

MINUTES OF THE NINETY-SEVENTH MEETING
APRIL 5, 1955

Pursuant to the Commission's By-laws, the Ohio Turnpike Commission met in regular open session in its offices at 139 East Gay Street in Columbus, Ohio at 11:00 A. M. on April 5, 1955 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: Linzell, Teagarden, Allen, McKay, Shocknessy.

Absent: None.

The Chairman announced that a quorum was present.

A motion was made by Mr. Teagarden, seconded by Mr. Allen, that the minutes for the meetings of January 18, 1955, and February 17, 1955, which had been examined by the members of the Commission, and upon which the required corrections had been made, be approved without reading.

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

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

Nays: None.

The Chairman declared the motion carried.

The Chairman reported that the Commission had much to be pleased about the use which was being made of the Eastgate Section. He said that during the month of March the income of the section was \$91,689.05, which had exceeded the estimate for the month and established a new high for a monthly record. He said also that the traffic volume was increasing constantly and that the first week of April indicated that the estimate that had been made at the time it had been determined that the section would be opened would continue to be exceeded during April and probably during the months thereafter. He said that during March there had been

218,083 tolls paid for that number of vehicles, of which 131,076 had been passenger cars and 87,007 had been trucks. The Chairman said that tolls paid on passenger cars had amounted to \$36,462.55 or 39.77 percent of the total revenue, and on trucks \$55,226.50 or 60.23 percent of the total revenue. He said also that since the Eastgate Section had been opened on December 1, 1954, a total of 797,846 vehicles had used the turnpike and a total of \$331,678.80 in tolls had been collected. He said that during April the millionth vehicle would have used the Ohio Turnpike.

The Chairman proposed that the members consider holding the May meeting in Strongsville, Ohio so that they might view the new Administration Building there and the construction in that neighborhood. The other members indicated their acceptance of the proposal.

The Assistant Secretary-Treasurer reported for the Secretary-Treasurer that since the last meeting of the Commission the following had been sent to all members:

1. Traffic and revenue report for February, 1955
mailed March 3, 1955.
2. Traffic and revenue report for March, 1955
mailed April 2, 1955.
3. Drafts of the minutes of January 18, 1955 and
February 17, 1955 meetings, mailed March
4, 1955.
4. Detail of investment transactions during February,
1955, mailed February 28, 1955.
5. Detail of investment transactions during March,
1955, mailed March 31, 1955.
6. Unaudited monthly financial report for February,
1955, mailed March 9, 1955.

He reported further that income from investments at the end of March, 1955 had been \$15,321,000 compared to the original estimate for the same period of \$6,559,000, or a gain of \$8,762,000. He said that income in the month of March, 1955 had been \$245,000. He said also that the income would hold near that figure in April but would

start dropping rapidly thereafter as the construction activity increased. The Assistant Secretary-Treasurer said that net revenue through March had amounted to enough to permit the Trustee, before the 20th of April, to make a withdrawal from the revenue fund and a deposit of the same amount to the bond interest account in accordance with the terms of the Trust Agreement. He said that while the amount involved would be small, it would mark the beginning of the flow of net revenues into other accounts and funds.

The Assistant Secretary-Treasurer reported further that plans were being developed for the interviewing and hiring of toll collection personnel at about nine locations across the northern part of the State. He said also that although most of the collectors would not start work until about September 26, 1955, interviews would have to take place in June and early July in order to supply measurements for uniforms to the manufacturer. He said that planning was going forward also for the collection of money and tickets from the interchanges and for the depositing of revenues. He said that all toll collection activities would require about 150 men in addition to those already on duty on the Eastgate Section.

The Chairman said that the report of the Secretary-Treasurer was accepted as offered.

Resolution No. 19-1955 authorizing investment of moneys in reserve fund pursuant to Section 602 of the Trust Agreement, was moved for adoption by Mr. Allen, seconded by Mr. Teagarden, as follows:

Resolution No. 19-1955

"WHEREAS, by §602 of the trust agreement between the Commission and The Ohio National Bank of Columbus, trustee, and The National City Bank of New York, co-trustee, dated June 1, 1952, it is provided as follows:

"Moneys held for the credit of the Reserve Account shall be invested by the Trustee, upon receipt of a copy of a resolution of the Commission, certified by its Secretary-Treasurer, directing such investment, in direct obligations of the United States Government which shall mature, or which shall be subject to

redemption by the holder thereof at the option of such holder, not later than eighteen (18) months after the date of such investment. ***";

