

MINUTES OF THE SEVENTY-EIGHTH MEETING
NOVEMBER 24, 1953

Pursuant to call of the Chairman the Ohio Turnpike Commission met in special open session in the offices of the Commission at 139 East Gay Street, Columbus, Ohio, at 11:10 A. M. on November 24, 1953, with the key members of its staff, representatives of the Consulting Engineer, 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: Teagarden, McKay, Allen, Shocknessy.

Absent: Linzell

The Chairman announced that a quorum was present.

The Chairman said that Mr. Linzell had a commitment on other official business and was unable to be present. He said that Mr. Linzell had been advised by the Secretary of the matters to be brought before the Commission, and that the Commission was generally aware of Mr. Linzell's views.

A motion was made by Mr. McKay, seconded by Mr. Allen that the minutes for the meeting of October 13, 1953, which had been examined by the members of the Commission, and upon which the required corrections had been made, be approved without reading.

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

Ayes: McKay, Allen, Teagarden, Shocknessy.

Nays: None

The Chairman declared the motion carried.

The Chairman reported that the Commission's action in mandamus against the City of Elyria had been filed in the Supreme Court of Ohio on November 23, 1953, and an alternative writ issued returnable on the 8th of December, 1953. He said that the suit had been determined upon by the Commission's counsel after the Commission's engineers had patiently and painfully sought the conferences, advice, and conclusions required by law from the City of Elyria with respect to facilities in the city. The Chairman said that as long ago as September of 1952 and almost continuously since then the Commission's engineers had sought to be advised by the City of Elyria with respect to the relocation of facilities there, whose new locations the city was entitled to approve. He said that as recently as the previous week after the city had been in receipt of a letter from the Commission, signed by its secretary, authorized by the Commission, requesting the city to consult with the Commission with respect to the relocations, the city officials in Elyria advised the Consulting Engineer that they were not authorized by the appropriate authority to discuss relocations with the Commission. Wherefore, the Chairman said, the Commission's efforts with respect to planning in that four-mile area had been totally frustrated so that there was nothing to do but to seek the intervention of the Court.

The Chairman said that the Commission had before it bids which had been received on November 10, 1953, for construction sections 43, 44, and 45, and that because of certain irregularities in the form of the lowest bid the Commission might well reject all of the bids and readvertise promptly with letting for December 10, 1953.

The Chairman reported that on contracts C-4 and C-5 for which bids had been received in the alternative as to completion date the Chairman had, on behalf of the Commission, addressed the Governor of Ohio advising him of the bids and seeking his advice with respect to the desirability of the Commission's proceeding to award on the ex-

pedited date. The letter to the Governor was read as follows:

"November 19, 1953

Honorable Frank J. Lausche
Governor of Ohio
Capitol
Columbus 15, Ohio

My dear Governor:

As you well know, the turnpike Commission planned originally to expedite the construction of the easternmost portion of Ohio Turnpike Project No. 1 so as to open that portion from the Pennsylvania border to Ohio State Route #18 well in advance of the completion of the whole project. It was the hope of the Commission that thus the serious congestion suffered because of the concentration of vehicles from the Pennsylvania Turnpike at the Ohio border might be relieved materially at the earliest practicable moment. You also well know of the extended delay suffered by the Commission because of litigation which early this year it seemed would force the Commission finally to abandon its first hope of an expedited section of the Turnpike.

Heroic effort, however, on the part of the Commission's engineers and all who are associated with the project during the period since the conclusion of the so-called 'Shafer case', and the God given fortuitous season for construction this Autumn has re-kindled the fires of our hopes of realizing an expedited portion at the Pennsylvania border next year. Three construction sections beginning at the Pennsylvania border and extending for approximately 15 miles are already under construction and are expected to be completed during 1954. In an effort to measure the cost of completing approximately 6 miles lying in sections 4 & 5 which would carry the turnpike to its planned interchange with State Route #18 before the end of 1954, bids were solicited and today were received with an alternative as to time of completion of those

two sections. The bids received today provided both for completion of paving on November 30, 1954 and for completion of paving on October 1, 1955.

The Bero Engineering Company of Buffalo, New York is the apparent lowest and best bidder for the completion date in 1954. The apparent low bid price is approximately \$9,388,659.30. The Wright Contracting Company of Columbus, Georgia is the apparent lowest and best bidder for the completion date in 1955. The apparent low bid of that firm is \$8,992,876.40. The difference between the bids which is the real capital price the Commission would be required to pay for the earlier completion date apparently is approximately \$395,782.90. The difference constituting the price would be offset partially by earnings from tolls during the period of operation of the expedited portion between November 30, 1954 and October 1, 1955 which is estimated to aggregate approximately \$300,000. Thus the unrecoverable difference is approximately \$96,000.

The Commission is faced with a decision as to whether or not it shall spend the additional moneys in order to serve the public and to alleviate the serious traffic congestion at the earlier date. Your advice and counsel as Chief Executive of the State of Ohio on this question of grave public policy is therefore respectfully requested. It is well tenable that the service to be derived by our state and national economy would be worth even more than the price of \$96,000 estimated to be required to be paid. It cannot be overlooked either that the revenue estimates made by engineers in similar situations have been notoriously conservative. If thus the same in this instance then indeed the full difference might be recovered. The Commission will meet in special session at 11:00 A. M. on Tuesday, November 24, 1953, at which time it must make its determination in the matter.

With kindest personal regards and our best wishes for your early recovery from the discomfort we learn

from the press you have been suffering, we are,

Respectfully yours,

James W. Shocknessy
Chairman"

He said that the State of Ohio had a very definite interest in the course of conduct which the Commission would follow there because the Director of Highways had to conform the state system so as to absorb the traffic which would be distributed at State Route 18 and that, accordingly, he had advised the Governor on behalf of the Commission of the bids and had sought his advice as to the advantage to be derived and the desirability, from the standpoint of the state, of the Commission's proceeding. The Chairman said that the advantages to the Commission in proceeding were manifest in that there was a difference in cost of less than a hundred thousand dollars which probably would not be recoverable during the period between December 1, 1954 and October 1, 1955, so that the Commission was required to balance the convenience to the state, the convenience to itself, the economic advantage, and the economic burden which would be received and borne, respectively. He said that, accordingly, he was suggesting to the Commission that it postpone action on sections 4 and 5 until the next meeting at which the Director of Highways, who was an ex officio member of the Commission and who spoke with authority for the State of Ohio with respect to the state system, could advise the Commission, and also so that the Governor would be able to give the Commission his views, before action upon the bids.

The Assistant Secretary-Treasurer reported for the Secretary-Treasurer that since the preceding meeting the financial report for the period ending October 31, 1953 had been mailed on November 5, 1953 to the members, and that the draft of the minutes for the meeting of October 13, 1953, had been mailed on November 20, 1953. The Assis-

tant Secretary-Treasurer said that the need for funds had continued in excess of earlier estimates, and that that had resulted in the co-trustee's selling U. S. Treasury bills in advance of maturity. He said that those sales so far had amounted to five million five hundred thousand dollars principal amount, and that the situation would continue for another week and might occur again early in 1954. He reported that with respect to the exchange of definitive for temporary bonds there had been cancelled temporary coupon bonds in the amount of two hundred and twenty-three million and registered bonds in the amount of sixty-four million six hundred and fifteen thousand as of the close of business the previous Friday. He said that those amounts represented 87 percent of the amount of coupon bonds that were outstanding on October 15, 1953, and 92 percent of the registered bonds.

The Chief Engineer reported for the Executive Director and said that bids had been received on November 10, 1953, for the construction of construction sections 43, 44, and 45, consisting of twelve and three-tenths miles of Ohio Turnpike Project No. 1 in Wood County. He said that ten bids had been received, and that the lowest bid was that of Soo Constructors, Inc. of Winona, Minnesota in the amount of \$11,517,406.50. The Chief Engineer said that on review of the bids received and on consultation with the bidder the General Counsel had found that there were some irregularities in evidence, and that as a result of the irregularities and in the belief that it would be unsafe to award to Soo Constructors, Inc., he believed that it was in best interests of the Commission to reject all bids on contract C-43, 44 & 45 and to readvertise for bids to be received upon the earliest possible date, which would be for a letting on December 10, 1953. He said that the Consulting Engineer also so recommended.

The General Counsel said that the low bid had been tendered by Soo Constructors, Inc., a subsidiary of United Construction Company. He said that the statute under which all bids received by the Commission were controlled required that the names of all persons and companies

interested in any bid must be contained in the bid. He said that the Commission incorporated among the bidding papers, which it required that the bidders fill out, a form of affidavit which called for the setting forth of the names of those interested in the bid. The General Counsel said that in the instant case the bidder had filled in the name of itself, which was unnecessary since that requirement was designed to elicit information about persons other than the bidder, and that the statement in the affidavit was that no other persons were interested. He said that a letter was found in the bid envelope, not signed by the bidder, but by United Construction Company, its parent, which said among other things that, in substance, "We are submitting our bid in the name of Soo Constructors," and which contained an explanation of the reason why that was being done. He said that that presented a very serious legal question as to whether the bidder had complied with the requirement of the statute and that he was of the opinion that under the circumstances the Commission could not safely make an award to the low bidder.

The General Counsel said that there was at least one other irregularity in the submission of the low bid. He said that the bidder had failed completely to furnish with the bid any information with respect to its financial and experience qualifications to perform the work. He said that among the papers that each bidder was required to fill out was what was called a financial and experience questionnaire and that that questionnaire had not been filled out. He said that the letter signed by United Construction Company contained an offer or promise to furnish any information, not about the bidder's qualifications, but about United Construction Company's qualifications, that the Commission might desire. The General Counsel said that perhaps under appropriate circumstances that would be something that the Commission might waive if the deficiency were otherwise supplied, but that he was of the opinion that it was not possible after the submission of a bid to cure the first substantial defect that he had referred to -- in connection with the failure to name the interested

persons and companies -- which the courts of Ohio had said was a mandatory requirement of statute. He said that it was his opinion that the Commission had no power to waive that.

