

MINUTES OF THE SEVENTY-FIRST MEETING
AUGUST 7, 1953

Pursuant to call of the Chairman the Ohio Turnpike Commission met in public special session in its offices at 139 East Gay Street in Columbus, Ohio, at 11:05 A. M. on August 7, 1953, with key members of its staff, representatives of the Consulting Engineers, 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, Linzell, Shocknessy.

Absent: Mr. McKay.

The Chairman announced that a quorum was present.

The Chairman reported that a statement issued several days previously, reportedly by the mayor of the City of Elyria, contained some remarks uncomplimentary to the Commission but was correct in stating that the Chairman of the Commission had made himself unavailable to Robert J. Shoup, special counsel for the city. The Chairman had not taken any calls from Mr. Shoup, he explained, because the city was suing the Commission and the Commission has counsel to whom Mr. Shoup's calls had been properly and promptly referred since it was neither ethical nor appropriate that clients talk with opposing counsel outside the presence of their own counsel. Counsel for the Commission had advised the members of the Commission to enter into no discussion with representatives of Elyria, except through counsel, until counsel should recommend that the Commission have further discussions with the City, he said. Counsel for the City should direct himself to counsel for the Commission and if counsel for the Commission should see any reason for members of the Commission to talk to the counsel for the City and should so state, then the Commission would do so, the Chairman said further.

The Chairman said he had asked the Consulting Engineers to advise the Commission in fuller detail than was stated in

their letter of July 29, 1953, the basis of their conclusion that the second alternative route for Ohio Turnpike Project No. 1, in the vicinity of the City of Elyria, proposed by the City, was not economically justified. He then read a letter under date of August 6, 1953, which the Commission had received from the Consulting Engineers, as follows:

"Mr. J. W. Shocknessy, Chairman
Ohio Turnpike Commission
139 East Gay Street
Columbus 15, Ohio

Dear Mr. Shocknessy:

We are in receipt of your letter of August 4 in which you request that we advise you in greater detail concerning the basis of our conclusions set forth in our letters of July 22 and July 29 relative to the proposed second alternate route in the Elyria area, which Mr. Shoup presented to us for consideration.

Our conclusions were based upon a preliminary comparative analysis of the proposed second alternate route and the adopted route through the City of Elyria. These analyses were developed from aerial photographs and available topographic maps of the area. The elements which we considered and upon which we based our conclusion were the comparative costs of the grading, paving, drainage and structures.

These analyses indicate that the topographic features of the terrain traversed by each of the routes are relative comparable, with the exception of the terrain immediately adjacent to the Black River. We assumed, therefore, that the costs per mile for grading, drainage and pavement on the two routes for the above-mentioned items would result from the increased length of the proposed alternate route over the adopted route. This difference in length amounts to 2,000 feet and represents approximately \$275,000.00.

The cost of structures is the major factor in the differential in construction costs of the two routes. The following is a review, structure by structure, of the requirements of each of the routes:

1. Commencing at U. S. Route 20 east of Elyria, both lines cross the New York Central Railroad; however, the proposed alternate route crosses at a heavier skew and therefore requires a longer length of structure.
2. The adopted route requires a structure at Wesley Avenue whereas the alternate route does not cross this street.
3. Both routes require a structure over Abbe Road; however, the structure on the proposed alternate route is on a heavier skew and will require a longer length of structure.
4. Both routes require an underpass structure at Gulf Road, and these structures are comparable.
5. The crossing of the Black River on the proposed alternate route will be approximately double the length of the structure required on the adopted route.
6. The proposed alternate route will require an underpass structure at Ford Road, whereas the adopted route does not cross this road.
7. Both lines require underpass structures at West River Road, and these structures will be comparable.
8. Both routes require structures over new U. S. Route 57, and these structures will be comparable.
9. Both routes require structures over the Baltimore and Ohio Railroad, and these structures will be comparable.
10. Both routes will occupy a common structure over Lorain -Elyria Road.

From the above analysis it had been ascertained that the same number of structures would be required

on each of the routes; however, due to the increased length of the Black River crossing and the increased length of several of the grade separation structures, we estimate the increased cost of structures for the proposed alternative route is not less than \$600,000.00.

Based upon the above analysis of the construction costs, which indicate a differential in costs in favor of the adopted route, and particularly in view of the fact that 85% of the main line right of way has been acquired on the adopted route and that the construction plans are 90% complete, we concluded that the second proposed alternative route cannot be economically justified.

Very truly yours,

J. E. GREINER COMPANY

/s/ E. J. Donnelly

E. J. Donnelly"

The Chairman said that copies of the letter were being sent to the members of the Commission, and that the letter would become a part of the minutes of the meeting.

The Chairman reported that Special Counsel for the Commission had sent a certified copy of the Resolution No. 325-1953, adopted by the Commission at its meeting on August 4, 1953, to the special counsel for the City of Elyria. He directed that the Special Counsel's letter of transmittal become a part of the minutes. It follows:

"Mr. Robert J. Shoup
Falsgraf, Reidy & Shoup
National City Bank Building
Cleveland, Ohio

Dear Mr. Shoup:

I enclose herewith a certified copy of Resolution No. 325-

-1953 adopted yesterday August 4, 1953 by the Ohio Turnpike Commission. This concerns the construction of the Ohio Turnpike Project No. 1 through the northern edge of Elyria and environs.