WHEREAS, by clause (c) of §507 of the trust agreement, it is provided that the trustee shall withdraw from the revenue fund certain sums and deposit the same to the credit of various funds including the following:

"(c) to the credit of the Reserve Account, such amount, if any, of any balance remaining after making the deposits under clauses (a) and (b) above (or the entire balance if less than the required amount) as may be required to make the amount then to the credit of the Reserve Account equal to two years' interest on all bonds then outstanding;"

and

WHEREAS, by §508 of the trust agreement, it is provided as follows:

"Moneys held for the credit of the Reserve Account shall be used for the purpose of paying interest on the bonds whenever and to the extent that the moneys held for the credit of the Bond Interest Account shall be insufficient for such purpose. If at any time the moneys held for the credit of the Reserve Account shall exceed the maximum requirement for the Reserve Account under the provisions of clause (c) of Section 507 of this Article, such excess shall be transferred by the Trustee to the credit of the Redemption Account.;"

NOW, THEREFORE, BE IT

RESOLVED that moneys held for the credit of the said reserve account shall be invested by the trustee in direct obligations of the United States Government which shall mature, or which shall be subject to redemption by the holder thereof at the option of said holder, not later than 18 months after the date of such investment; provided, however, that (1) the total market value of such investments at any time shall not, immediately after the making of such investment, exceed two years' interest requirements on all Turnpike

Revenue Bonds, Project No. 1, then outstanding, and (2) this authority and direction shall be subject to revocation or restriction by written notice to the trustee signed by the chairman or vice-chairman of the Commission and by the secretary-treasurer, comptroller, or general counsel of the Commission; and

FURTHER RESOLVED that the chairman, vice-chairman, secretary-treasurer, comptroller, and general counsel of the Commission, and each of them, are authorized to execute any and all notices, certificates, or other instruments necessary or proper to carry out the purposes of this resolution, including, without implied limitation, the certification by the secretary-treasurer of this resolution and delivery of the same to the trustee, and shall take any and all other action necessary or proper to carry out the purposes of this resolution."

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

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

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 20-1955, authorizing investment of moneys in the reserve maintenance fund pursuant to Section 602 of the Trust Agreement, was moved for adoption by Mr. Allen, seconded by Mr. McKay, as follows:

Resolution No. 20-1955

"WHEREAS, by §602 of the trust agreement between the Commission The Ohio National Bank of Columbus, trustee, and The National City Bank of New York, co-trustee, dated June 1, 1952, it is provided as follows:

"***Moneys held in the Reserve Maintenance Fund shall be invested by the Trustee, upon receipt of a copy of a resolution of the Commission, certified by its Secretary-Treasurer, directing such investment, and the written approval of the Consulting Engineers of the amount of such moneys to be so invested, in direct obligations of the United States Government.";

and

WHEREAS, by §509 of the trust agreement, it is provided
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as follows:

"Moneys held for the credit of the Reserve Maintenance Fund shall be held as a reserve for the purpose of paying the cost of major repairs, equipment replacement, bridge painting, renewals and replacements, engineering expenses relating to the functions of the Commission, improvements, unusual expenses of maintenance and repairs and premiums on insurance carried under the provisions of this Agreement, and shall be disbursed only for such purposes, for the purpose specified in Section 707 of this Agreement, and in case of an insufficiency of moneys in the Revenue Fund for such purpose, for unusual or extraordinary repairs, renewals or replacements required by some extraordinary occurrence, so characterized in a certificate signed by the Consulting Engineers and filed with the Trustee.***"

NOW, THEREFORE, BE IT

RESOLVED that moneys held for the credit of said reserve maintenance fund shall be invested by the trustee, upon receipt by the trustee of the written approval of the consulting engineer (as such term is defined in §101 of the trust agreement) of the amount of such moneys to be so invested, in direct obligations of the United States Government; provided, however, that (1) such direct obligations of the United States Government shall mature, or be subject to redemption by the holder thereof at his option, as nearly as practicable, in the amounts and at the times (not later than five years from date of investment) set forth in a statement signed by said consulting engineer, (2) to the extent that such statement of the consulting engineer does not cover all moneys in the reserve maintenance fund, such direct obligations of the United States Government shall mature, or be subject to redemption by the holder thereof at his option, not later than five years after the date of investment, and (3) this authority and direction shall be subject to revocation or restriction by written notice to the trustee signed by the chairman or vice-chairman of the Commission and by the secretary-treasurer, comptroller, or general counsel of the Commission; and

FURTHER RESOLVED that the chairman, vice-chairman, secretary-treasurer, comptroller, and general counsel of the Commission, and each of them, are authorized to execute any and all notices, certificates, or other instruments necessary

or proper to carry out the purposes of this resolution, including, without implied limitation, the certification by the secretary-treasurer of this resolution and delivery of the same to the trustee, and shall take any and all other action necessary or proper to carry out the purposes of this resolution."