The General Counsel said that he did not think it was necessary under the circumstances to go into any detail with respect to other bids. He said that it was his conclusion, as contained in a letter which he handed the Commission, and that he recommended that it would be advisable for the Commission to reject all the bids received for contract C-43, 44 & 45. He said that he had not made any detailed examination of the bids submitted by the third lowest bidder but that he had examined the bid submitted by the second lowest bidder. He said that he would recommend further under the circumstances that it would be the desirable thing for the Commission forthwith to readvertise for bids on the construction sections involved.

The General Counsel said that he was submitting a proposal which he had discussed with the Chief Engineer that addenda to contracts then under advertisement be issued to give some rather explicit directions and explanations to bidders so that the kind of thing which had happened with respect to contract C-43, 44 & 45 might not happen again.

The General Counsel said that nothing that he had said and that he understood the same thing to be true of what the Chief Engineer had said, was to be considered as any expression regarding the fitness of any of the bidders to perform the work. He said that obviously the Soo Construction Company standing alone -- it being a mere ten thousand dollar shell -- could not by itself perform a contract of the magnitude involved, but that there were indications that the company could adequately assure the performance of the contract, that they were completely prepared to furnish a performance bond, and that he understood that the resources of all kinds of United Construction Company would have been available to it. He said he

wanted to make it plain that he had cast no reflections upon the competence of any of the bidders to perform the work.

The Chairman said that he did not think that the combined facilities of parent and subsidiary did not represent a professional proficiency that would be adequate, but that the Commission had a tactical obstacle which had been encountered which, probably, could not be adequately overcome, and that he thought it well that the Commission take a couple of weeks so other bids could be submitted which would be in precise form and conformity with the law.

Mr. McKay expressed the opinion that there was no question about the competence of the Soo Construction Company or its parent company or about the Badgett Mine Stripping Corporation, which was the second bidder. He said that the double defect pointed out by the General Counsel might invalidate the contract and might involve the Commission in taxpayers' suits, and that therefore it seemed to him that the best decision would be to reject. He said that fundamentally he was opposed, as a matter of public policy, to selecting second low bidders as a general rule; that doing so usually involved trouble unless there was complete unanimity concerning the invalidity of the low bid and unless the second low bid was so close that the awarding body was not being hurt.

Mr. Teagarden said that he likewise thought that the proper procedure for the Commission to take was to throw out all bids and readvertise because the Commission would only lose a couple of weeks.

Resolution No. 497-1953, rejecting proposals for contract C-43, 44 & 45 and ordering readvertisement of work covered thereby, was moved for adoption by Mr. McKay, seconded by Mr. Teagarden, as follows:

"WHEREAS the commission has duly advertised, according to law, for bids upon separate contracts for the

construction of each of those portions of Ohio Turnpike Project No. 1 known as Construction Sections 43, 44, and 45, which contracts are designated Contracts C-43, C-44, and C-45, 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 the several possible combinations of any adjacent two of the aforesaid construction sections and upon a contract for the construction of all of said construction sections, which contracts are designated Contract C-43 & 44, C-44 & 45, and C-43, 44 & 45, and proof of said advertising is likewise before the commission;

WHEREAS bids for the performance of Contract C-43, 44 & 45 have been received (there being no bids for the other contracts), 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 executive director, chief engineer, and consulting engineer and they have reported thereon to the commission with respect to said analysis and made their recommendations with respect to said bids;

WHEREAS the commission has been advised by its legal counsel with respect to his review of the bid of Soo Constructors, Inc., which was the low bid, and generally with respect to the commission's legal position in regard to said bids;

WHEREAS the commission finds that the bid of Soo Constructors, Inc. failed to comply with the terms and conditions of bidding in that it was not accompanied by a financial statement and experience questionnaire setting forth the financial and technical qualifications of the bidder as required by said terms and conditions; that the proposal forms of said bidder and the affidavit included therein and comprising a part of said bid did

not contain the name of United Construction Company, but said affidavit stated that the bidder was the only person interested in said bid; that, at the time of bidding, said bidder had entered into a contract with United Construction Company (its parent company) under which contract the latter company has substantial rights contingent upon the award of Contract C-43, 44&45 to said bidder; that other facts exist which tend to indicate that United Construction Company is interested in said bid; and that the only reference to United Construction Company made in connection with the submission of the bid was contained in a letter of said United Construction Company; and

WHEREAS the commission, having been duly advised as aforesaid, concludes that it is desirable to reject all the bids received for the construction of said construction sections;

NOW, THEREFORE, BE IT

RESOLVED that the commission hereby rejects all of the bids received for the performance of the work of Construction Sections 43, 44, and 45, and more particularly, to reject all bids received for Contract C-43, 44&45; and

FURTHER RESOLVED that the commission's executive director and general counsel are directed to cause all the aforementioned contracts to be readvertised forthwith, with such changes, if any, in said contracts as may be necessary to accomplish such readvertisement; and that the executive director shall take and open the bids received pursuant to such readvertisement, and shall report the results thereof to the commission."

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

Ayes: McKay, Teagarden, Allen, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Chief Engineer reported that on November 19, 1953, bids had been received for construction of construction sections 39 and 40 comprising 7.8 miles of Ohio Turnpike Project No. 1 in Sandusky County. He said that ten bids had been received, nine of which were on the combination contract C-39&40 and one on C-39 alone. He said that there were no bids on C-40 alone. He said that the low bidder was Peter Kiewit Sons Company and Condon-Cunningham Company of Columbus, Ohio in the amount of \$6,277,853.00. He said that the Executive Director, the Chief Engineer and the Consulting Engineer had interviewed the low bidder, who also had two other contracts with the Commission for construction of four construction sections, and that the low bidder was found to be well qualified and equipped to do the work and willing and ready to get in on the work immediately. The Chief Engineer said that it was the recommendation of the Consulting Engineer that award be made to Peter Kiewit Sons Company and Condon-Cunningham Company, a joint venture, and that he concurred in the award.

The General Counsel orally and by letter advised that in his opinion the bid of Peter Kiewit Sons Company and Condon-Cunningham Company, a joint venture, conformed to the requirements of the applicable statute, and to the terms, conditions and specifications prescribed by the Commission and to the legal notice; and that award might legally be made to it. Attached to his letter was proof of publication of notice of receipt of bids for contracts C-39, C-40 and C-39&40.

Mr. McKay asked whether the ability of the bidder to handle the two sections being awarded in addition to the four sections previously awarded to the same bidder would in any way interfere with the Commission's getting completion within the time allowed by the contract. Mr. E. J. Donnelly, representing the Consulting Engineer, replied that no interference would be involved. The Chief Engineer replied that Peter Kiewit Sons Company and Condon-Cunningham Company was a very large contracting organization and

could handle the work very well and that the plan was to construct sections 39 and 40 entirely separately from the others and with a separate organization.

Resolution No. 498-1953, awarding construction contracts C-39&40, was moved for adoption by Mr. Allen, seconded by Mr. McKay, 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 39 and 40, which contracts are designated Contract C-39 and C-40, respectively, and proof of said advertising is before the commission;

WHEREAS the commission has also advertised in like manner for bids upon a contract for the construction of both construction sections, which contract is designated Contract C-39&40, and proof of said advertising is likewise before the commission;

WHEREAS bids for the performance of Contract C-39 and Contract C-39&40 have been received (no bids were received for Contract C-40), 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 executive director, chief engineer, and consulting 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 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 Peter Kiewit Sons Co. and Condon-Cunningham Co., a joint venture (said Condon-Cunningham Co. being a partnership composed of C. W. Cunningham and Fred B. Schultz), in the amount of \$6,277,853.00,

for the performance of Contract C-39&40, is, and is by the commission determined to be, the lowest of all said 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 §5537.04 of the Revised 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 Peter Kiewit Sons Co. and Condon-Cunningham Co., a joint venture (said Condon-cunningham Co. being a partnership composed of C. W. Cunningham and Fred B. Schultz), in the amount of \$6,277,853.00, for the performance of Contract C-39&40, be, and hereby it is, determined to be the lowest and best of all said bids, whether individual or in combination, for the performance of the work of said construction sections, 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 resolutions No. 69-1952 and No. 480-1953, and meeting the requirements of either of the said resolutions, (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 present responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Chief Engineer reported that the total awards to date totalled \$160,940,840.60.

The Chairman asked and received the consent of the Commission to pass over the awards on construction sections 4 and 5 until Mr. Linzell should be present and until the Commission should have heard from the Governor or should have heard from the Governor through Mr. Linzell.

The Chief Engineer said that plans and contract documents for construction sections 60, 61 and 62, consisting of 12.9 miles of Ohio Turnpike Project No. 1 in Williams County in the most westerly design section of the project adjoining the State of Indiana were before the Commission for approval. He said the plans and contract documents had the approval of the Consulting Engineer and had been reviewed by the staff of the Chief Engineer and had his approval.

The Chief of the Right-of-Way Section reported on the status of right-of-way in construction sections 60, 61 and 62 as follows:

Construction section 60 - Of eleven mainline parcels, two were available, 9 were in process of negotiation. Of 47 supplemental parcels, none was available.

Construction section 61 - Of eighteen mainline parcels, one was available, 17 were in process of negotiation. Of 68 supplemental parcels, two were available, 66 were in process of negotiation.

Construction section 62 - Of twenty mainline parcels, six were available, 14 were in process of negotiation. Of 62 supplemental parcels, none was available.

The Chief of the Right-of-Way Section said that efforts

were being concentrated on obtaining right-of-way in the three construction sections.