The effect of this Resolution in my judgement is to officially adopt as the construction program of the Commission with reference to the Turnpike in Elyria and its environs, the recommendations of the committee appointed by the Turnpike to study this matter and discuss it with representatives of the City of Elyria as embodied in that committee's letter to the City of Elyria's committee dated June 2, 1953.

I should also add for your information that at the meeting yesterday the chairman of the commission stated that so far as he was concerned the question of a change in the location of the project in the City of Elyria was closed.

I shall of course be glad to discuss this matter with you at any time.

Very truly yours,

John Lansdale, Jr.

JL, jr:ms"

The Chairman then read an excerpt from an editorial titled "Ponderings on Pikes" which appeared in the Cleveland Plain Dealer of August 6, 1953, as follows:

"...We would, therefore, like to make this point to the Ohio Turnpike Commission, now that it has been bitten by the bug of a second pike for our state. Kindly plan years into the future on all service facilities, both for the pike now a-building and for any others.

The Plain Dealer had the sense to stay out of the concrete-asphalt dispute that ended last spring, but a drive on two pikes of contrasting surfaces offers some

fairly convincing evidence on the merits of a concrete surface.

In a heavily loaded station wagon, on the Pennsy road, it was possible to hit 95 without a trace of sway-merely as an amateur test on a surface some 14 years old.

Even at 60 on the year-old Jersey pike the car swayed, dipped and jerked around dangerously because the asphalt surface had buckled and sunk in numerous spots."

The Chairman also reported that the Commission had consulted Professor John Howard of Massachusetts Institute of Technology, who was formerly planning director and secretary of the City Planning Commission of the City of Cleveland, with respect to the Elyria matter, and he described Professor Howard as one of the well-known authorities on planning in the United States, and that he is particularly well qualified in the northern part of Ohio where he knows the economic area especially well. The Chairman said that Professor Howard had flown and driven over the route of the Turnpike on August 6, 1953, in company with Mr. John Lansdale, Special Counsel for the Commission, and had been given additional information on the Elyria matter. He stated that Professor Howard would examine the validity of the master plan of the City of Elyria and be prepared for whatever eventualities the Commission might have in the courts. The Chairman expressed the hope that the apparent impasse in Elyria could be broken, and that there would be some satisfactory solution which the Commission could in conscience accept and which the City of Elyria could find satisfactory. In the absence of any objections the Chairman's report was accepted.

The Assistant Secretary-Treasurer, reporting for the Secretary-Treasurer, said that the auditor's report as of the end of June had been mailed out August 6, 1953.

The Executive Director deferred to the Chief Engineer to present his report.

The Chief Engineer said that bids had been received August 5, 1953, on contracts for construction of construction sections 53, 54, and 55, comprising eleven and one-half miles of the Turnpike in Design Section 19 in Fulton County, and that eight bidders submitted fifteen proposals. The low bid, he said, was submitted as a joint venture by Terry & Wright, Inc., and Calument Paving Company of Louisville, Kentucky, in the amount of \$6,588,822.20. The Chief Engineer stated that the qualifications of the two firms had been reviewed by the Executive Director, the Comptroller and representatives of the Consulting Engineers and of the General Counsel, and that the conclusion was that the firms were well qualified to do the work. The Chief Engineer recommended that award of the work be made to Terry & Wright, Inc., and Calument Paving Company. The Consulting Engineers and the Executive Director concurred in the recommendation

The General Counsel handed to the Commission his written opinion under date of August 7, 1953, concurring in the award of construction contract C-53, 54 & 55 and he submitted also proofs of publication of advertising for the contract.

Resolution No. 345-1953, awarding construction contract 53, 54 & 55, was moved for adoption by Mr. Allen, seconded by Mr. Linzell, as follows:

"WHEREAS the Commission has duly advertised, according to law, for bids upon separate contracts for the construction of those portions of Ohio Turnpike Project No. 1 which are known as Construction Sections 53, 54, and 55, which contracts are designated Contract C-53, C-54, and C-55, respectively, and proof of said advertising is before the Commission;

WHEREAS the Commission has also advertised in like manner for bids upon contracts for the construction of several possible combinations of any two adjacent or all of said construction sections, which contracts are designated Contracts C-53 & 54; C-54 & 55; and C-53, 54 & 55; and proof of said advertising is likewise before the Commission;

WHEREAS bids for the performance of each and all of said contracts have been received, and were duly opened and

read as provided in the published notice for said bids, and said bids are before this meeting;

WHEREAS said bids have been analyzed by the Commission's consulting engineer and by its chief engineer, and they have reported thereon to the Commission with respect to said analysis and made their recommendations predicated thereon;

WHEREAS all of the aforesaid bids for each of said contracts were solicited on the basis of the same terms and conditions, and the same specifications with respect to all bidders and potential bidders, and the bid of Calument Paving Co. and Terry & Wright, Inc., a joint venture, for the performance of Contract C-53, 54 & 55 was, and is by the Commission determined to be, the lowest of all said bids, or combinations of bids, for the construction of the aforesaid construction sections; and the Commission has been advised by its general counsel that said bid conforms to the requirements of section 1205 of the General Code of Ohio and to the terms, conditions, and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best bid for the construction of said construction sections; and

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

NOW, THEREFORE, BE IT

RESOLVED that the bid of Calument Paving Co. and Terry & Wright, Inc. for the performance of Contract C-53, 54 & 55 be, and hereby it is, determined to be the lowest and best of all said bids, or combinations of bids, and is accepted; and that each of the chairman and the executive director be, and each of them hereby is, authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid, and upon the 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 requirements of said resolution, (2) to return to all other bidders the bid security furnished by

each of them, respectively, (3) to return said successful bidder's bid security when the aforesaid contract has 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 of said contract."