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

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

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 21-1955, awarding to The Ohio National Bank of Columbus the active deposit of certain funds of the Ohio Turnpike Commission, was moved for adoption by Mr. Allen, seconded by Mr. Linzell, as follows:

Resolution No. 21-1955

"WHEREAS the Ohio Turnpike Commission, by notice duly given pursuant to §135.07 and 5537.14, RC, provided for the receipt of applications from eligible institutions under the Uniform Depository Act to become a depository for active funds of the Ohio Turnpike Commission, and for award of moneys available for active deposit on or at the next adjourned meeting of the Commission and estimated the maximum amount of moneys that it would have available for award to be \$20,000, all of which would be for an active deposit, and further provided that the award should be for a period of two years to April 6, 1957;

WHEREAS the eligible institution named below was the only one to make application and said institution accompanied the application with a financial statement under oath in such detail as to show its capital funds, together with any changes therein, prior to the date of application, all pursuant to §135.10, RC; and

WHEREAS said application did not specify that the maximum amount of such moneys which the applicant desired to receive and have on deposit at any one time during the aforesaid period was less than \$20,000;

NOW, THEREFORE, BE IT

RESOLVED that pursuant to §§135.10, 135.11, and 5537.14, 2618.

RC, the Ohio Turnpike Commission hereby awards the active deposit of the money subject to its control and available under said §5537.14 and the trust agreement dated June 1, 1952, relating to Ohio Turnpike Commission revenue bonds, to The Ohio National Bank of Columbus, as the only institution making application. All moneys so deposited shall be held by the bank in the manner and on the terms provided in §5537.14, RC, for the deposit of moneys received by the Ohio Turnpike Commission pursuant to authority of the Ohio Turnpike Act as amended (§§5537.01 to 5537.23, RC, both inclusive);

FURTHER RESOLVED that the Ohio Turnpike Commission estimates the probable amount of public moneys to be deposited in the foregoing eligible depository at \$20,000, and also estimates the probable maximum amount subject to deposit therein at any time during the two-year period to April 6, 1957, as \$20,000; and

FURTHER RESOLVED that pursuant to §135.13, RC, the designation of the foregoing depository shall constitute an acceptance of the offer embodied in its application to the extent of the award above made and obligates the Ohio Turnpike Commission to cause its moneys, so far as available as aforesaid for active deposit, to be deposited in and withdrawn from such depository during said two-year period, and the chairman and secretary-treasurer of the Ohio Turnpike Commission are authorized and directed to evidence the foregoing by executing a written memorandum in the form prescribed by the Bureau of Inspection and Supervision of Public Offices of the State of Ohio with the foregoing institution, such form also to be executed by an executive officer of said institution."

The Assistant Secretary-Treasurer, in response to a question by the Chairman, said that the advertisement referred to in Resolution No. 21-1955 had run in the Columbus Dispatch and in the Columbus Citizen and that no application other than that of the Ohio National Bank of Columbus had been received. Proof of advertisement was presented to the meeting.

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

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

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 22-1955, authorizing signatures to checks on the revolving fund deposited with The Ohio National Bank of Columbus, was moved for adoption by Mr. Allen, seconded by Mr. Teagarden, as follows:

Resolution No. 22-1955

"WHEREAS the Ohio Turnpike Commission, by resolution No. 21-1955, pursuant to §135.10, §135.11, and §5537.14 RC, awarded the active deposit of moneys subject to its control, and available under said §5537.14 and the trust agreement dated June 1, 1952 to The Ohio National Bank of Columbus and authorized the chairman and the secretary-treasurer of the Ohio Turnpike Commission to evidence such award by executing a written memorandum in the form prescribed by The Bureau of Inspection and Supervision of Public Offices of the State of Ohio; and

WHEREAS at the present time the comptroller of the Ohio Turnpike Commission is covered by a fidelity bond in an amount sufficient fully to protect the Commission in connection with the drawing of checks on said fund;

NOW, THEREFORE, BE IT

RESOLVED that the comptroller, John Soller, be, and he hereby is, authorized, on behalf of the Ohio Turnpike Commission, to draw checks on the aforesaid account with The Ohio National Bank of Columbus, and The Ohio National Bank of Columbus is authorized and directed to honor checks signed by the said John Soller as comptroller of the Ohio Turnpike Commission, and the secretary-treasurer or the executive assistant of the Ohio Turnpike Commission is authorized and directed to certify this resolution as duly adopted, and deliver the same to The Ohio National Bank of Columbus."