Resolution No. 499-1953, approving, adopting and ratifying the plans and other contract documents for contracts C-60, C-61, C-62, C-60&61, C-61&62, and C-60, 61&62, was moved for adoption by Mr. McKay, seconded by Mr. Teagarden, as follows:

"WHEREAS there are before this meeting the plans and forms of other contract documents, to-wit: forms of notice to bidders, proposals, special provisions, and contracts, for Contracts C-60, C-61, C-62, C-60&61, C-61&62, and C-60, 61&62;

WHEREAS the commission has duly and fully considered the same;

NOW, THEREFORE, BE IT

RESOLVED that the commission hereby approves, adopts, and ratifies the plans and forms of other contract documents before it at this meeting for the aforesaid contracts, being for and in connection with the construction of those portions of Ohio Turnpike Project No. 1 which are known as Construction Sections 60, 61, and 62; and

FURTHER RESOLVED that all action heretofore taken by the executive director, chief engineer, and general counsel, and any of them, with reference to said contracts be, and the same hereby is, ratified, approved, and confirmed; and that the executive director 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 present responded to roll call. The vote was as follows:

Ayes: McKay, Teagarden, Allen, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Chief Engineer reported that there were before the Commission the plans and contract documents for construction section 22 in Cuyahoga and Lorain Counties, consisting of 4-1/2 miles of Ohio Turnpike Project No. 1. He said that that was the construction section immediately to the east of Elyria and that it involved an interchange with State Route 10 in Lorain County. He said that the plans had been approved by the Consulting Engineer and reviewed by the Commission's engineers, and that they had received his approval. He said that it was recommended that the plans and contract documents be approved by the Commission.

The Chief of the Right-of-Way Section reported on the status of right-of-way as follows:

Construction section 22 - Of forty-six mainline parcels, 44 were available, one was in process of condemnation, one was in process of negotiation. Of 188 supplemental parcels, 105 were available, 18 were in process of condemnation, and 65 were in process of negotiation.

Resolution No. 500-1953, approving, adopting and ratifying the plans and other contract documents for Contract C-22, was moved for adoption by Mr. Allen, seconded by Mr. Teagarden, as follows:

"WHEREAS there are before this meeting the plans and forms of other contract documents, to-wit: forms of notice to bidders, proposal, special provisions, and contract, for Contract C-22;

WHEREAS the commission has duly and fully considered the same;

NOW, THEREFORE, BE IT

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

being for and in connection with the construction of that portion of Ohio Turnpike Project No. 1 which is known as Construction Section 22; and

FURTHER RESOLVED that all action heretofore taken by the executive director, chief engineer, and general counsel, and any of them, with reference to said contract be, and the same hereby is, ratified, approved, and confirmed; and that the executive director 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 present responded to roll call. The vote was as follows:

Ayes: Allen, Teagarden, McKay, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Chief Engineer reported that there were before the Commission plans and contract documents for the toll collection system for Ohio Turnpike Project No. 1. He said that one set of documents was for contract TC-1 for the furnishing, installation and maintenance for a period of one year, of a nonclassifying toll system equipment at each of seventeen toll plazas. He said that the other set of documents was for contracts TC-2A and TC-2B. He identified TC-2A as requiring furnishing, installing and maintaining a vehicle-classifying toll-system equipment at each of the toll plazas, the classification to be by weights of vehicles. He identified TC-2B requiring furnishing the identical equipment as involved in TC-2A but on a rental basis. He said that bids would be received on an alternate basis to enable the Commission to determine which course was best to follow. He said that the specifications had been prepared by the Consulting Engineer; that conferences had been held with many toll-collection equipment manufacturers; that the contract documents had been carefully reviewed by Mr. Makeever of his staff, by the General Counsel and by

a member of the General Counsel's staff; and that he felt that the documents were in excellent shape and were ready for bids to be taken on January 21, 1954.

The General Counsel pointed out that the notice to bidders contained in the final paragraph, in addition to the customary statement that the award of the contract, if any award should be made, would be to the lowest and best bidder whose proposal complied with the prescribed requirements, the following provision: "The Bidder is cautioned that Ohio Turnpike Commission has not yet made a final decision to use the nonclassifying type of equipment specified in contract TC-1 rather than vehicle-classifying toll-system equipment. If the Commission determines to use vehicle-classifying toll-system equipment, no award of contract TC-1 will be made. However, the amounts bid for contract TC-1 will be among the factors which the Commission will consider in making its determination of the type of toll-system equipment to be used on Ohio Turnpike Project No. 1." He said that in the last paragraph of the notice to bidders in connection with contracts TC-2A and TC-2B appeared a reciprocal of that provision.

Mr. E. J. Donnelly, representing the Consulting Engineer, recommended approval of the documents.

Resolution No. 501-1953, approving, adopting, and ratifying the plans and other contract documents for contract TC-1, was moved for adoption by Mr. Teagarden, seconded by Mr. Allen, as follows:

" WHEREAS there are before this meeting the plans and forms of other contract documents, to-wit: forms of notice to bidders, proposal, special provisions, and contract, for Contract TC-1;

WHEREAS the commission has duly and fully considered the same;

NOW, THEREFORE, BE IT

RESOLVED that the commission hereby approves, adopts, and ratifies the plans and forms of other contract documents before it at this meeting for the aforesaid contract, being for and in connection with the furnishing and installation of nonclassifying toll-system equipment on Ohio Turnpike Project No. 1 and for the sale of the completed toll system to the commission and for maintenance services for a period of one year; provided, that any changes which are in the nature of adding or changing headings, captions, and style of writing or printing, or correcting typographical, clerical, or arithmetical errors, may be made upon the authority of any one of the executive director, chief engineer, or general counsel; and

FURTHER RESOLVED that the executive director, chief engineer, and general counsel are authorized to cause said contract to be advertised, and that the executive director 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 present responded to roll call. The vote was as follows:

Ayes: Teagarden, Allen, McKay, Shocknessy.

Nays: None .

The Chairman declared the resolution adopted.

Resolution No. 502-1953, approving, adopting, and ratifying the plans and other contract documents for contracts TC-2A and TC-2B, was moved for adoption by Mr. McKay, seconded by Mr. Allen, as follows:

"WHEREAS there are before this meeting the plans and forms of other contract documents, to-wit: forms of notice to bidders, proposals, special provisions, and contracts, for Contracts TC-2A and TC-2B;

WHEREAS the Commission has duly and fully considered the same;

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby approves, adopts, and ratifies the plans and forms of other contract documents before it at this meeting for the aforesaid contracts, being for and in connection with the furnishing, installation, and maintenance of vehicle-classifying toll-system equipment for Ohio Turnpike Project No. 1 and for the sale or rental of said equipment to the Commission; provided, that any changes which are in the nature of adding or changing headings, captions, and style of writing or printing, or correcting typographical, clerical, or arithmetical errors, may be made upon the authority of any one of the executive director, chief engineer, or general counsel; and

FURTHER RESOLVED that the executive director, chief engineer, and general counsel are authorized to cause said contracts to be advertised, and that the executive director 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 present responded to roll call. The vote was as follows:

Ayes: McKay, Allen, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Chief Engineer reported briefly on a conference held in Chicago on November 18, 1953, with engineers of the National Safety Council. He said that Mr. Deetz of the Commission's engineering staff, Mr. Gil Nelson, representing the Consulting Engineer, and he had discussed the Ohio Turnpike and the Commission's tentative plans for marking and striping, handling disabled vehicles and lighting the Turnpike with the National Safety Council engineers. He said that it had been a very fine meeting and that the representatives of the Commission and of the Consulting Engineer had received a great deal of help. He said that the Chicago

meeting resulted from a suggestion by Mr. E. H. Davis, President of the Ohio Safety Council, in response to a letter addressed to the Ohio Safety Council by the Commission seeking the advice and suggestions of the Council with respect to the Commission's proposed plans. The Chief Engineer said he would make a written report on the meeting and that a similar report would be received from the National Safety Council.

The Chairman commented that the main thing that had been accomplished was that the Commission had established rapport with the National Safety Council through the offices of the Ohio Safety Council. He said that he was sure it would be beneficial to the Commission, and that the results would be beneficial to the public. The Chairman said that the Commission's position had always been that it wanted to have the best highway that had ever been built and at the same time the safest.

The General Counsel reported to the Commission with respect to the suit filed November 23, 1953, in the Supreme Court of Ohio wherein, upon the relation of the Turnpike Commission, a writ of mandamus was sought against the City of Elyria to require it to advise the Commission what locations it deems most favorable for the relocated portions of one city street and some five or six pipe lines which were described with some particularity in the petition. He said that the petition summarized in some detail the unavailing efforts the Commission had made over a period of almost two years to procure such determination and advice from the City of Elyria and the repeated rebuffs and refusals of the City of Elyria to do what the Commission believed was the city's mandatory duty, under the law, to specify those locations once the Commission had determined that that portion of that street and those public utility facilities must be relocated. He said that the Chief Justice had signed an order the previous afternoon directing that an alternative writ of mandamus be issued, and that the writ had been issued by the clerk. He said that the writ required the city to comply with the prayer of the petition by December 8th or show cause why it should not be required by the Court to do so.

The General Counsel reported further that there had been filed that morning in the Common Pleas Court of Lorain County two applications for appropriation of two parcels of land, of which the city of Elyria was the principal owner, located on the two sides of the Black River.

The General Counsel recalled that he had submitted to the Commission in writing a summary of some information regarding appropriation cases and he supplemented that summary by saying that the Commission was now at the point at which it had 128 such cases completely disposed of and 149 pending in one stage or another. The General Counsel said that the Commission was having, by and large, highly favorable experience with the courts of common pleas. He said that the courts were handling the Commission's cases expeditiously for the most part. He said that there were two counties where the Commission was not in good shape with respect to expeditious handling of cases and that one of them was Williams County where the Commission had several cases pending and had been able to bring only one to trial and that that one did not involve a substantial contest but had been appropriated for title reasons. He said that there were only four cases pending in the county but that several of them had been pending for a good many months, and that the Commission had been beset by a series of motions and all sorts of maneuvers and had had to take several appeals to the Court of Appeals. He said that on all of the cases so far appealed the Court of Appeals had sustained the Commission's position and that the Commission had not yet gotten to the place at which the Common Pleas Court had actually tried a case, except the one he had mentioned which was practically an agreed case. He said that the Court of Appeals at that time had before it for decision an appeal in one of the cases, and that some of the cases had been up before the Court of Appeals two or three times but that the Commission still hadn't been able to get the Common Pleas judge to try them. He said that the Court of Appeals had done a wonderful job of deciding the Turnpike cases very promptly. He identified the Judge of the Williams County Common Pleas Court as Judge Maxwell.

