard. The representatives of the firm of Stepleton, McDonnell & Barber, who were Mr. Barber and Mr. McDonnell, and Mr. Arsene Y. Rousseau, were also presented. The Chairman stated on behalf of the Commission, that in accordance with the recommendations that had been received, the Commission had taken action approving the negotiation of contracts with the three architectural firms represented. He advised them that they would be required to furnish the Commission with an affidavit stating that they had no interest other than professional in their contract with the Commission and that they had employed nobody and that no influence other than that which appeared before the Commission at this meeting had in any measure been effective in procuring the approval of the Commission. The Chairman stated that from time to time it was necessary for the Commission to reassert that its business is done on a completely objective basis, subject only to the ability of those persons who contract with it to perform.

The General Counsel then presented five recommended forms of resolutions by which the Commission would declare the necessity for appropriating designated parcels of property. He stated that in each of the five cases, the Commission's negotiators had endeavored without success to agree with the owners of the land as to the compensation to be paid therefor. He presented to the Commission written recommendations signed by himself, by the Chief Engineer and by the Chief of the Right-of-Way Section with respect to each of the five cases.

Resolutions Nos. 63-1953, 64-1953, 65-1953, 66-1953 and 67-1953, each declaring the necessity of appropriating certain property and directing that proceedings to effect such appropriation be begun and prosecuted, were moved for adoption by Mr. McKay and seconded by Mr. Linzell as follows:

Resolution No. 63-1953

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>
Samuel J. Henry	Tippecanoe Road, Youngstown, Ohio
Lulu S. Henry	Tippecanoe Road, Youngstown, Ohio
First Federal Savings and Loan Association of Youngstown	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. 189-F - Fee Simple

Situated in the Township of Boardman, County of Mahoning and State of Ohio, and known as being part of Original Boardman Township Lot No. 11, in 4th Division, and being all that part of the lands described in the deed to Samuel J. Henry and Lulu S. Henry dated January 24, 1946, and recorded in Volume 565, Page 34 of Mahoning County Deed Records, lying within a strip of land 230 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 center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 37, of Mahoning County Map Records, and the Southwesterly line of said strip being parallel to and distant 125 feet Southwesterly, measured on a line normal to said center line.

Parcel No. 189-F (1) - Easement for Drainage Purposes

Situated in the Township of Boardman, County of Mahoning and State of Ohio, and known as being part of original Boardman Township Lot No. 11, 4th Division, and being a part of lands described in the deed to Samuel J. Henry and Lulu S. Henry dated January 24, 1946, and recorded in Volume 565, Page 34 of Mahoning County Deed Records, and bounded as follows:

Southwesterly by the Southerly line of land described in the deed to Samuel and Lulu Henry, as aforesaid; Northeasterly by a line drawn parallel to the centerline of Ohio Turnpike Project No. 1 and distant Northeasterly 1490 feet measured on a line normal to said centerline; Northwesterly by a line drawn at right angles to said centerline of Ohio Turnpike Project No. 1 from Station 661+ 65; and Southeasterly by a line drawn at right angles to said centerline of Ohio Turnpike Project No. 1 from Station 662 + 35.

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. 64-1953

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>
Ernest R. Swartz	Rt. #1, Walbridge, Ohio
Phyllis A. Swartz	Rt. #1, Walbridge, 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 in fee simple is described as follows:

Parcel No. 58-J

Situated in the Township of Lake, County of Wood and State of Ohio, and known as being part of Original Lake Township Section No. 28, Town 7 North-Range 12 East, and being all that part of Parcel No. 4 of the lands described in the deed to Ernest R. Swartz and Phyllis A. Swartz dated May 18, 1948, and recorded in Volume 291, Page 312 of Wood County Deed Records, lying Southwesterly of a line drawn parallel to and distant 160 feet Northeasterly, measured on a line normal to the centerline of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 10, Page 60 of Wood County Map Records.