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

Ayes, Allen, Linzell, Teagarden, Shocknessy.

Nays, none.

The Chairman declared the resolution adopted.

The Chief Engineer advised the Commission that the low bid on Contract C-53, 54 & 55 and the contract award for fabricated structural steel under contract M-19 totalled \$6,826,205.00 as compared with the Consulting Engineers' report estimate of \$6,875,260.00. The total of the awards was \$49,000 or about seven-tenths of one per cent below the estimate. The Chief Engineer also advised that the Commission had awarded contracts in the total amount of \$52,258,000.00 against the report estimate of \$53,943,000.00, or between three and four per cent under that estimate.

The Chief Engineer then reported that proposals had been received on July 29, 1953, from three bidders for the furnishing of fabricated structural steel for structures in construction sections 13 and 14 in design section 4, the contract involved being designated as contract M-4B. The Chief Engineer stated that the low bid was that submitted by Allied Structural Steel Companies of Chicago, Illinois, in the amount of \$1,147,393.25, and that the qualifications of Allied Structural Steel Companies had been reviewed by himself, by representatives of the staff of the General Counsel and by representatives of the staff of Consulting Engineers, and said that he recommended the award of the contract be made to the Allied Structural Steel Companies, and he added that the Consulting Engineers concurred in the recommendation. The Executive Director said that he recommended the award.

The General Counsel reported that the low bidder was a partnership composed of three Virginia corporations. In view of the unusual nature of the organization, he said,

he had reviewed certified copies of the articles of incorporation of the several companies, of the resolutions of their stockholders authorizing their entry into the partnership and of a copy of the partnership agreement. The General Counsel said that he had obtained a commitment that each of the corporations would qualify under the laws of Ohio to do business in Ohio so that in the event of a lawsuit in relation to Contract M-4B, the Commission could obtain service of summons upon the corporations without encountering possible difficulties of a legal or practical nature. The General Counsel handed to the Commission his written opinion under date of August 7, 1953, that the Commission could lawfully make the award to the partnership, and that all requirements imposed by law or by the Commission with respect to the taking of bids for the contract had been met. He also submitted proof of publication of advertising for bids for the contract according to law.

Resolution No. 346-1953, awarding structural steel contract M-4B, was moved for adoption by Mr. Teagarden, seconded by Mr. Allen, as follows:

"WHEREAS the Commission has duly advertised, according to law, for bids upon a contract for the furnishing of fabricated structural steel for Construction Sections 13 and 14 in Design Section D-4 of Ohio Turnpike Project No. 1, to the Commission, which contract is designated Contract M-4B, and proof of said advertising is before the Commission;

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

WHEREAS said bids have been analyzed by the Commission's consulting engineer and by its chief engineer, and they have reported thereon to the Commission with respect to said analysis and made their recommendations predicated thereon;

WHEREAS all of the aforesaid bids for said contract were solicited on the basis of the same terms and conditions, and the same specifications, with respect to all bidders and potential bidders, and the bid of Allied Structural Steel Companies, a partnership composed of Midland Structural Steel Corporation, Gage Structural Steel Corporation, and Clinton Bridge Corporation for the performance of Contract M-4B is, and is by the Commission determined to be, the lowest of all said bids for the furnishing of fabricated structural steel for the aforesaid construction sections; and the Commission has been advised by its general counsel that said bid conforms to the requirements of §1205 of the General Code of Ohio, and to the terms, conditions, and specifications of the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best bid for furnishing fabricated structural steel for said constructions; and

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

NOW, THEREFORE, BE IT

RESOLVED that the bid of Allied Structural Steel Companies, a partnership composed of Midland Structural Steel Corporation, Gage Structural Steel Corporation, and Clinton Bridge Corporation, be, and hereby it is, determined to be the lowest and best of all said bids and is accepted, and that each of the chairman and the executive director be, and each of them hereby is, authorized, (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid, and upon the 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 requirements of said resolution, (2) to return to all other bidders for the aforesaid contract the bid security furnished by each of them, respectively, (3) to return said successful bidder's bid security when the aforesaid contract has 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 contract."

Mr. Teagarden commented that the difference between the low bid and the second low bid for the million-dollar contract was \$19,000 and he termed that good bidding. A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes, Teagarden, Allen, Linzell, Shocknessy.

Nays, none.

The Chairman declared the resolution adopted.

The Chief Engineer then reported that contract plans for construction sections 8, 9, and 10 in Trumbull and Portage Counties had been placed before the Commission and advised that contracts for construction of those sections had been advertised previously, and that the letting had been cancelled after the rejection of bids on construction sections 4, 5, 6, and 7 in order to make studies. The Chief Engineer also reported that new contract documents were before the Commission involving those matters which had been considered by the Commission, and that the work had been advertised and the letting was scheduled for September 9, 1953, and that he recommended the Commission to approve the contract documents. The Executive Director concurred in the recommendation.