The General Counsel said that the other county in which the Commission was not in good shape was Sandusky County where the Commission had quite a substantially greater number of cases and had tried three cases. He said the Commission had had great difficulty getting its cases set down for trial in Sandusky County, and that there also it had been beset by a series of motions and other maneuvers designed apparently with the objective of causing the Commission to do things differently than it had been doing in any other county in the State.

The Chairman recalled that several months ago the Commission had been concerned about Wood County, and that the experience in Wood County now appeared to have been quite satisfactory. He said he hoped that before too long the Commission could have the same report on Sandusky and Williams Counties.

The General Counsel reported that there were several injunction suits in Williams County. He said that in Lucas County an attempt to enjoin the Commission had been made by Mr. Cooley Ellis, against whom the Commission had an appropriation trial underway at that time, and who was represented by Mr. Robert Gorman of Cincinnati, Ohio. He said the Commission's demurrer to the petition of Mr. Ellis had been sustained by the Court of Common Pleas, and that the Court of Appeals had affirmed the action of the Common Pleas Court. He reported that there was an injunction suit pending against the Commission in Portage County which was an outgrowth of the relocation and closing of some roads in that county.

The General Counsel said that Commission's counsel in the field had been doing a very fine job and that he felt pretty happy over the generally expeditious handling the Commission had had of the cases that Ohio Turnpike Project No. 1 had presented.

Resolution No. 503-1953, finding it necessary to change the location of a portion of Beck Road, Shalersville Township, Portage County, Ohio, was moved for adoption by

Mr. Allen, seconded by Mr. Teagarden, as follows:

"WHEREAS a portion of Beck Road, Shalersville Township, Portage County, Ohio, intersects the route to be traversed by Ohio Turnpike Project No. 1, hereinafter called "the turnpike"; and

WHEREAS §5537.05 of the Revised Code of Ohio provides for the relocation of any portion of any public road upon the Commission's finding that it is necessary to change the location thereof;

NOW, THEREFORE, BE IT

RESOLVED that the Commission, having duly and fully considered the same, hereby finds it necessary to change the location of that portion of Beck Road, Shalersville Township, Portage County, Ohio, the centerline of which presently intersects the centerline of Ohio Turnpike Project No. 1, as the same is delineated and recorded in Volume 8, Page 14 of the Portage County, Ohio map records, at or near Turnpike Station 367+27.18 and which extends from a point approximately 222 feet northerly of the centerline intersection of Beck Road and State Route 303 measured along the centerline of said Beck Road to a point approximately 830 feet northerly of the intersection of Beck Road and State Route 303 measured along the centerline of said Beck Road; and

FURTHER RESOLVED that the secretary of the Commission be, and hereby is, instructed to transmit a certified copy of this resolution to the Board of County Commissioners of Portage County, Ohio."

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

Ayes: Allen, Teagarden, McKay, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The General Counsel presented to the Commission the written statement of the Chief of the Right-of-Way Section with respect to the unsuccessful efforts of the Commission's negotiators to reach agreement with respect to the amounts to be paid by the Commission for certain parcels of land and his recommendation that such properties be appropriated; also, the written statement of the Chief Engineer that the acquisition of this property was necessary for the construction of Ohio Turnpike Project No. 1; a written statement of the concurrence of the Executive Director in the recommendations of the Chief Engineer and Chief of the Right-of-Way Section, and the General Counsel's written recommendation that title be acquired as and to the extent set forth in the forms of resolutions presented to the Commission by the General Counsel.

Resolutions Nos. 504-1953, 505-1953, 506-1953, 507-1953, 508-1953, 509-1953, 510-1953, 511-1953, 512-1953, 513-1953, 514-1953, 515-1953, 516-1953, 517-1953, 518-1953, 519-1953, and 520-1953, declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted, were moved for adoption, respectively, by Mr. Teagarden, seconded, respectively, by Mr. McKay, as follows:

Resolution No. 504-1953

"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 easement and rights 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>
Matilda Willing	Market Street Extension North Lima, 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. 192-NN -- Permanent Easement for Highway Purposes

Situated in the Township of Beaver, County of Mahoning and State of Ohio, and known as being part of Original Beaver Township Section No. 11, and bounded and described as follows:

Beginning on the center line of the Youngstown-North Lima Road (State Route No. 7) as now relocated and established by the State Highway Department, at its intersection with the Southeasterly line of Parcel No. 1 of land conveyed to Matilda Willing by deed dated February 2, 1943, and recorded in Volume 522, Page 408 of Mahoning County Deed Records; thence Southwesterly along the Southeasterly line of land so conveyed to Matilda Willing to its intersection with a line parallel to and distant 70 feet Westerly of, measured on a line normal to the said center line of the Youngstown-North Lima Road; thence Northerly along said parallel line, being a curved line deflecting to the left, having a radius of 5659.65 feet, to a point opposite Station 74+56.20 of said road survey; thence Northerly in a direct line to a point distant 65 feet Westerly of, measured at right angles to said center line at Station 76+35.00; thence Northeasterly in a direct line to a point distant 40 feet Westerly of, measured at right angles to, said center line at Station 76+80.00; thence Easterly at right angles to said center line, 40 feet to the center line thereof; thence Southerly along said center line, to the

place of beginning.

Excepting therefrom that portion thereof lying within the bounds of the Youngstown - North Lima Road, as now established.

The aforementioned rights 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 No. 192-NN, including such rights to any turnpike ramp constructed thereon, and being more specifically described as that part of this owner's frontage on S. R. No. 7 between Station 72+01.50 and Station 76+80 of the aforementioned road survey.

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. 505-1953

"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>
Florence Chalker	R. D. #1, Ravenna, Ohio
Ira P. Chalker	R. D. #1, Ravenna, Ohio
Mildred Hoskins Stewart	R. D. #1, Ravenna, Ohio
John T. Stewart	R. D. #1, Ravenna, Ohio
Pauline Hall Watson	R. D. #1, Ravenna, Ohio
Carl T. Watson	R. D. #1, Ravenna, Ohio
The Mantua Grain & Supply Co.	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. 162-B(2) -- Permanent Easement for Highway Purposes

Situated in the Township of Shalersville, County of Portage and State of Ohio, and known as being part of Original Shalersville Township Lot No. 26, and being all that part of the lands described in the deed to Mildred Hoskins, Florence Chalker, and Pauline Hall, dated September 25, 1950, and recorded in Volume 488, Page 291 of Portage County Deed Records, bounded as follows:

Northerly by a line parallel to and distant 195 feet Southerly of, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 8, Page 19 of Portage County Map Records;

Southerly by the Southerly line of land described in the deed as aforesaid;

Westerly by a line parallel to and distant 120 feet
Westerly, measured at right angles, from the center line
of Miller's corner and Mantua Road (said center line being
also the Easterly line of said Original Lot No. 26); and

Easterly by a line parallel to and distant 110 feet
Westerly, measured at right angles, from the center line
of Miller's Corner-Mantua Road."

Resolution No. 506-1953

" 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 con-
struction and efficient operation of the Ohio Turnpike Pro-
ject 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>
Charles D. Roberts	North Monroe Road Tallmadge, Ohio
Helen J. Roberts	North Monroe Road Tallmadge, Ohio
Carl H. Bietz	R. D. #3 Mantua, Ohio
Jane E. Bietz	R. D. # 3 Mantua, Ohio
The First Savings Bank and Trust Co.	Ravenna, Ohio

<u>Owner(s)</u>	<u>Place of Residence</u>
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. 161-D(1) -- Permanent Easement for Drainage
Purposes

Situated in the Township of Shalersville, County of Portage and State of Ohio, and known as being part of Original Shalersville Township Lot No. 46, and being all that part of the lands described in the deed to Charles D. Roberts, dated November 20, 1943, and recorded in Volume 399, Page 269 of Portage County Deed Records, and bounded and described as follows:

Beginning at a point distant 145 feet Southerly, measured on a line normal to center line Station 430+00 of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 8, Pages 16 and 17 of Portage County Map Records; thence Easterly along a line parallel with the center line of said Ohio Turnpike Project No. 1, to its intersection with a line drawn normal to center line Station 432+00 of said Ohio Turnpike Project No. 1; thence Southerly along said line drawn normal to center line Station 432+00, a distance of 115 feet; thence Northwesterly in a direct line to the place of beginning."

Resolution No. 507-1953

"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>
Joseph Dziak, Also Known As Joseph Jocke	Columbia Road Westview, Ohio
County Auditor of Cuyahoga County	Cuyahoga County Court House Cleveland, Ohio
County Treasurer of Cuyahoga County	Cuyahoga County Court House Cleveland, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 128-QQ -- Permanent Easement for Highway Purposes

Situated in the Village of Westview, County of Cuyahoga and State of Ohio, and known as being part of Original Olmsted Township Tract No. 3, and bounded and described as follows:

Being a strip of land 45 feet wide between parallel lines, the Easterly line being the center line of Columbia Road; the Westerly line being parallel to and distant 45 feet Westerly, by right angle measurement, from the center line of Columbia Road; the Southerly line being the Northerly line of land conveyed to Marie Jock by deed dated April 21, 1928, and recorded in Volume 3596, Page 281 of Cuyahoga County Records; the Northerly line being a line drawn Westerly and at right angles with the center line of Columbia Road from a point on said center line distant 433 feet Northerly, measured along said center line from its intersection with the center line of Ohio Turnpike Project No. 1, as shown by the plat recorded in Volume 146 of Maps, Page 27 of Cuyahoga County Records.