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

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

Nays: None.

The Chairman declared the resolution adopted.

Mr. Linzell, as Director of Highways, said that he had no statement to make to the Commission at that time.

The Executive Director reported that the scheduled progress

of construction was 67.3 per cent and that construction was actually 67.1 completed. He said that the Chief Engineer, the Consulting Engineer, and the Contracting Engineers had been giving much attention to the matter of construction contracts which were currently behind schedule. He said further that there were seven such contracts and that meetings had been held between the contractors involved and the engineers during the winter months in an attempt to plan the construction work for the coming season so as to insure completion of that part of the turnpike which was necessary to be completed in order to open it to traffic on the 1st of October, 1955. He said further that the seven contracts which would require some special effort and special planning to assure completion of that part that had to be completed by the opening date were; C-8, 9 & 10, the Frank Mashuda Company contract; C-16, the Herkner Construction Company contract; C-17, 18 & 19, the T. L. James & Company, Incorporated contract; C-22, Lombardo Brothers Construction Company contract; C-28 & 29, the J. A. Jones Construction Company contract; C-43, 44 & 45, the Badgett Mine Stripping Corporation, Central States Construction Company, and Soo Constructors, Incorporated contract; and C-47, 48 & 49, the Johnson-Greene Company and Sargent Construction Company contract.

The Executive Director described the locations of the seven contracts. He said further that the Consulting Engineer had submitted a letter to him the previous week in which it reviewed the status of those contracts. He said also that in all cases the Consulting Engineer was of the opinion that with the agreements that had been entered into and the arrangements that had been made with the various contractors involved, it was of the opinion that all contracts on the turnpike could be completed to the point where the turnpike could be opened by the 1st of October.

The Executive Director reported that he had received a letter in even greater detail from the Chief Engineer the previous evening in which the Chief Engineer also had analyzed the seven contracts and had come to the same conclusion, i. e. that they could be completed by the opening date.

The Executive Director said that it was going to take a lot of vigilance on the part of the Commission's engineers to assure completion of construction by the scheduled opening date.

He assured the Commission that all the seven contracts were going to have the very closest attention of the engineers.

The Executive Director reported that construction on building contracts had been very slow. He said further that the contractors for the toll plazas, the maintenance buildings, the administration building, and the service plaza buildings had given the excuses that either the areas had not been ready insofar as the grading was concerned or that the areas had been inaccessible. He said that most sites had by then been sufficiently graded and that the general conditions of the areas were such as to permit the contractors to go ahead at that time and that the Commission could expect better progress. He said that the Chief Engineer had assigned two members of his staff to various phases of the building contracts.

The Executive Director reported further that paving of the service plaza areas remained the only contract that had not been let. He said further that the plans for that work were being prepared and that contracts for the work would be let as soon as it appeared that the areas would be available for the work.

The Executive Director reported that the Chief Engineer and the Consulting Engineer had made a study of the possibility of opening independent sections of the turnpike and that they had recommended that the Commission would not be able to open any additional sections before the opening date for the entire remainder of the turnpike.

The Executive Director reported that despite a very severe winter and the fact that the maintenance organization on the Eastgate Section was new and had had to learn from experience, it was his opinion that a very creditable job had been done by the Commission forces in maintaining the turnpike during the winter. He said further that the maintenance crews willingly worked at night when necessary with the result that at no time had it been necessary to close the turnpike to traffic as had been necessary with two other turnpikes which also had had their baptism of a first winter, i. e. the West Virginia Turnpike and the New York Thruway, which had had to be closed at certain times. He said also that maintenance materials had cost more than had been estimated as had also general maintenance operations, partly because of the severity of the winter and partly because it had been necessary to use calcium chloride when it had not been expected that it would be used during the first

winter of maintenance on the turnpike. He said further that complaints from users because of poor conditions had been surprisingly few and that, in fact, the Commission had had a lot of compliments on the maintenance of the turnpike.