Resolution No. 347-1953, approving, adopting and ratifying documents for contracts C-8, C-9, C-10, C8 & 9, C-9 & 10, and C-8, 9 & 10, were moved for adoption by Mr. Linzell, seconded by Mr. Teagarden, as follows:

"WHEREAS there are before this meeting forms of contract documents, to-wit: forms of Notice to Bidders, Proposals, Special Provisions, and Contracts, for Contracts C-8, C-9; C-10; C-8 & 9; C-9 & 10; and C-8, 9 & 10; and

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

WHEREAS the Commission has previously approved the plans which comprise a part of the contract documents for said contracts;

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, being for and in connection with the construction of those portions of Ohio Turnpike Project No. 1 which are known as Construction Sections 8, 9, and 10; and

FURTHER RESOLVED that all action heretofore taken by the chief engineer and general counsel, or either of them, with reference to said contracts, be, and the same hereby is, ratified, approved, and confirmed; that the chief engineer is directed to take and open 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, Linzell, Teagarden, Allen, Shocknessy.

Nays, none.

The Chairman declared the resolution adopted.

The Chief Engineer said that contract documents and plans for the furnishing of fabricated structural steel under contract M-6B involving 4,300 tons of structural steel for use in construction sections 17, 18 and 19 in Cuyahoga County; and contract M-14A involving 1,700 tons of structural steel for use in construction sections 39 and 40 in Sandusky County, had been placed before the Commission, and that advertising of the contracts had been begun and the date of September 9, 1953, had been set for the letting. The Chief Engineer recommended that the Commission approve the contract documents and plans, and stated that the Consulting Engineers concurred in the recommendation.

Resolution 348-1953, approving, adopting and ratifying the plans and other contract documents for contract M-6B and contract M-14A, was moved for adoption by Mr. Teagarden, seconded by Mr. Allen, as follows:

"WHEREAS there are before this meeting forms of contract documents, to-wit: forms of Notice to Bidders, Proposals, Plans, Special Provisions, and Contracts for Contract M-6-B and Contract M-14-A for the furnishing of fabricated structural steel for Construction Sections 17, 18, and 19 in Design Section D-6 and for Construction Sections 39 and 40 in Design Section D-14; 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, being for and in connection with contracts for furnishing fabricated structural steel for Construction Sections 17, 18, and 19 in Design Section D-6 and for Construction Sections 39 and 40 in Design Section D-14; 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; that the chief engineer shall take and open 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, Teagarden, Allen, Linzell, Shocknessy.

Nays, none.

The Chairman declared the resolution adopted.

The Chief Engineer then advised that addenda amending the general specifications which had previously been approved by the Commission, and which were being used in all construction contracts had been incorporated in an amended supplemental specification designated as Supplemental Specification A-5 which would, if adopted, supersede Supplemental Specification A-4, and he said that Supplemental Specification A-5 was recommended for approval by the Commission by the Consulting Engineers,

by the Executive Director, by the General Counsel and by himself.

The General Counsel advised that Supplemental Specification A-5 included a revision of paragraph A-3.05 of the General Specifications which related to certain requirements to be met after an award had been made and before a contract had been signed. The General Counsel also stated that the change had to do with what was to be furnished by certain out-of-state corporations which are members of partnerships and would obviate the necessity of obtaining such a commitment as he had obtained from Allied Structural Steel Companies in connection with the award of Contract M-4B because qualification would thereafter be required in such cases.

Resolution No. 349-1953, adopting Supplemental Specification A-5, was moved for adoption by Mr. Allen, seconded by Mr. Linzell, as follows:

"WHEREAS there has been presented to this meeting, for the Commission's consideration, proposed Supplemental Specification A-5, 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-5, 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 executive director, 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, Allen, Linzell, Teagarden, Shocknessy.

Nays, none.

The Chairman declared the resolution adopted.

Resolution No. 350-1953, requesting the Director of Highways to make the necessary traffic, engineering and related studies for a north-and-south turnpike in Ohio, was moved for adoption by Mr. Allen, seconded by Mr. Teagarden, as follows:

"WHEREAS the chairman, pursuant to authority granted therefor by resolution No. 88-1952, adopted November 7, 1952 and resolution No. 322-1953, adopted July 23, 1953, has requested advices from the director of highways with respect to a north-and-south turnpike in Ohio; and

WHEREAS the director of highways, in response to the request aforesaid, has advised the Commission that a turnpike having its southern terminus at or near Cincinnati, Ohio and proceeding in a northeasterly direction across the state, with its northern terminus in the general vicinity of Conneaut, Ohio, appears prima facie feasible; and further, that said director is willing to undertake the study of such turnpike project; and

WHEREAS §1220 of the Ohio General Code provides that the director of highways, with the approval and consent of the controlling board, shall expend out of any funds available such moneys as may be necessary for the study of any turnpike project or projects and use highway engineering and other forces, including consulting engineers and traffic engineers, for the purpose of effecting such studies; and, further, that upon the sale of turnpike revenue bonds for any turnpike project, the funds so expended by the director of highways, with the approval of the Commission, in connection with such project shall be reimbursed to the department from the proceeds of such bonds;

NOW, THEREFORE, BE IT

RESOLVED that the director of highways be and he

hereby is requested to make the necessary traffic, engineering, and related studies for a turnpike in Ohio having its southern terminus at or near Cincinnati, Ohio and proceeding in a northeasterly direction across the state, with its northern terminus in the general vicinity of Conneaut, Ohio, in accordance with all the provisions of §1201-1222 of the General Code of Ohio, both inclusive, by hiring consulting engineers and using highway engineers and other employees of the highway department;