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

Parcel No. 128-QQ(1) -- Temporary Easement for Detour
Purposes

Situated in the Village of Westview, County of Cuyahoga and State of Ohio, and known as being part of Original Olmsted Township Tract No. 3, and bounded and described as follows:

Beginning on the Southerly line of lands described in the deed to Joseph Dziak and Carolina Dziak, dated April 11, 1914, and recorded in Volume 1579, Page 62 of Cuyahoga County Deed Records, at its intersection with a line parallel to and distant 245 feet Westerly, measured at right angles, from the center line of Columbia Road;

Course No. 1. Thence Northerly along said parallel line to its intersection with a line drawn Westerly, at right angles, from a point on said center line of Columbia Road, distant 453 feet Northerly, measured along said center line, from its intersection with the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 146, Page 27 of Cuyahoga County Map Records, and a point of curvature;

Course No. 2. Thence Northeasterly on the arc of a curve deflecting to the right, said curve having a radius of 180 feet and a central angle of $50^{\circ} 30'$, to its intersection with the Southerly line of lands described in the deed to John F. Jocke, et al, dated June 17, 1938, and recorded in Volume 4858, Page 397 of Cuyahoga County Deed Records;

Course No. 3. Thence Westerly along said Southerly line to its intersection with a line parallel to and distant 40 feet Westerly, measured on a normal line from Course No. 2 above described;

Course No. 4. Thence Southerly along said parallel line to its intersection with a line parallel to and distant 40 feet Westerly, measured at right angles, from Course 1 above described;

Course No. 5. Thence Southerly along the last described parallel line to its intersection with the Southerly line of lands described in the deed to Joseph and Carolina Dziak as aforesaid;

Course No. 6. Thence Easterly along said Southerly line to the place of beginning."

Resolution No. 508-1953

"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>
Marie Jock Also Known As Marie Jocke	9274 Columbia Road Westview, Ohio
John Jock Also Known As John Jocke Also Known As John Dziak	9274 Columbia Road Westview, Ohio
Baldwin-Wallace College	Berea, Ohio
County Auditor of Cuyahoga County	Cuyahoga County Court House Cleveland, Ohio
County Treasurer of Cuyahoga County	Cuyahoga County Court House Cleveland, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 128-RR -- Permanent Easement for Highway
Purposes

Situated in the Village of Westview, County of Cuyahoga and State of Ohio, and known as being part of Original Olmsted

Township Tract No. 3, and being all that part of the lands described in the deed to Marie Jock, dated April 21, 1928, and recorded in Volume 3596, Page 281 of Cuyahoga County Deed Records, lying within a strip of land 45 feet wide between parallel lines, the Northerly line being the Northerly line of land described in the aforesaid deed; the Southerly line being the Southerly line of land described in the aforesaid deed; the Easterly line being the center line of Columbia Road and the Westerly line being a line parallel to and distant 45 feet Westerly, by right angle measurement, from the center line of Columbia Road.

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

Resolution No. 509-1953

"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>
Georgia H. Sanford	R. D. #3, Wakeman, Ohio
Henry C. Sanford	R. D. #3, Wakemen, Ohio
County Auditor of Cuyahoga County	Cuyahoga County Court House Cleveland, Ohio
County Treasurer of Cuyahoga County	Cuyahoga County Court House Cleveland, Ohio

The aforementioned property to be appropriated is

described as follows:

Parcel No. 133-A - 134-R(1) -- Permanent Easement for
Drainage Purposes

Situated in the Village of Strongsville, County of Cuyahoga and State of Ohio, and known as being part of Original Strongsville Township Lot No. 14, and being all that part of the lands described in the deed to Georgia H. Sanford, dated July 7, 1930, and recorded in Volume 4010, Page 428 of Cuyahoga County Deed Records, bounded as follows:

On the Northeast by a line drawn parallel to and distant 135 feet Southwesterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 147, Page 12 of Cuyahoga County Map Records; on the Southwest by a line drawn parallel to and distant 170 feet Southwesterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1 aforesaid; on the Southeast by a line drawn Southwesterly on a line normal to the center line of Ohio Turnpike Project No. 1 aforesaid, from Station 529+60 on said center line; and on the Northwest by a line drawn Southwesterly and normal to the center line of Ohio Turnpike Project No. 1, from Station 529+30 on said center line.

Parcel No. 133-A - 134-R(2) -- Fee Simple

Situated in the Village of Strongsville, County of Cuyahoga and State of Ohio, and known as being part of Original Strongsville Township Lot No. 14, and being all that part of the lands described in the deed to Georgia H. Sanford, dated July 7, 1930, and recorded in Volume 4010, Page 428 of Cuyahoga County Deed Records, bounded as follows:

Southwesterly by a line parallel to and distant 135 feet Southwesterly of, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 147, Pages 12 and 13 of Cuyahoga County Map Records; Northeasterly by a line parallel to and distant 110 feet Southwesterly of, measured on a line normal to, said center line of Ohio Turnpike Project No. 1;

Northwesterly by a line drawn Southwesterly, normal to said center line from Station 529+00; and Southeasterly by a line drawn Southwesterly, normal to said center line from Station 531+00."

Resolution No. 510-1953

"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>
Katherine Kurtz	Columbia Road Westview, Ohio
Louis B. Kurtz	Columbia Road Westview, Ohio
County Auditor of Cuyahoga County	Cuyahoga County Court House Cleveland, Ohio
County Treasurer of Cuyahoga County	Cuyahoga County Court House Cleveland, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 128-TT -- Permanent Easement for Highway
Purposes

Situated in the Village of Westview, County of Cuya-

hoga and State of Ohio, and known as being part of Sub Lots Nos. 7 and 9, and all of Sub Lot No. 8 in John Adams' Sub-division of a part of Original Olmsted Township Tract No. 3, as shown by the recorded plat in Volume 2 of Maps, Page 5 of Cuyahoga County Records, and bounded and described as follows:

Northerly by the Northerly line of land conveyed to Katherine Kurtz by Deed dated October 30, 1940, and recorded in Volume 5151, Page 594, Deed Records of Cuyahoga County, Southerly by the Northerly line of land described in the Deed to Howard C. Fassinger and Emelia A. Fassinger by Deed dated June 21, 1951, and recorded in Volume 7274, Page 572 of Cuyahoga County Deed Records, Westerly by the center line of Columbia Road; Easterly by a line parallel to and distant 40 feet Easterly, by right angle measurement, from the center line of Columbia Road.

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

Resolution No. 511-1953

"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 F. Jocke, also known as John F. Dziak	Columbia Road, Westview, Ohio
Marie Jocke, also known as Marie Dziak	Columbia Road, Westview, Ohio

<u>Owner(s)</u>	<u>Place of Residence</u>
Baldwin-Wallace College	Berea, Ohio
County Auditor of Cuyahoga County	Cuyahoga County Court House, Cleveland, Ohio
County Treasurer of Cuyahoga County	Cuyahoga County Court House, Cleveland, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 128-PP -- Temporary Easement for Detour Purposes

Situated in the Village of Westview, County of Cuyahoga and State of Ohio, and known as being part of Original Olmsted Township Tract No. 3, and being all that part of the lands described in the deed to John F. Jocke, et al, dated June 17, 1938, and recorded in Volume 4858, Page 397 of Cuyahoga County Deed Records, bounded and described as follows:

Beginning on a line parallel to and distant 285 feet Westerly, measured at right angles, from the center line of Columbia Road, at its intersection with a line drawn Westerly, at right angles, from a point on said center line of Columbia Road, distant 453 feet Northerly, measured along said center line, from its intersection with the center line of Ohio Turnpike Project No. 1; as shown by plat recorded in Volume 146, Page 27 of Cuyahoga County Map Records;

Course No. 1. Thence Northeasterly on the arc of a curve deflecting to the right, said curve being tangent to the parallel line above described and having a radius of 220 feet and a central angle of 50° 30' to its intersection with the Southerly line of lands described in the deed as aforesaid and the principal place of beginning;

Course No. 2. Thence continuing Northeasterly along the arc of said curve to a point distant 204 feet Westerly, measured at right angles, from a point on said center line of Columbia Road, distant 624 feet Northerly, measured along

said center line, from its intersection with said center line of Ohio Turnpike Project No. 1 and a point of tangency;

Course No. 3. Thence Northeasterly to a point distant 85 feet Westerly, measured at right angles, from a point on said center line of Columbia Road, distant 722 feet Northerly, measured along said center line, from its intersection with said Turnpike center line, and a point of curvature;

Course No. 4. Thence Northeasterly on the arc of a curve deflecting to the left, said curve having a radius of 180 feet and a central angle of $50^{\circ} 30'$, to its intersection with a line parallel to and distant 30 feet Westerly, measured at right angles, from said center line of Columbia Road;

Course No. 5. Thence Easterly on a line drawn at right angles to said center line of Columbia Road a distance of 30 feet to a point thereon;

Course No. 6. Thence Southerly along said center line of Columbia Road to its intersection with a line drawn Easterly, at right angles to said center line, from the intersection of a line parallel to and distant 30 feet Westerly, measured at right angles, from said center line, and a line parallel to and distant 40 feet Southeasterly, measured on a normal line, from Course No. 4 above described;

Course No. 7. Thence Westerly along said right angle line 30 feet to a point;

Course No. 8. Thence Southwesterly on a line parallel to and distant 40 feet Southeasterly, measured on a normal line, from said Course No. 4 to its intersection with a line parallel to and distant 40 feet Southeasterly, measured at right angles from Course No. 3 above described;

Course No. 9. Thence Southwesterly along the last described parallel line to its intersection with a line parallel to and distant 40 feet Southeasterly, measured on a normal line, from the curve described in Course No. 2 above;

Course No. 10. Thence Southwesterly along said last described parallel line to its intersection with the Southerly line of lands described in the deed as aforesaid;

Course No. 11. Thence Westerly along said Southerly line to the principal place of beginning.

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

Resolution No. 512-1953

"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>
Gartner's Inn, Inc.	39462 Center Ridge Road Elyria, Ohio
The Lorain County Savings & Trust Company	Elyria, Ohio
County Auditor of Lorain County	Lorain County Court House Elyria, Ohio
County Treasurer of Lorain County	Lorain County Court House Elyria, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 121-J(2) -- Fee Simple

Situated in the Township of Ridgeville, County of Lorain and State of Ohio, and known as being part of Original Ridgeville Township Lot No. 46, and being all that part of the lands described in the deed to Gartner's Inn, Inc., dated March 11, 1946, and recorded in Volume 381,

Page 283 of Lorain Deed Records, lying within a strip of land 10 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 140 feet Southwesterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 15, Page 42 of Lorain County Map Records, and the Southwesterly line of said strip being parallel to and distant 150 feet Southwesterly, measured on a line normal to said center line.