The Executive Director reported further that there had been no fatalities on the Eastgate Section from December 1, 1954 through March 31, 1955, during which time some 11,250,000 vehicles miles of traffic had been recorded. He commended the work of Eastgate Manager Russell S. Deetz who, he said, had worked indefatigably and had done a splendid job.

The Executive Director said that the planning of the organization of the toll collection force and of collections by the Comptroller, John Soller, had been most thorough with the result that toll collection operations had been running most smoothly and efficiently since the opening of the Eastgate Section. He said further that morale was very high among the toll collectors and that the Commission had been regularly complimented upon the courtesy that had been shown to the traveller and on the general operations of the toll collectors.

The Executive Director reported that a tornado had hit that area of Ohio in which the Eastgate Section was located on March 22, 1955 and had done considerable damage. He said further that winds had been up to 70 or 80 miles an hour and that one large aluminum sign measuring nine feet by seventeen feet had been completely destroyed and that a total monetary loss of some one thousand and ten dollars had been suffered. He said also that the Commission and the suppliers of the aluminum signs were making a study as the result of wind damage to the signs during the tornado.

The Executive Director reported that the number of accidents resulting from slippery road conditions during the months of January and February 1955 had been about sixty per cent fewer than during December, 1954 and that that experience had been the result of the gradual improvement in de-icing operations. He said further that two more billboards had been erected adjacent to the Eastgate Section and that one of the billboards had been completely destroyed during the March tornado. He said also that trees had been planted in order to obscure the view of one of the billboards from the traveller on the turnpike.

The Executive Director reported that following publicity in a number of newspapers in Ohio some twenty-five applications had been received for the position of Maintenance Engineer and that after interviewing many of the applicants and analyzing the backgrounds of all the applicants, he had offered the position to Mr. Noah Truax of Lewistown, Ohio, who had accepted and would report about April 16, 1955. He said further that Mr. Truax had been born in Logan County and had attended Ohio State University and Oregon State University. He said that Mr. Truax had been a Lieutenant Colonel, Corps of Engineers, during World War II, and formerly had been Chief, Buildings and Grounds Division, in the Office of the Chief of Engineers in Washington, D. C. He said also that Mr. Truax at one time had served as County Engineer of Logan County, Ohio and for several years prior to World War II had been a Division Engineer in the Ohio Department of Highways. He said that Mr. Truax was a registered professional engineer and a member of numerous professional societies. He said that Mr. Truax had the well-grounded and well-rounded experience essential for the position of Maintenance Engineer on the turnpike.

The Executive Director reported that installation of lead-in signs along public highways was being extended westward from previous installations. He said that the Director of Highways had approved installation of the additional signs. The Eastgate Manager reported that a program for lead-in signs for the whole extent of the turnpike was under way.

The Executive Director reported that increased construction costs as of March 11, 1955, on account of changes in design, additional work, increased quantities, etc., had totalled \$4,439,914, an increase from the report dated February 2, 1955 of some \$202,000. He said that increased construction cost did not include cost of work added to the general roadway contracts for service plaza construction nor did it include any estimates on what contractors' claims might amount to.

The Executive Director reported that some nine or ten bills had been introduced in the 101st General Assembly affecting turnpikes. He said that H. B. 703 was objectionable because it would give the superintendent of the State Highway Patrol veto power over acts of the Turnpike Commission regarding by-laws, rules, and regulations, and that it was felt that that would be an abrogation of a part of the enabling legislation which permitted the issuance of bonds for the construction

of the turnpike. He said further that he had been present at a meeting of the Ohio Senate Highways Committee on the so-called billboard bill.

The Executive Director reported that the Commission's Traffic and Safety Engineer had attended a joint conference of the Inter-turnpike Safety Committee and representatives of the Trucking Associations Committee in Harrisburg, Pennsylvania on March 30, and 31, 1955. He said further that the purpose of the meeting had been to acquaint the trucking associations with proposed recommendations of the Inter-turnpike Safety Committee on rear-end lighting of vehicles, rear bumpers for trucks, and identification of ownership for trucks. He said also that the recommendations had been determined upon by the committee after many months of study and consideration. He said also that representatives of the trucking associations had questioned the validity of some of the statistics on the Pennsylvania and New Jersey Turnpikes of rear-end collisions which had involved trucks as the lead vehicle. He said also that there might be some question as to whether it would be possible to get the support of the trucking industry for the proposed recommendations but at the conclusion of the second day of the meeting the Inter-turnpike Safety Committee had unanimously adopted a resolution providing for the endorsement of recommendations for revisions in rear-end lighting of trucks, the revisions to be effective on June 1, 1956.