FURTHER RESOLVED that the director of highways is hereby requested to seek the consent and approval of the controlling board for the expenditure of such moneys as may be necessary for the study of the aforesaid turnpike in Ohio; and

FURTHER RESOLVED that the director is requested to report to the Commission from time to time hereafter and as frequently as necessary, concerning the progress of the aforesaid studies.¹¹

Mr. Allen commented that he was getting enthusiastic response for the proposed turnpike from the southwestern corner of the State. Mr. Teagarden said he was glad to join with Mr. Allen in what he considered a worthy project. A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes, Allen, Teagarden, Shocknessy.

Nays, none.

Mr. Linzell refrained from voting and explained he had done so because the resolution called upon him as Director of Highways to take administrative action. The Chairman declared the resolution adopted. He remarked that it must be remembered that the resolution was adopted pursuant to a recommendation made by Mr. Linzell.

The General Counsel reported that something of a hiatus existed with respect to authority to do certain things in the absence of the Chief of the Right-of-way Section, notably to authorize negotiating prices with respect to the acquisition of right-of-way, and he said that he recommended approval by the Commission of a resolution to fill the gap by authorizing the Executive Director, in his discretion and in the absence of the Chief of the Right-of-way Section, to exercise any authority or discharge any duty of the Chief of the Right-of-way. The Executive Director said that he was in accord with the recommendation.

Resolution No. 351-1953, authorizing the Executive Director to exercise the authority of the Chief of the Right-of-way Section in his absence, was moved for adoption by Mr. Teagarden, seconded by Mr. Allen, as follows:

"WHEREAS pursuant to the by-laws of the commission, adopted July 9, 1953, the executive director has supervision over the right-of-way section of the Ohio Turnpike Commission;

NOW, THEREFORE, BE IT

RESOLVED that in the absence of the chief of the right-of-way section the executive director may, in his discretion, exercise any authority or discharge any duty of said chief of the right-of-way section."

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

Ayes, Teagarden, Allen, Linzell, Shocknessy.

Nays, none.

The Chairman declared the resolution adopted.

The General Counsel presented to the Commission two recommended forms of resolutions by which the Commission would declare the necessity for appropriating various parcels of property therein designated and

described, and he stated that in each of the two 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. The General Counsel then 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 two cases.

Resolutions Nos. 352-1953 and 353-1953, each declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted, were moved for adoption by Mr. Linzell, seconded by Mr. Teagarden, as follows:

"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>
Anna C. Stabal	Martin, Ohio
Martin G. Stabal	Martin, Ohio
County Auditor of Sandusky County	Sandusky County Court House Fremont, Ohio
County Treasurer of Sandusky County	Sandusky County Court House Fremont, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 69-C -- Fee Simple

Situated in the Township of Washington, County of Sandusky and State of Ohio and known as being part of Original Washington Township Section No. 33, Town 6 North, Range 14 East and being all that part of the lands described in the Certificate of Transfer in the matter of the Estate of Elizabeth Stabal, aka. Elizabeth M. Stabal, dated December 24, 1946 and recorded in Volume 170, Page 365 of Sandusky County Deed Records, lying within a strip of land 220 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 110 feet Northeasterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plats recorded in Volume 9, Pages 9 and 36 of Sandusky County Map Records, and the Southwesterly line of said strip being parallel to and distant 110 feet Southwesterly, measured on a line normal to said center line.

Parcel No. 69-C(1) -- Permanent Easement
for Highway Purposes.

Situated in the Township of Washington, County of Sandusky and State of Ohio and known as being part of Original Washington Township Section No. 33, Town 6 North, Range 14 East and being all that part of the lands described in the Certificate of Transfer in the matter of the estate of Elizabeth Stabal, aka Elizabeth M. Stabal, dated December 24, 1946 and recorded in Volume 170, Page 365 of Sandusky County Deed Records, bounded and described as follows:

Beginning on a line drawn parallel to and distant 110 feet Southwesterly of, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plats recorded in Volume 9, Pages 9 and 36 of Sandusky County Map Records, at a point measured normal from Station 134+09.65 on said center line; thence South $5^{\circ} 10' 23''$ East, 413.33 feet to a point on the Westerly line of County Road #92 (Hessville Road), as now established; thence North $89^{\circ} 52' 16''$ East, 30 feet to the Easterly line of Section No. 33; thence North $00^{\circ} 01' 29''$ West, along said Easterly line of Section No. 33 to its intersection with a line drawn parallel and distant 110 feet Southwesterly of, measured normal to the said center line of Ohio Turnpike Project No. 1; thence North $67^{\circ} 57' 29''$ West, along said parallel line to the place of beginning.

Excepting therefrom that portion thereof lying within the bounds of County Road #92 (Hessville Road), as now established.

Parcel No. 69-C(2) -- Permanent Easement for Highway Purposes.