Excepting therefrom that portion thereof lying within the bounds of Cleveland-Elyria Road (Route No. 20) as now established."

Resolution No. 513-1953

"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>
William F. Winterfield	Box 297, North Ridgeville, Ohio
Emma A. Winterfield	Box 297, North Ridgeville, Ohio
County Auditor of Lorain County	Lorain County Court House Elyria, Ohio
County Treasurer of Lorain County	Lorain County Court House Elyria, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 122-J(1) -- Permanent Easement for Highway Purposes

Situated in the Township of Ridgeville, County of Lorain and State of Ohio, and known as being part of Original Ridgeville Township Lot No. 39, and bounded and described as follows:

Beginning on the center line of Race Road at its intersection with a line drawn parallel to and distant 115 feet Southerly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 15, Page 37 of Lorain County Map Records; thence Westerly along said parallel line to a point distant 80 feet Westerly by rectangular measurement from the said center line of Race Road; thence Southeasterly on a "straight line" to its intersection with the Southerly line of lands conveyed to William F. Winterfield and Emma A. Winterfield, by deed dated January 13, 1950, and recorded in Volume 481, Page 9 of Lorain County Deed Records, said "straight line" if prolonged would intersect a point distant 30 feet Westerly, measured at right angles from a point on the center line of Race Road, distant 700 feet Southerly, measured along said center line from its intersection with the center line of said Ohio Turnpike Project No. 1; thence Easterly along the Southerly line of lands so conveyed to William F. Winterfield and Emma A. Winterfield, to the center line of Race Road; thence Northerly along the center line of Race Road to the place of beginning.

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

Parcel No. 122-J(2) -- Permanent Easement for Highway Purposes

Situated in the Township of Ridgeville, County of Lorain and State of Ohio, and known as being part of Original Ridgeville Township Lot No. 39, and bounded and described as follows:

Beginning on the center line of Race Road at its intersection with a line drawn parallel to and distant 110 feet Northerly, measured on a line normal to the center line of Ohio Turnpike Project No. 1 as shown by plat recorded in Volume 15, Page 37 of Lorain County Map Records; thence Westerly along said line drawn parallel to a point distant 80 feet Westerly, by rectangular measurement, from the center line of Race Road; thence Northerly parallel to the said center line of Race Road to a point measured Westerly by a right angle line from a point on the center line of Race Road, distant 216 feet, measured Northerly along said center line from its intersection with the center line of said Ohio Turnpike Project No. 1; thence Northeasterly on a "straight line" to the Northerly line of lands conveyed to William F. Winterfield and Emma A. Winterfield, by deed dated January 13, 1950 and recorded in Volume 481, Page 9 of Lorain County Deed Records, said "straight line" if prolonged would intersect a point distant 40 feet Westerly, measured at right angles, from a point on the center line of Race Road, distant 700 feet, measured Northerly along said center line from its intersection with the said center line of Ohio Turnpike Project No. 1; thence Easterly along said Northerly line of lands so conveyed to William F. Winterfield and Emma A. Winterfield, to the center line of Race Road; thence Southerly along said center line to the place of beginning.

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

Resolution No. 514-1953

"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-de-

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

<u>Owner(s)</u>	<u>Place of Residence</u>
C. H. English	R. F. D. Berlin Heights, Ohio
Winifred H. English	R. F. D. Berlin Heights, Ohio
County Auditor of Erie County	Erie County Court House Sandusky, Ohio
County Treasurer of Erie County	Erie County Court House Sandusky, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 105-N -- Permanent Easement for Drainage
Purposes

Situated in the Township of Florence, County of Erie and State of Ohio and known as being part of Original Florence Township Lot No. 33, Section No. 3, and being all that part of the lands described in the deed to C. H. English and Winifred H. English, dated December 9, 1946, and recorded in Volume 190, Page 469 of Erie County Deed Records, lying within a strip of land 115 feet wide between parallel lines, 50 feet Easterly and Northeasterly of and 65 feet Westerly and Southwesterly of the following described line:

Beginning on a line parallel to and distant 120 feet Northerly of, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 13, Page 24 of Erie County Map Records, at Station 1220+25; thence Northerly on a line normal to said center line, 42 feet to a point; thence Northeasterly on a line deflecting $26^{\circ} 17'$ to the right, 361 feet to a point; thence Northerly on a line deflecting $35^{\circ} 10'$ to the left, 167 feet; thence Northerly on a line deflecting $13^{\circ} 15'$ to the right, 217 feet to a point; thence Northwesterly on a line deflecting $65^{\circ} 10'$ to the left, 115 feet to a point; thence Northwesterly on a line deflecting $13^{\circ} 15'$ to the right, 178.5 feet."

Resolution No. 515-1953

"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, the easements and rights 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>
Carl Keller	R. F. D. #2, Sandusky, Ohio
Leona Keller	R. F. D. #2, Sandusky, Ohio
Henry Quirin	400 Southwest Street Bellevue, Ohio
County Auditor of Erie County	Erie County Court House Sandusky, Ohio
County Treasurer of Erie County	Erie County Court House Sandusky, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 90-C -- Fee Simple

Situated in the Township of Groton, County of Erie and State of Ohio, and known as being part of Original Groton Township Lots Nos. 9 and 15 in Section No. 2, and being all that part of the lands described in the deed to Carl Keller and/or Leona Keller, dated March 7, 1951, and recorded in

Volume 223, Page 462 of Erie County Deed Records, lying Northeasterly of a line drawn parallel to and distant 115 feet Southwesterly, measured on a line normal to the centerline of Ohio Turnpike Project No. 1, as shown by plats recorded in Volume 14, Pages 18 and 19 of Erie County Map Records.

Parcel No. 90-C(2) -- Temporary Easement for Detour Purposes

Situated in the Township of Groton, County of Erie and State of Ohio, and known as being part of Original Groton Township Lot No. 9, Section No. 2, and being all that part of the lands described in the deed to Carl Keller and/or Leona Keller, dated March 7, 1951, and recorded in Volume 223, Page 462 of Erie County Deed Records, bounded and described as follows:

Beginning on a line drawn parallel to and distant 100 feet Southwesterly, measured on a line normal to the centerline of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 14, Page 19 of Erie County Map Records, at a point on said parallel line distant 60 feet Westerly at right angles from a point on the center line of Columbus-Sandusky Road, Ohio State Route No. 4, distant 113 feet Southwesterly, measured along said center line, from the centerline of Ohio Turnpike Project No. 1; thence Southwesterly parallel with the center line of Columbus-Sandusky Road, 187 feet to a point; thence Southwesterly in a direct line to a point 50 feet Northwesterly at right angles from a point on the center line of Columbus-Sandusky Road distant 400 feet Southwesterly from the center line of Ohio Turnpike Project No. 1; thence Southwesterly parallel to the center line of Columbus-Sandusky Road, 200 feet to a point; thence Southwesterly in a direct line to a point 35 feet Northwesterly at right angles from a point on the center line of Columbus-Sandusky Road distant 800 feet Southwesterly from the centerline of Ohio Turnpike Project No. 1; thence Northeasterly in a direct line to a point 45 feet Northwesterly at right angles from a point on the center line of Columbus-Sandusky Road, distant 700 feet Southwesterly from the centerline of Ohio Turnpike Project No. 1; thence Northeasterly

in a direct line to a point distant 70 feet Northwesterly at right angles from a point on the center line of Columbus-Sandusky Road, distant 400 feet Southwesterly from the centerline of Ohio Turnpike Project No. 1; thence North-easterly in a direct line to a point in the aforesaid parallel line distant 100 feet Southwesterly by normal measurement from the centerline of Ohio Turnpike Project No. 1, distant 125 feet at right angles from a point on the center line of Columbus-Sandusky Road, distant 125 feet Southwesterly, measured along said center line from the centerline of Ohio Turnpike Project No. 1; thence Easterly along the aforesaid parallel line to the place of beginning.

Parcel No. 90-C(3) -- Permanent Easement for Highway Purposes

Situated in the Township of Groton, County of Erie and State of Ohio, and known as being part of Original Groton Township Lots Nos. 9 and 15, Section No. 2, and being all that part of lands described in the deed to Carl Keller and/or Leona Keller, dated March 7, 1951, and recorded in Volume 223, Page 462 of Erie County Deed Records, bounded and described as follows:

Beginning on a line drawn parallel to and distant 100 feet Southwesterly, measured on a line normal to the centerline of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 14, Page 19 of Erie County Map Records, at its intersection with the centerline of Columbus-Sandusky Road, which road is also State Highway No. 4; thence Northwesterly along said line parallel to the centerline of Ohio Turnpike Project No. 1, as aforesaid, to a point distant 60 feet Northwesterly, measured at right angles from the center line of Columbus-Sandusky Road; thence Southwesterly parallel to said centerline to a point distant 60 feet Northwesterly, measured at right angles from a point on the centerline of Columbus-Sandusky Road distant 300 feet Southwesterly, measured along said centerline from the centerline of said Ohio Turnpike Project No. 1; thence Southwesterly to a point distant 50 feet Northwesterly, measured at right angles from a point on the centerline of Columbus-Sandusky Road distant 400 feet Southwesterly from the centerline of Ohio Turnpike Project No. 1;

thence Southwesterly parallel to the centerline of Columbus-Sandusky Road 200 feet to a point; thence Southwesterly to a point distant 35 feet Northwesterly, measured at right angles from a point on the centerline of Columbus-Sandusky Road distant 800 feet Southwesterly from the centerline of Ohio Turnpike Project No. 1; thence Southwesterly parallel to the centerline of Columbus-Sandusky Road, 100 feet to a point; thence Southeasterly at right angles to the centerline of Columbus-Sandusky Road, 35 feet to a point on said centerline; thence Northeasterly along said centerline to the place of beginning.