Resolution No. 23-1955, authorizing the Executive Director, from time to time, to sell, exchange, or otherwise dispose of certain tangible personal property, was moved for adoption by Mr. McKay, seconded by Mr. Linzell, as follows:

Resolution No. 23-1955

"WHEREAS, from time to time, machinery, fixtures, apparatus, tools, instruments, or other movable property acquired by the Commission has or will become no longer needed or no longer useful in connection with the construction or operation and maintenance of Ohio Turnpike Project No. 1;

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby authorizes the executive director, for and on behalf of the Commission, from time

to time to sell, exchange, or otherwise dispose of any machinery, fixtures, apparatus, tools, instruments, or other movable property acquired by the Commission for the purposes of Ohio Turnpike Project No. 1, except houses and other buildings for the disposition of which provision has heretofore been made by resolution No. 115-1952, if the consulting engineer shall have determined that such property is no longer needed or is no longer useful in connection with the construction or operation and maintenance of said Project; provided, however, that no article of property having a value of more than \$1,000, and no aggregation of articles of like kind to be disposed of simultaneously having a total value of more than \$1,000, as estimated by the comptroller, shall be sold, exchanged, or otherwise disposed of except to the highest and best bidder, after advertisement; and further provided that the executive director may reject any and all bids;

FURTHER RESOLVED that in the case of any property to be traded in upon the purchase of other property, the bid which is for the lowest amount of money payment over the proffered trade-in allowance, may be deemed, for the purposes hereof, to be the highest bid for the article to be traded in;

FURTHER RESOLVED that the advertisement hereinabove referred to shall be published not less than once a week for two consecutive weeks in a newspaper of general circulation in Franklin County, Ohio, or, at the option of the executive director, in a newspaper of general circulation in the county in which such property is situated; and, in addition thereto, if the executive director deems it desirable, in such other publications as the executive director may direct;

FURTHER RESOLVED that the executive director be, and he hereby is, authorized to execute and deliver, for and on behalf of the Commission, all bills of sale, certificates of title, and other proper instruments necessary to effect any sale, exchange, or other transfer herein authorized; provided the same shall have been first approved as to form by general counsel;

FURTHER RESOLVED the proceeds of any such sale shall be applied or paid in accordance with the provisions of §713 of the trust agreement entered into between the Ohio Turnpike Commission and The Ohio National Bank of Columbus, as trustee, and The National City Bank of New York, as co-trustee, dated June 1, 1952; and

FURTHER RESOLVED that, subject to the consulting engineer's
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having made or making the determination required by §713 of the aforesaid trust agreement, the Commission hereby approves, ratifies, and confirms the trade-in of a movie projector upon the purchase of a new movie projector, as evidenced by the Commission's purchase order No. 409, dated June 1, 1954; the trade-in of a wrecked Ford half-ton pickup truck upon the purchase of a new Ford half-ton pickup truck pursuant to the Commission's invitation No. 38; and the trade-in of a typewriter upon the purchase of a new typewriter, as evidenced by the Commission's purchase order No. 1252, dated October 10, 1953."

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

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

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 24-1955, authorizing the Executive Director to grant permission for the installation of utility facilities across the turnpike, was moved for adoption by Mr. Teagarden, seconded by Mr. Allen, as follows:

Resolution No. 24-1955

"WHEREAS the Commission has received certain requests and may from time to time in the future receive additional requests for permission to construct, maintain, and operate utility facilities, such as water, sewer, gas, electric, telephone, and telegraph facilities across, and over or under certain portions of Ohio Turnpike Project No. 1; and

WHEREAS it may be deemed desirable and in the interest of the agricultural or industrial development of the state to grant such requests;