Situated in the Township of Washington, County of Sandusky, and State of Ohio and known as being part of Original Washington Township Section No. 33, Town 6 North, Range 14 East and being all that part of the lands described in the Certificate of Transfer in the matter of the Estate of Elizabeth Stabal, aka Elizabeth M. Stabal, dated December 24, 1946 and recorded in Volume 170, Page 365 of Sandusky County Deed Records, bounded and described as follows:

Beginning on a line drawn parallel to and distant 110 feet Northeasterly of, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by plats recorded in Volume 9, Pages 9 and 36 of Sandusky County Map Records, at its intersection with the Easterly line of Section No. 33; thence North $67^{\circ} 57' 29''$ West, along said parallel line, to a point measured normal from Station 133+ 40.89 on the said center line of Ohio Turnpike Project No. 1; thence North $3^{\circ} 20' 41''$ East, 309.16 feet to a point on the Westerly line of County Road #92 (Hessville Road), as now established; thence North $89^{\circ} 52' 16''$ East, 30.00 feet to the Easterly line of Section No. 33; thence South $00^{\circ} 01' 29''$ East, to the place of beginning.

Excepting therefrom that portion thereof lying within the bounds of County Road #92 (Hessville Road) as now established.

Parcel No. 69-C(3) -- Temporary Easement for Detour Road

Situated in the Township of Washington, County of Sandusky and State of Ohio and known as being part of Original Washington Township Section No. 33, Town 6 North, Range 14 East and being all that part of the lands described in the Certificate of Transfer in the matter of the Estate of Elizabeth Stabal, dated December 24, 1946 and recorded in Volume 170, Page 365 of Sandusky County Deed Records, to be described below:

The proposed center line of County Road #92 (Hessville Road) hereinafter referred to is a line forming an angle of $67^{\circ} 49' 45''$ in the Southeast Quadrant with the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 9, Pages 9 and 36 of Sandusky County Map Records, at Station 134+45.66. The parcel herein intended to be described is bounded and described as follows:

Beginning on a line parallel to and distant 110 feet Southwesterly of, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as aforesaid, at a point normal to said center line at Station 134+09.65, said center line having a bearing of South $67^{\circ} 57' 29''$ East; thence South $5^{\circ} 10' 23''$ East, 413.33 feet to a point on the Westerly right-of-way line of County Road #92, as now existing; thence Southerly along said Westerly line to its intersection with a line parallel to and distant 40 feet Northeasterly, at right angle measurement, from "Line A", is a line drawn Northwesterly from a point distant 38 feet Westerly, measured at right angles, from a point on the proposed center line of County Road #92, as hereinabove described, distant 578 Southerly, measured along said center line, from the center line of Ohio Turnpike Project No. 1, to a point distant 120 feet Westerly, measured at right angles, from a point on said proposed center line of County Road #92, distant 454 feet Southerly, measured along said center line, from the center line of Ohio Turnpike Project No. 1); thence Northwesterly along said line parallel to said "Line A", to its intersection with a line drawn Westerly, at right angles, from a point on the proposed center line of County Road #92, distant 454 feet Southerly, measured along said center line, from the center line of Ohio Turnpike Project No. 1; thence Westerly on said right angle line to a point distant 120 feet Westerly, measured along said line, from the proposed center line of County Road #92; thence Northerly, parallel to said proposed center line to its intersection with a line drawn parallel to, and distant 110 feet Southwesterly of, measured on a line normal to said Turnpike center line; thence Southeasterly along said parallel line to the place of beginning.

Excepting therefrom that portion thereof lying within the bounds of County Road #92 (Hessville Road) as now established.

Parcel No. 69-C(4) -- Temporary Easement for Detour Road

Situated in the Township of Washington, County of Sandusky and State of Ohio and known as being part of Original Washington Township Section No. 33, Town 6 North, Range 14 East and being all that part of the lands described in the Certificate of Transfer in the matter of the estate of Elizabeth Stabal, dated December 24, 1946 and recorded in Volume 170, Page 365 of Sandusky County Deed Records, bounded as follows:

Southerly by the Southerly line of land described in the Certificate of Transfer as aforesaid; Northerly by a line drawn Westerly at right angles to the proposed center line of County Road #92 (Hessville Road), from a point distant 454 feet Southerly, measured along said proposed center line, from its intersection with the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 9, Pages 9 and 36 of Sandusky County Map Records; Southwesterly by a line drawn Northwesterly from a point distant 38 feet Westerly, measured at right angles, from a point on said proposed center line of County Road #92, distant 578 feet Southerly, measured along said center line, from the center line of Ohio Turnpike Project No. 1, to a point distant 120 feet Westerly, measured at right angles, from a point on said proposed center line, distant 454 feet Southerly, measured along said center line, from the center line of Ohio Turnpike Project No. 1; and bounded Northeasterly by a line parallel to and distant 40 feet Northeasterly, measured at right angles, from the Southwesterly boundary as last described.

The proposed center line of County Road #92, hereinabove referred to is a line forming an angle of $67^{\circ} 49' 45''$ in the Southeast Quadrant with the center line of said Ohio Turnpike Project No. 1, at Station 134+45.66.