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

Parcel No. 90-C(4) -- Permanent Easement for Drainage Purposes

Situated in the Township of Groton, County of Erie and State of Ohio, and known as being part of Original Groton Township Lot No. 15, in Section No. 2, and being all that part of the lands described in the deed to Carl Keller and/or Leona Keller, dated March 7, 1951, and recorded in Volume 223, Page 462 of Erie County Deed Records, bounded as follows:

Northerly by the Northerly line of lands described in the deed aforesaid; Westerly by the Westerly line of lands described in the deed aforesaid, Easterly by a line drawn parallel to and distant 30 feet Easterly, by rectangular measurement from the Westerly line of lands described in the deed aforesaid; Southerly by a straight line drawn from a point distant 416 feet Southerly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 14, Page 18 of Erie County Map Records, from center line Station 211+79 thereof, to a point distant 402 feet Southerly, measured on a line normal to said center line of Ohio Turnpike Project No. 1, from center line Station 212+48 thereof.

The aforementioned rights 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 No. 90-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. 516-1953

"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>
Nellie May Crosser, Formerly Nellie Dennie	Berlin Heights, Ohio
Aaron L. Crosser	Berlin Heights, Ohio
The Unknown Heirs, Devisees and Assigns of Elizabeth Towner, Deceased	Addresses Unknown
M. T. Auxer	Address Unknown
The Unknown Heirs, Devisees and Assigns of M. T. Auxer, Deceased	Addresses Unknown

<u>Owner(s)</u>	<u>Place of Residence</u>
Orpha Auxer	Address Unknown
The Unknown Heirs, Devisees and Assigns of Orpha Auxer, Deceased	Addresses Unknown
Division of Aid for Aged, Department of Public Wel- fare, State of Ohio	Columbus, Ohio
The Berlin Heights Banking Co.	Berlin Heights, Ohio
County Auditor of Erie County	Erie County Court House Sandusky, Ohio
County Treasurer of Erie County	Erie County Court House Sandusky, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 101-X -- Permanent Easement for Highway Purposes

Situated in the Village of Berlin Heights, County of Erie and State of Ohio, and known as being part of Lot No. 17 on the Plat of Swift's Survey as recorded in Volume 1 of Plats, Page 38, and as shown on the Map of Berlin Heights made by H. B. Parsons, and recorded in Volume 1 of Plats, Page 50 of Erie County Records, being in Original Lot No. 7, Subrange No. 7, Section 3, in said Berlin Township, and being all that part of the lands described in the deed to Nellie Dennie dated January 23, 1939, and recorded in Volume 160, Page 324 of Erie County Deed Records, bounded and described as follows:

Beginning at the Northeasterly corner of land described in the deed as aforesaid; thence Westerly along the Northerly line of land so described, to the Northwesterly corner thereof; thence Southerly along the Westerly line of

land described in the deed as aforesaid, to its intersection with a straight line drawn from a point distant 30 feet Southerly, measured at right angles from a point on the center line of Mechanic Street, distant 180 feet Westerly, measured along said center line, from the center line of Ceylon-Norwalk Road, to a point distant 90 feet Westerly, measured at right angles from a point on the center line of Ceylon-Norwalk Road, distant 408 feet Southerly, measured along said center line, from the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 14, Page 10 of Erie County Map Records; thence Southeasterly along said straight line to said point distant 90 feet Westerly from the center line of Ceylon-Norwalk Road as last aforesaid; thence Southerly parallel to the center line of Ceylon-Norwalk Road, 20 feet to a point; thence Easterly at right angles to said center line, 30 feet to a point; thence Southerly on a direct line to the Southerly line of land described in the deed as aforesaid, which direct line if prolonged would intersect a point distant 45 feet Westerly, measured at right angles, from a point on the center line of Ceylon-Norwalk Road distant 660 feet Southerly, measured along said center line, from the center line of Ohio Turnpike Project No. 1 as aforesaid; thence Easterly along the Southerly line of land described in the deed as aforesaid, to the center line of Ceylon-Norwalk Road; thence Northerly along said center line to the place of beginning.

Excepting therefrom that portion thereof lying within the bounds of Ceylon-Norwalk Road and Mechanic Street as now established."

Resolution No. 517-1953

"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, the easement and rights 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>
Emma G. Scholle	R. F. D. #1, Perrysburg, Ohio
John David Scholle, A Minor	R. F. D. #1, Perrysburg, Ohio
James Thomas, Guardian of Emma G. Scholle	209 Bacon Street Rossford, Ohio
James Thomas, Guardian of John David Scholle, A Minor	209 Bacon Street Rossford, Ohio
<u> </u> Davis, First Name Unknown, Spouse of Laura Davis, Formerly Laura Scholle	Address Unknown
County Auditor of Wood County	Wood County Court House Bowling Green, Ohio
County Treasurer of Wood County	Wood County Court House Bowling Green, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 54-L -- Fee Simple

Situated in the Township of Perrysburg, County of Wood and State of Ohio, and known as being part of Original Perrysburg Township Section No. 3, Town 4, United States Reserve, and being all that part of the lands described in the deed to Emma G. Scholle, dated October 9, 1941, and recorded in Volume 253, Page 509 of Wood County Deed Records, lying within a strip of land 250 feet wide between parallel lines, the Northeasterly line of said strip being

parallel to and distant 125 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 66 of Wood 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. 54-L(2) -- Permanent Easement for Highway Purposes

Situated in the Township of Perrysburg, County of Wood and State of Ohio, and known as being part of Original Perrysburg Township Section No. 3, Town 4, United States Reserve, and being all that part of the lands described in the Deed to Emma G. Scholle, dated October 9, 1941, and recorded in Volume 253, Page 509 of Wood County Deed Records, and bounded and described as follows:

Beginning on the center line of State Route No. 795, at its intersection with a line drawn parallel to and distant 125 feet Northeasterly, measured along a line normal to the center line of Ohio Turnpike Project No. 1, as shown by the recorded plat in Volume 10, Page 66 of Wood County Map Records; thence Southeasterly along said parallel line, to a point distant 85 feet Southeasterly, by right angle measurement from the center line of State Route No. 795; thence Easterly and parallel with the center line of State Route No. 795, to a point distant 85 feet Southerly, by right angle measurement from a point on the center line of State Route No. 795, distant 400 feet Easterly, measured along said centerline from the center line of Ohio Turnpike Project No. 1, as aforesaid; thence Easterly to a point on the Easterly line of land described in the aforesaid Deed, distant 70 feet Southerly, by right angle measurement, from the center line of State Route No. 795; thence Northerly, along said Easterly line, to the center line of State Route No. 795; thence Westerly along said center line, to the place of beginning. The center line of State Route No. 795, hereinabove referred to, is a line drawn Easterly from Station 110+91.46 on the center line of Ohio Turnpike Project No. 1 as aforesaid, and forming an angle of $36^{\circ} 57' 55''$ in the Southeast Quadrant with said center line.

Excepting therefrom that portion thereof lying within the bounds of State Route No. 795, as now established.

The aforementioned rights 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 No. 54-L, 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. 518-1953

"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>
Walter J. Schober	R. F. D. #1 Walbridge, Ohio
Margery I. Schober, also known as Marjorie Schober	R. F. D. #1 Walbridge, Ohio
Julius L. Schober	Address Unknown

<u>Owner(s)</u>	<u>Place of Residence</u>
County Auditor of Wood County	Wood County Court House Bowling Green, Ohio
County Treasurer of Wood County	Wood County Court House, Bowling Green, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 58-M -- Permanent Easement for Drainage
Purposes

Situated in the Township of Lake, County of Wood and State of Ohio, and known as being part of Original Lake Township Section No. 28, Town 7 North, Range 12 East, and being all that part of the lands described in the deed to Walter J. Schober, dated February 4, 1950, and recorded in Volume 305, Page 197 of Wood County Deed Records, lying within a strip of land 50 feet wide between parallel lines, the center line of said strip being described as follows:

Beginning on the Northerly line of land described in the deed as aforesaid at a point distant 25 feet Westerly, measured at right angles from the Westerly line of the right-of-way of The Chesapeake and Ohio Railroad; thence Southerly parallel to said Westerly right-of-way line to a point on the center line of Henry Ditch, said point being normal to a point on the center line of said Chesapeake and Ohio Railroad, distant about 1295 feet Southerly, measured along said center line from its intersection with the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 10, Page 60 of Wood County Map Records."

Resolution No. 519-1953

"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 Harvanec	R.R. #3, Perrysburg, Ohio
Barbara M. Harvanec	R.R. #3, Perrysburg, Ohio
Mary A. Harvanec	R.R. #3, Perrysburg, Ohio
Stephen A. Harvanec	Ford Road, Perrysburg, Ohio
Nadine L. Harvanec	Ford Road, Perrysburg, Ohio
County Auditor of Wood County	Wood County Court House, Bowling Green, Ohio
County Treasurer of Wood County	Wood County Court House, Bowling Green, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 52-T(1) -- Fee Simple

Situated in the Township of Perrysburg, County of Wood and State of Ohio, and known as being part of Original Perrysburg Township River Tract No. 72, Town 3, United States Reserve, and being all that part of the lands described in the deed to John Harvanec and Barbara Harvanec, dated May 9, 1923, and recorded in Volume 202, Page 103 of Wood County Deed Records, lying within a strip of land 15 feet wide between parallel lines, the North-easterly line of said strip being parallel to and distant 155 feet Northeasterly, measured on a line normal to the

center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 10, Page 65 of Wood County Map Records, and the Southwesterly line of said strip being parallel to and distant 140 feet Northeasterly, measured on a line normal to said center line.