NOW, THEREFORE, BE IT

RESOLVED that the executive director be, and he hereby is, authorized and empowered on behalf of the Commission, upon written application therefor by any person, partnership, association, corporation, or public body, to issue permission, in writing, to any such applicant to install, construct, repair, renew,

or maintain and operate, at said applicant's sole cost and expense, any utility facility or facilities, such as water, sewer, gas, electric light and power, telephone, and telegraph lines across, over, or under Ohio Turnpike Project No. 1 for the interconnection of such utility facility; provided, however, that such installation, construction, repair, renewal, or maintenance and operation shall not interfere with or jeopardize the construction, maintenance, or operation of Ohio Turnpike Project No. 1, and, provided further that any such construction, repair, renewal, or maintenance and operation shall comply with the Commission's "Rules and Regulations for the Installation, Construction, Repair, Renewal, Relocation and Removal of Facilities of Public Utilities, Both Publicly and Privately Owned, and of Carriers by Pipe Line, Both Common and Private," and, further conditioned upon compliance with such additional requirements and restrictions as the executive director may, in his discretion, impose; provided further that such permission shall be issued only after the plans for the proposed installation, repair, construction, renewal, maintenance, and operation of such utility facilities shall have been approved by the chief engineer and the consulting engineer for Ohio Turnpike Project No. 1."

The Chairman said that he thought that the time had arrived perhaps when the Commission should make enabling resolutions of general applicability rather than confine them to Ohio Turnpike Project No. 1 because he thought that probably there would be a Project No. 2.

The General Counsel in response to a question by Mr. McKay advised that the resolution provided a license rather than a grant. The Director of Highways said that he thought it was very appropriate that the resolution be passed because it enabled the Executive Director to give licenses or permits. He said further that the Commission would hate to have the experience of a city with the average street that was built out on the edge of town. He said further that the moment such a street was built, houses started building up and then the street was torn up for utilities. He said that the resolution gave the Commission a chance to avoid that sort of thing.

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

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

Nays: None.

The Chairman declared the resolution adopted.

The Chairman said to the General Counsel that a recodification of the by-laws, incorporating resolutions which had the effect of by-laws, should be undertaken and completed before fall.

Resolution No. 25-1955, finding it necessary to change the location of a portion of Miller-Graber Road, Trumbull, County, was moved for adoption by Mr. Linzell, seconded by Mr. McKay, as follows:

Resolution No. 25-1955

"WHEREAS a portion of Miller-Graber Road, a county road, in Trumbull County, Ohio, intersects the route to be traversed by Ohio Turnpike Project No. 1, hereinafter called "the turnpike"; and

WHEREAS §5537.05, RC, 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 a portion of Miller-Graber Road, Newton Township, Trumbull County, Ohio, the centerline of which presently intersects the centerline of the Ohio Turnpike Project No. 1 at or near turnpike station 291+21, in addition to that portion the location of which it heretofore, by resolution No. 153-1953, found it necessary to change; said additional portion of Miller-Graber Road extends from a point 510 feet, more or less, southerly from the present intersection of Miller-Graber Road and Newton Falls-Bailey Road to a point 1400 feet, more or less, southerly from the present intersection of Miller-Graber Road and Newton Falls-Bailey 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 Trumbull County, Ohio."

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

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

Nays: None.

The Chairman declared the resolution adopted.

The Chairman thanked the Executive Director for his report.

The General Counsel reported that he had prepared at the Chairman's request a resolution by which Section 3 of Article II of the Commission's Code of By-laws would be amended. He said that the section currently provided authority in the Chairman to postpone a regular meeting of the Commission pursuant to notice given as required in the By-laws. He said further that the change would make it possible for the Chairman either to postpone or to cancel any given regularly scheduled meeting, would require the same kind of notice as heretofore had been required, both as to the postponement or cancellation and as to the date of any postponed meeting, and would make it possible but not required for both actions to be incorporated in one paper. He said also that the resolution also contained a ratification and confirmation of the actions taken in cancelling the regular meeting for the month of March, 1955.

Resolution No. 26-1955, amending Article II, Section 3 of the Commission's Code of By-laws, was moved for adoption by Mr. Allen, seconded by Mr. Teagarden, as follows:

Resolution No. 26-1955

"RESOLVED that article II, section 3 of the Commission's code of by-laws, adopted by resolution No. 301-1953 and amended by resolutions Nos. 4-1954, 153-1954, and 176-1954 be, and the same hereby is, amended to read as follows:

"Sec. 3. Regular Meetings. Regular meetings of the commission shall be held at 11:00 A. M., official Columbus time, on the first Tuesday of each month; provided that in any case in which it appears to the chairman to be inexpedient that any regular meeting be held as hereinabove set forth, the chairman is authorized to postpone such meeting until such date and time as appear to him to be expedient or to cancel the same by mailing or delivering written notice of such postponement or cancellation, or causing the same to be mailed

or delivered, to the other members of the commission at least forty-eight hours before the regularly scheduled time for such meeting. In the event any such meeting is so postponed, the chairman shall give, or cause to be given, to the other members of the commission like notice of the hour and date to which such regular monthly meeting is postponed."