Parcel Nos. 57-A - 58-H

Situated in the Township of Lake, County of Wood and State of Ohio, and known as being part of Original Lake Township Section No. 28 Town 7 North-Range 12 East, and being all that part of Parcels Nos. 1, 2 and 3 of the lands described in the deed to Ernest R. Swartz and Phyllis A. Swartz dated May 18, 1948, and recorded in Volume 291, Page 312 of Wood County Deed Records, lying within a strip of land 295 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 160 feet Northeasterly, measured on a line normal to the centerline of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 10, Page 60 of Wood County Map Records, and the Southwesterly line of said strip being parallel to and distant 135 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. 65-1953

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>
Milton C. Schwenk	R. D. #1, Windham, Ohio
Ruth S. Schwenk	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 is described as follows:

Parcel No. 167-D -- Fee Simple

Situated in the Township of Freedom, County of Portage and State of Ohio, and known as being part of Original Freedom Township Lot No. 4, and being all that part of the lands described in the deed to Milton C. and Ruth S. Schwenk dated May 22, 1948, and recorded in Volume 441, Page 47 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 28 and 29 of Portage County Map Records.

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. 66-1953.

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>
James H. Leet, Jr.	R. D. #2, Mantua, Ohio
Martha Leet	R. D. #2, Mantua, Ohio

<u>Owner(s)</u>	<u>Place of Residence</u>
Iola T. Norton	Box 64-A, Shalimar, Florida
Hugh D. Norton	Box 64-A, Shalimar, Florida
Iola M. Leet	19 LaSona, Orlando, Florida
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 is described as follows:

Parcel No. 164-K -- Fee Simple

Situated in the Township of Freedom, County of Portage and State of Ohio, and known as being part of Original Freedom Township Lot No. 78, and being all that part of the lands described as third tract 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 140 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 21 of Portage County Map Records.

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. 67-1953

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>
Anderson L. McCandless	R. D. #1, Windham, Ohio
Margaret E. McCandless	R. D. #1, Windham, Ohio
Second National Bank of Ravenna	Ravenna, 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 is described as follows:

Parcel No. 166-D -- Fee Simple

Situated in the Township of Freedom, County of Portage and State of Ohio, and known as being part of Original Freedom Township Lot No. 25, and being all that part of the lands described in the deed to Anderson L. and Margaret E. McCandless dated February 25, 1941, and recorded in Volume 378, Page 315 of Portage County Deed Records, lying within a strip of land 265 feet wide between parallel lines, the Northerly line of said strip being parallel to and distant 140 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 26 and 27 of Portage County Map Records, and the Southerly line of said strip being parallel to and distant 125 feet Southerly, measured on a line normal to said center line.

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 now upon said lands.

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

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

Nays, none.

The Chairman declared the resolutions adopted.

The General Counsel reported that the trial of the Commission's second appropriation case was concluded in Mahoning County on February 27, 1953; that it had involved cutting diagonally across the corner of a rather large lot, upon which was located a house with a new double garage. He said that the Commission's appraiser had made an offer of \$8,800.00 for the particular parcel, and that the verdict of the jury was for an award of \$8,050.00, which was very close to the precise amount of the appraiser's valuation.

The Executive Assistant reported that approximately 1/3 of all main line parcels required for the whole project are now under contract to the Commission.

The Director of Information and Research reported that representatives of the Commission had met with the three members of the Elyria Citizens' Committee, appointed by the President of City Council of Elyria, on February 18, 1953, and had discussed the report which had been prepared by Wilbur Watson & Associates for the City of Elyria, regarding possible interruption to city services by the location of the Turnpike. He said that the Watson report had been referred to the Commission's Consulting Engineer for analysis.

Resolution No. 68-1953 ratifying actions of Administrative Officers was moved for adoption by Mr. Linzell and seconded by Mr. Teagarden 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 afore-said administrative officers of the Commission on its behalf since the Commission's meeting on February 17, 1953, are hereby ratified, approved, and confirmed."

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

Ayes, Linzell, Teagarden, 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. McKay, seconded by Mr. Linzell, that the meeting adjourn subject to call of the Chairman.

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

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

Nays, none.

The Chairman declared the meeting adjourned and stated that he expected to call special meetings on March 20 and March 27, 1953. The time of adjournment was 12:30 p. m.

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


A. J. Allen, Secretary-Treasurer.