Parcel No. 52-T(2) -- Permanent Easement for Highway Purposes

Situated in the Township of Perrysburg, County of Wood and State of Ohio, and known as being part of Original Perrysburg Township River Tract No. 72, Town 3, United States Reserve, and being all that part of the lands described in the deed to John Harvanec and Barbara Harvanec, dated May 9, 1923, and recorded in Volume 202, Page 103 of Wood County Deed Records, and bounded and described as follows:

Beginning on a line drawn parallel to and distant 155 feet Northeasterly, measured along a line normal to the center line of Ohio Turnpike Project No. 1, as shown by the plat recorded in Volume 10, Page 65 of Wood County Map Records, at its intersection with a line drawn parallel to and distant 50 feet Easterly, by right angle measurement, from the center line of White Road; thence Northerly and parallel to the center line of White Road, to the Northerly line of land described in the aforesaid deed; thence Westerly along said Northerly line, to its intersection with a line drawn Northwesterly, and parallel with the center line of Ohio Turnpike Project No. 1, as aforesaid, from the place of beginning; thence Southeasterly and parallel with the center line of Ohio Turnpike Project No. 1, as aforesaid, to the place of beginning.

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

Parcel No. 52-T(3) -- Permanent Easement for Drainage Purposes

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

Perrysburg Township River Tract No. 72, Township 3, United States Reserve, and being all that part of the lands described in the deed to John Harvanec and Barbara Harvanec, dated May 9, 1923, and recorded in Volume 202, Page 103 of Wood County Deed Records, bounded as follows:

Northerly by the Northerly line of land described in the deed as aforesaid;

Westerly by a line parallel to and distant 50 feet Easterly, measured at right angles, from the center line of White Road;

Southwesterly by a line parallel to and distant 155 feet Northeasterly of, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 10, Page 65 of Wood County Map Records;

Southeasterly by a line drawn Northeasterly, normal to the center line of said Ohio Turnpike Project No. 1 from Station 35+00."

Resolution No. 520-1953

"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 rights 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>
Maumee Investment Company	Maumee, Ohio
County Auditor of Lucas County	Lucas County Court House Toledo, Ohio

<u>Owner(s)</u>	<u>Place of Residence</u>
County Treasurer of Lucas County	Lucas County Court House Toledo, Ohio

The aforementioned property to be appropriated is described as follows:

Ohio Turnpike Project No. 1, Parcel Nos, 51-A - 52-N
-- Fee Simple

Parcel No. 1:

Situated in the City of Maumee, County of Lucas and State of Ohio, and known as being part of Sub Lots Nos. 99 to 103, both inclusive, in Grand Valley Park Subdivision, recorded in Volume 45, Page 87 of Lucas County Map Records, and bounded and described as follows:

Beginning in the Northeasterly line of History Drive, 50 feet wide, at the most Southerly corner of Sub Lot No. 103; thence Northwesterly along the Northeasterly line of History Drive, to its intersection with a line parallel to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 50, Page 20 of Lucas County Map Records, and distant Northeasterly therefrom 160.00 feet, measured on a line normal to said center line; thence Southeasterly along said parallel line to the Southerly line of Sub Lot No. 103; thence Southwesterly along said Southerly line of Sub Lot No. 103, to the place of beginning.

Parcel No. 2:

Situated in the City of Maumee, County of Lucas and State of Ohio, and known as being part of Sub Lots Nos. 59, 60, 61 and 92 in Grand Valley Park Subdivision, recorded in Volume 45, Page 87 of Lucas County Map Records, and bounded and described as follows:

Beginning in the Northeasterly line of Grand Valley Drive, (50 feet wide), at its intersection with the Northwesterly line of History Drive, (50 feet wide), said point being the most Southerly corner of Sub Lot No. 61; thence Northwesterly along the Northeasterly line of Grand Valley Drive to the Northwesterly corner of Sub Lot No. 59; thence Northeasterly

along the Northwesterly line of said Sub Lot No. 59 to its intersection with a line parallel to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 50, Page 20 of Lucas County Map Records; and distant Northeasterly therefrom 160.00 feet, measured on a line normal to said center line; thence Southeasterly along said parallel line to the Northwesterly line of History Drive; thence Southwesterly along said Northwesterly line to the place of beginning.

Parcel No. 3:

Situated in the City of Maumee, County of Lucas and State of Ohio, and known as being part of Sub Lots Nos. 20 to 23 inclusive, and 51 to 54 inclusive, and all of Sub Lots Nos. 55 to 58 inclusive, in Grand Valley Park Subdivision, recorded in Volume 45, Page 87 of Lucas County Map Records, and bounded and described as follows:

Beginning in the Southwesterly line of Grand Valley Drive, (50 feet wide) at the Northeasterly corner of Sub Lot No. 58; thence Southeasterly along said Southwesterly line of Grand Valley Drive to its intersection with a line parallel to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 50, Page 20 of Lucas County Map Records, and distant Southwesterly therefrom, 160.00 feet, measured on a line normal to said center line; thence Northwesterly along said parallel line to its intersection with the Northeasterly line of Kumler Drive, (50 feet wide); thence Northwesterly along the Northeasterly line of Kumler Drive to the Northwesterly corner of Sub Lot No. 20; thence Northeasterly along the Northwesterly line of said Sub Lot No. 20 and along the Northwesterly line of Sub Lot No. 58 to the place of beginning.

Parcel No. 4:

Situated in the City of Maumee, County of Lucas and State of Ohio, and known as being part of Sub Lots Nos. 67 to 72 inclusive, and 78 to 82 inclusive, and all of Sub Lots Nos. 62 to 66 inclusive, and 83 to 91 inclusive, in Grand Valley Park Subdivision, recorded in Volume 45, Page 87 of Lucas County Map Records, and bounded and described as follows:

Beginning in the Northeasterly line of Grand Valley Drive, (50 feet wide), at its intersection with the Southeasterly line of History Drive, (50 feet wide), said point being the Northwesterly corner of Sub Lot No. 62; thence Northeasterly and Southeasterly along the Southeasterly and Southwesterly lines of History Drive to its intersection with a line parallel to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 50, Page 20 of Lucas County Map Records, and distant Southwesterly therefrom, 160.00 feet, measured on a line normal to said center line; thence Northwesterly along said parallel line to the Northeasterly line of Grand Valley Drive; thence Northwesterly along the Northeasterly line of Grand Valley Drive to the place of beginning.

The aforementioned rights 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 parcels described above as Parcel Nos. 51-A - 52-N, including such rights to any turnpike constructed thereon.

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

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

Ayes: Teagarden, McKay, Allen, Shocknessy.

Nays: None.

The Chairman declared the resolutions adopted.

The General Counsel recalled that when the Commission had acquired the building at 139 East Gay Street,

it had been under an arrangement whereby the title could not be acquired until the first of January, 1954, and that under the option in the lease the appropriate time to exercise the option had arrived.

Resolution No. 521-1953, electing to exercise option to purchase real estate and authorizing consummation of said purchase, was moved for adoption by Mr. Teagarden, seconded by Mr. Allen, as follows:

"WHEREAS the Commission, pursuant to resolution No. 89-1952, did on the 12th day of November, 1952, enter into a lease with The Gay Street Realty Company of Columbus, Ohio, an Ohio corporation, for the rental of the premises therein described, located at and known as 135-141 East Gay Street, also known as 139 East Gay Street, in the city of Columbus, Ohio, together with the adjoining garage building located at and known as 40-44 North Lazelle Street in said city of Columbus; and

WHEREAS said lease grants to the Commission an option to purchase the premises aforesaid on or after January 1, 1954, and during the remainder of the term of the lease, for the sum of \$165,000.00, and provides further that if the lessee desires to exercise its option, it shall serve upon the lessor written notice of its intention to do so not less than 30 days, nor more than 45 days, prior to the date upon which said purchase is to be consummated;

NOW, THEREFORE, BE IT

RESOLVED that the Commission, having duly and fully considered the matter, does hereby elect to exercise its option to purchase said premises for the sum of \$165,000.00 on January 1, 1954, according to the terms of said lease, and hereby directs its general counsel to cause written notice of said election to purchase to be given by registered mail to its lessor, The Gay Street Realty Company, at 226 North Fifth Street, Columbus, Ohio prior to December 1, 1953, and further directs that a certified copy of this resolution be furnished the lessor; and

FURTHER RESOLVED that the chairman be, and he hereby is, authorized to carry out the terms and provisions of the leasehold agreement required on the part of the Commission to be performed."

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

Ayes: Teagarden, Allen, McKay, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Mr. Allen reported that his subcommittee had had a meeting on November 17, 1953, in Commission headquarters with the complete representation of the Petroleum Industry Committee. He said that the petroleum people had presented additional data which would be very helpful in consideration of the means of providing the travelling public with petroleum. He said that the subcommittee was giving further consideration to the material presented, and that it hoped very shortly to get recommendations to the Commission on the necessary facilities.

Mr. McKay reported that he had attended a meeting of safety leaders of the entire truck industry from New York to Chicago, representing some eleven or twelve states at Bedford, Pennsylvania, on November 12 and 13, 1953. He said that he would present a final report on the meeting at a later date. He said that he had had a call from Mr. Morgan, who was in charge of safety and preventative methods for the Pennsylvania Turnpike Commission, announcing a meeting of representatives of the Ohio and Pennsylvania Turnpike Commissions and of the New Jersey Turnpike Authority at Harrisburg, Pennsylvania, on December 9, 1953, to discuss methods of eliminating accidents resulting from rear-end collisions and to discuss Interstate Commerce Commission regulations. Mr. McKay suggested that the Chief Engineer and such assistants as he might wish to take with him and Mr. Donnelly, representing the Consulting Engineer, should

attend the meeting with him.

Resolution No. 522-1953, ratifying actions of administrative officers, was moved for adoption by Mr. Allen, seconded by Mr. Teagarden, 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 November 4, 1953, are hereby ratified, approved, and confirmed."

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

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

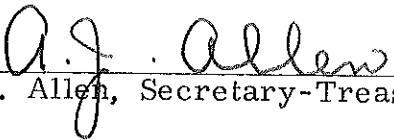
A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: Teagarden, McKay, Allen, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:39 o'clock P. M.

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


A. J. Allen, Secretary-Treasurer