FURTHER RESOLVED that all actions taken in cancelling the regular meeting of March, 1955 be, and the same hereby are, ratified and confirmed."

The Chairman stated, as Chairman, that, just as a meeting had never been postponed in the past without his first discussing it with the several members, neither would he expect to postpone or cancel a meeting in the future without first having discussed it as well as having given notice, and that he would like the record to show that such was an implied purpose of his. The Chairman confirmed Mr. Teagarden's statement that all the members had note of the proposed postponement of the March meeting presented to them and had given their approval to the postponement in writing. He said further that the Commission had never postponed sua sponte.

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

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

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 27-1955, rescinding condemnation resolution No. 168-1953, was moved for adoption by Mr. McKay, seconded by Mr. Teagarden, as follows:

Resolution No. 27-1955

"WHEREAS the Commission on May 28, 1953, adopted resolution No. 168-1953 which, among other things, directed the appropriation of certain property of W. O. Troyer et al.; and

WHEREAS the Commission is advised by its general counsel that it is desirable for technical reasons to rescind said resolution;

NOW, THEREFORE, BE IT

RESOLVED that resolution No. 168-1953, adopted May 28, 1953, be, and the same hereby is, rescinded."

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

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

Nays: None.

The Chairman declared the resolution adopted.

The General Counsel presented to the Commission the written statement of the Chief of 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 No. 1; a written statement of the concurrence of the Executive Director in the recommendations of the Chief Engineer and the 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 form of resolution presented to the Commission by the General Counsel.

Resolution No. 28-1955, declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted, was moved for adoption by Mr. Linzell, seconded by Mr. Allen, as follows:

Resolution No. 28-1955

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

<u>Owner(s)</u>	<u>Place of Residence</u>
W. O. Troyer	P. O., North Lima, Ohio
Florence R. Troyer	P. O., North Lima, Ohio
Ura Troyer	P. O., North Lima, Ohio
Sadie Troyer	P. O., 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:

Parcels Nos. 193-K, K-1, and K-2 -- Fee Simple

Situated in the Township of Beaver, County of Mahoning and State of Ohio, and known as being part of Original Beaver Township Section No. 12, and being all that part of the lands described in the deed to W. O. Troyer and Ura Troyer dated May 11, 1928, and recorded in Volume 385, Page 59 of Mahoning County Deed Records, lying within a strip of land 390 feet wide between parallel lines, the Northeasterly line of said strip being parallel to and distant 190 feet Northeasterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 19 of Mahoning County Map Records, and the Southwesterly line of said strip being parallel to and distant 200 feet Southwesterly, measured on a line normal to said center line.

The aforementioned rights and restrictions to be appropriated are as follows:

Any and all abutter's rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the above-described real estate, including such rights to any turnpike constructed thereon.

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

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

Nays: None.

The Chairman declared the resolution adopted.

The Chairman noted the presence of Mr. Bartholomew from the State Auditor's office on behalf of the Commission and asked him whether there was anything he would like to say. Mr. Bartholomew said that he did not desire to say anything. The Chairman welcomed Mr. Dennis E. Murphy, Vice President of the Ohio Company.

Resolution No. 29-1955, ratifying actions of administrative officers, was moved for adoption by Mr. Teagarden, seconded by Mr. Linzell, as follows:

Resolution No. 29-1955

"WHEREAS the executive director, acting deputy executive director, executive assistant, chief engineer, general counsel, assistant secretary-treasurer, comptroller, administrative assistant to the executive director, and chief, right-of-way section of the Commission have, by various written and oral communications, fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting, and the Commission has duly reviewed and considered the same;

NOW, THEREFORE, BE IT

RESOLVED that all official actions taken by the aforesaid administrative officers of the Commission on its behalf since the Commission's meeting on February 17, 1955 are hereby ratified, approved, and confirmed."

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

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

Nays: None.

The Chairman declared the resolution adopted.

There being no further business to come before the Commission, a motion was made by Mr. Linzell, seconded by Mr. McKay, that the meeting adjourn subject to call of the Chairman.

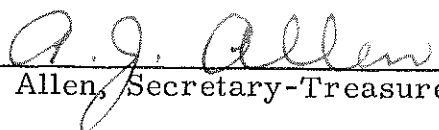
A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

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

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:26 P. M.

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


A. J. Allen, Secretary-Treasurer.