Parcel No. 69-C(5) -- Temporary Easement for Detour Road

Situated in the Township of Washington, County of Sandusky and State of Ohio and known as being part of Original Washington Township Section No. 33, Town 6 North, Range 14 East and being all that part of the lands described in the Certificate of Transfer in the matter of the Estate of Elizabeth Stabal, dated December 24, 1946 and recorded in Volume 170, Page 365 of Sandusky County Deed Records, lying within a strip of land 40 feet wide, between parallel lines, the center line of said strip being described as follows:

Beginning at a point distant 100 feet Westerly, measured at right angles, from a point on the proposed center line of Hessville Road (to be hereinafter described), distant 100 feet Northerly, measured along said proposed center line, from its intersection with the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 9, Pages 9 and 36 of Sandusky County Map Records; thence Northeasterly on a "straight line" to its intersection with a line parallel to and distant 110 feet Northeasterly of, measured on a line normal to, the center line of said Ohio Turnpike Project No. 1, said point of intersection being the principal place of beginning, and which "straight line" if prolonged would intersect a point distant 50 feet Westerly, measured at right angles, from a point on the proposed center line of Hessville Road, distant 500 feet Northerly, measured along said center line, from the center line of Ohio Turnpike Project No. 1; thence continuing Northeasterly along said "straight line" to said point distant 50 feet Westerly of the proposed center line of Hessville Road, as last aforesaid; thence Northeasterly to a point on the proposed center line of Hessville Road, distant 650 feet Northerly, measured along said center line, from the center line of Ohio Turnpike Project No. 1. The proposed center line of Hessville Road, hereinabove referred to, is a line described as follows:

Beginning on the center line of said Ohio Turnpike Project No. 1, at Station 134+45.66; thence Northerly on a line forming an angle of $67^{\circ} 49' 45''$ in the Northwest Quadrant with said center line of Ohio Turnpike Project No. 1.

Excepting therefrom that portion thereof lying within the bounds of Hessville 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 parcel described above as Parcel 69-C, 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. 353-1953

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

<u>Owner(s)</u>	<u>Place of Residence</u>
John Hollenbach, Jr.	R. D. #1, Mantua, Ohio
Margaret Hollenbach	R. D. #1, Mantua, 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. 163-E(1) -- Permanent Easement for Highway Purposes.

Situated in the Township of Freedom, County of Portage and State of Ohio and known as being part of Original Freedom Township Lot No. 87, and being all that part of the lands described in the deed to John Hollenbach, Jr. and Margaret Hollenbach, dated June 3, 1943 and recorded in Volume 390, page 550 of Portage County Deed Records lying within a strip of land 60 feet wide bounded as follows:

Northerly by a line drawn parallel to and distant 125 feet Southerly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 8, page 20 of Portage County Map Records; Southerly by a line drawn parallel to and distant 500 feet Southerly, measured on a line normal to said center line of Ohio Turnpike Project No. 1; Easterly by the center line of Limeridge Road, (which center line is also the Easterly line of said Lot 87); and Westerly by a line parallel to and distant 60 feet Westerly, measured at right

angles from the center line of Limeridge Road.

Excepting therefrom that portion thereof lying within the bounds of Limeridge Road, as now established.

Parcel No. 163-E(2) -- Temporaru Easement for Detour Purposes.

Situated in the Township of Freedom, County of Portage and State of Ohio and known as being part of Original Freedom Township Lot No. 87, and bounded and described as follows:

Beginning on a line parallel to and distant 125 feet Southerly from, measured on a line drawn normal to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 8, page 20 of Portage County Map Records, at a point distant 60 feet Westerly, measured at right angles, from the center line of Limeridge Road; thence Westerly along said parallel line to a point distant 110 feet Westerly, measured at right angles, from said center line of Limeridge Road; thence Southerly along a line drawn parallel to said center line of Limeridge Road to its intersection with a line drawn Westerly at right angles from a point in said center line distant 520 feet Southerly, measured along said center line from its intersection with the center line of Ohio Turnpike Project No. 1; thence Southeasterly to a point distant 30 feet Westerly, measured at right angles, from a point in said center line of Limeridge Road, distant 670 feet Southerly, measured along said center line, from its intersection with said center line of Ohio Turnpike Project No. 1; thence Easterly 30 feet on a line drawn at right angles to said center line of Limeridge Road to a point in said center line; thence Northerly along said center line 170 feet to a point; thence Westerly at right angles to said center line 60 feet to a point; thence Northerly parallel to said center line to the place of beginning.

Excepting therefrom that portion thereof lying within the bounds of Limeridge Road, as now established."

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

Ayes, Linzell, Teagarden, Allen, Shocknessy.

Nays, none.

The Chairman declared the resolution adopted.

The Chairman asked the General Counsel to give the Commission a report on the status of right-of-way acquisition that would bring the Commission up to date from the last status report and he asked that the report be restricted to mainline parcels only.

The General Counsel reported as follows:

In construction sections 53, 54 and 55 where there were respectively 14, 17 and 17 mainline parcels, there had been acquired respectively 14, 16 and 16 parcels. The two parcels not acquired were in negotiation.

In construction sections 13 and 14, which were scheduled for letting on August 26, 1953, where there were respectively 24 and 29 parcels, there had been acquired respectively 21 and 16 parcels. Of the parcels not acquired, four were in condemnation with one case still in a state of preparation and with trial dates set on two of the three cases that were in court. Of the remaining parcels still subject to negotiation, three were railroad parcels, with one each owned by Nickel Plate, New York Central and Pennsylvania Railroads.

In construction sections 24, 25, 26 and 27 where there were respectively 27, 30, 30 and 20 parcels, there had been acquired respectively 24, 25, 25 and 18 parcels. Of the three parcels in section 24 not acquired, one was owned by the Baltimore and Ohio Railroad. Of the five parcels in section 25 not acquired, one was in condemnation and the other four, being negotiated, included a parcel owned by the Nickel Plate Railroad and another parcel owned by a subsidiary of a railroad company with the status of the latter parcel being studied to determine its status. Of the five parcels in section 26 not acquired, four were in condemnation with trial dates set in two cases. The fifth parcel was still being negotiated. Of the two parcels in section 27 not acquired, one was in condemnation and one was still being negotiated.

In construction sections 28 and 29, which were tentatively scheduled for letting on October 20, 1953, where there were respectively 25 and 12 parcels, there had been acquired respectively 19 and seven parcels. Of the eleven parcels

not acquired in the two sections, seven remained in negotiation and four were in condemnation.

In construction sections 34, 35, 36 and 37, scheduled for letting well in the future, where there were respectively 13, 20, 21 and 17 parcels, there had been acquired 10, 13, 15 and 12 parcels.

In construction sections 56, 57, 58 and 59, scheduled for letting August 19, 1953, where there were respectively 16, 13, 9 and 13 parcels, there have been acquired respectively all 7, 7 and 11 parcels. Of the six parcels in section 57 not yet acquired, two were still the subject of negotiation and four are in condemnation with three cases filed and the fourth in course of preparation. Of the two parcels in section 58 not yet acquired, both were in condemnation. Of the two parcels in section 59 not yet acquired, both were being negotiated.

The General Counsel then stated that his report of the status of right-of-way acquisition was completed to the eastern edge of design section 21 for which the plans are still in the course of preparation.

The Chairman inquired as to the status of negotiation on parcels owned by the Baltimore & Ohio Railroad. The General Counsel advised that everything was supposed to have been cleared except some matter in the railroad's right-of-way department but that it probably was pretty generally recognized by most of those present that there seemed to be some obstructions within the Baltimore & Ohio organization so that when one thought something had been arranged with one part of the organization, one would run into a jam in another section of the corporation.

The General Counsel advised the Commission that in Wood County where 21 condemnation cases were pending, settlements had been agreed to in eight of the cases but had not been consummated to the point of putting on a dismissal entry, and that in addition six other cases had been absolutely and finally disposed of, so that the Commission then had fourteen cases of an original total of twenty-seven cases in Wood County behind it which indicated that the backlog of cases in that county was getting down to something that appeared manageable in that one-judge common pleas court. The General Counsel also stated

that Judge Solether of Wood County Common Pleas Court had been highly cooperative; that he was a fine judge who took a great pride always in keeping his docket up to date and had done everything possible to expedite the Commission's condemnation cases. He warned that not much progress should be expected during August because it was historically the month for vacations by courts and counsel but that the first case would go to trial in Lorain County the following Tuesday.

The General Counsel stated that the right-of-way situation with respect to mainline parcels appeared to be about as healthy as was possible in view of the fact that the Commission had a considerable number of condemnation cases, and that there were 103 or 105 cases in which there was active controversy as to prices to be paid.

The representative of the Consulting Engineers, Mr. E. J. Donnelly, stated his opinion that reports being prepared in the Cleveland office of his firm would indicate clearly the progress that was being made and the satisfactory condition the Commission was in at that time. He also said that in regards to condemnation cases, there had been a good number of them but that only 25% of the cases which had been certified for appropriation had ultimately gone to trial which meant that 75% of such cases had been settled out of court. The General Counsel said that he thought the situation would not be quite that good over all, but was or would be pretty fair, however. The Chairman said that he thought the Commission was having good time experience with condemnations, and that there was no doubt that the fine cooperation enjoyed by the Commission had been beneficial, that the cases were being expedited and that all courts were handling them. The Chief Engineer stated that he had no great concern about the work being delayed because of mainline parcel acquisition, although there was still an occasional parcel needed for the work of a contractor but in such cases the Chief of the Right-of-way Section was advised and every effort was made to clear the parcels involved so that work could proceed. The General Counsel said that he did not want it understood that he did not have concern; that it had been a source of continuing concern to him and it looked like the Commission was working out. The Chairman remarked that there was no way to build a highway through virgin territory without having concern about the acquisition of right-of-way. The General Counsel responded that when the Commission

started the enterprise on the basis that it would be put under contract at the earliest possible date it was realized that the activities of plan preparation, contract letting and right-of-way acquisition would have to go on simultaneously, and that such was still the case.

Resolution No. 354-1953, ratifying actions of administrative officers, was moved for adoption by Mr. Teagarden, seconded by Mr. Allen, as follows:

"WHEREAS the executive director, executive assistant, chief engineer, general counsel, assistant secretary-treasurer, comptroller, chief of the right-of-way section, and director of information and research 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, including, but in no wise limited to, the action of the chief engineer and general counsel in issuing all addenda to contract documents, 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 August 4, 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, Teagarden, Allen, Linzell, 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. Teagarden, that the meeting adjourn subject to call of the Chairman. A vote by ayes and nays was taken and all members

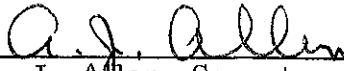
responded to roll call. The vote was as follows:

Ayes, Linzell, Teagarden, Allen, Shocknessy.

Nays, none.

The Chairman declared the meeting adjourned. The time of adjournment was 12:20 o'clock P. M.

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



A. J. Allen, Secretary-Treasurer.