

OHIO TURNPIKE COMMISSION

Resolution Determining That Certain Real Property Including the Utility Building Comprising a Part of the Toll Plaza at Old Interchange 10 Will No Longer Be Needed Nor Useful Nor Serve Any Useful Purpose in Connection With the Construction or Operation and Maintenance of Ohio Turnpike Project No. 1 and Authorizing a Lease for a Ten-Year Term of Said Real Estate and Utility Building to the Board of Park Commissioners of the Cleveland Metropolitan Park District.

WHEREAS, the Commission in view of its construction of a new interchange for the Ohio Turnpike with Interstate 71 and the closing of the toll plaza at old Interchange 10 determined by Resolution No. 2-1966 that a portion of the real estate constituting original Interchange 10, together with the roadway, the bridge over U. S. Route 42, and certain of the appurtenant facilities thereon, would no longer be needed nor useful, nor serve any useful purpose in connection with the construction or operation and maintenance of Ohio Turnpike Project # 1, or of the state highway system, and therefore authorized the conveyance for a valuable consideration, of part of said real estate to the City of Strongsville and another part of the property, which was subject to reversionary interests, to the Board of Park Commissioners of the Cleveland Metropolitan Park District; and

WHEREAS, a part of the remainder of the real estate being part of the toll plaza at old Interchange 10 continues in the possession of the Commission, and is no longer needed nor useful to the Commission in the construction, operation or maintenance of the Ohio Turnpike, and an offer to rent a part of said remaining lands including the former utility building thereon has been received by the Commission from the Board of Park Commissioners of the Cleveland Metropolitan Park District; and

WHEREAS, the Commission is authorized by Section 713 of the Trust Agreement, hereinafter referred to as the trust agreement, dated June 1, 1952 and entered into between the Commission and the Ohio National Bank, Trustee, and the National City Bank of New York, now First National City Bank as Co-Trustee, to sell, exchange or otherwise dispose of real and other property no longer needed by the Ohio Turnpike on the conditions therein and herein provided,

NOW, THEREFORE, BE IT

RESOLVED that the Commission, having duly and fully considered the matter, hereby determines that the real estate with the utility building thereon, which is more fully described as Turnpike property in Exhibit 1 and in the accompanying plat marked Exhibit 2, attached hereto and incorporated as part of this resolution, is no longer needed nor useful, and that it serves no useful purpose in connection with the construction or operation and maintenance of Ohio Turnpike Project No. 1; and

FURTHER RESOLVED that the Commission deems it proper and

desirable to lease or otherwise dispose of that part of the former Interchange 10, utility building and real estate described in Exhibit 1 and outlined in the accompanying plat Exhibit 2, and adopts this resolution pursuant to Section 713 of the Trust Agreement; and

FURTHER RESOLVED that the Commission hereby authorizes the Chairman and the Executive Director, or either of them, acting on behalf of the Commission, to lease for a ten-year term to the Board of Park Commissioners of the Cleveland Metropolitan Park District the Commission's interest in the real estate and utility building described as Turnpike property in Exhibits 1 and 2, substantially on the terms of the draft of a lease presented herewith to the Commission; provided, however, that such lease shall be conditioned upon the prior written approval by the Commission's consulting engineers of the declaration contained herein, that the property, subject of said lease, will no longer be needed nor useful, and that it will serve no useful purpose in connection with the construction or maintenance and operation of the Ohio Turnpike; and

FURTHER RESOLVED that the proceeds derived from the monthly rentals received shall be paid by the Comptroller to the Ohio National Bank as Trustee under the Trust Agreement, and credited by the Trustee to the Reserve Maintenance Fund created by Section 507 of the Trust Agreement, and thereafter expended in accordance with the authorization conferred by Section 509 of the said Trust Agreement; and

FURTHER RESOLVED that the Comptroller is hereby directed immediately upon execution of the lease to give notice thereof to the Ohio National Bank of Columbus in its capacity as Trustee under the Trust Agreement, and of the amount and times provided for payment by the terms of the lease entered into by and between the Commission and the Board of Park Commissioners of the Cleveland Metropolitan Park District.

(Resolution No. 21 -1967 adopted December 5, 1967)

Copies hereof distributed 12-6-67 to:

Executive Director
Deputy Executive Director
Comptroller
Director of Information & Research
Chief Engineer
J. E. Greiner Co.
State Auditor
Squire, Sanders & Dempsey

EXHIBIT 1
(Accompanying Resolution No. 21-1967)

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being part of Original Strongsville Township Lot No. 49 and bounded and described as follows:

Beginning at a point in the southeasterly line of Wooster Pike (100 feet wide) which point is the place of beginning of the description for Parcel No. 132P-3 described in Exhibit A of the consent decree in the case of City of Strongsville vs. the Department of Highways (Court of Common Pleas, Franklin County, Ohio, No. 221567), which parcel reverted to the Park Board under said decree; thence North $82^{\circ} - 33' - 29''$ East along the northerly line of said Parcel 132P-3 a distance of 171.71 feet; thence continuing along the northerly line of said Parcel 132P-3 South $69^{\circ} - 36' - 17''$ East a distance of 27.51 feet to a point; thence leaving the northerly line of parcel 132P-3 and along the southerly boundary of the lands conveyed to the City of Strongsville and described in Exhibit A of said consent decree North $61^{\circ} - 28'$ East a distance of 4.08 feet; thence continuing along said southerly line South $89^{\circ} - 31' - 41''$ East a distance of 176.92 feet; thence continuing along said southerly line South $67^{\circ} - 47' - 15''$ East a distance of 318.94 feet to the place of beginning of the herein described parcel; thence continuing along said southerly line South $67^{\circ} - 47' - 15''$ East a distance of 105.24 feet; thence continuing along said southerly line the following courses and distances:

North $22^{\circ} - 12' - 45''$ East 12.04 feet;
South $73^{\circ} - 03' - 36''$ East 69.92 feet;
South $56^{\circ} - 26' - 22''$ East 233.30 feet;
South $39^{\circ} - 49' - 07''$ East 69.92 feet;
South $56^{\circ} - 26' - 22''$ East 20.32 feet;

thence along the arc of a circle deflecting to the left an arc distance of 67.50 feet, said arc having a radius of 1885 feet and a chord that bears South $57^{\circ} - 27' - 55''$ East 67.48 feet;

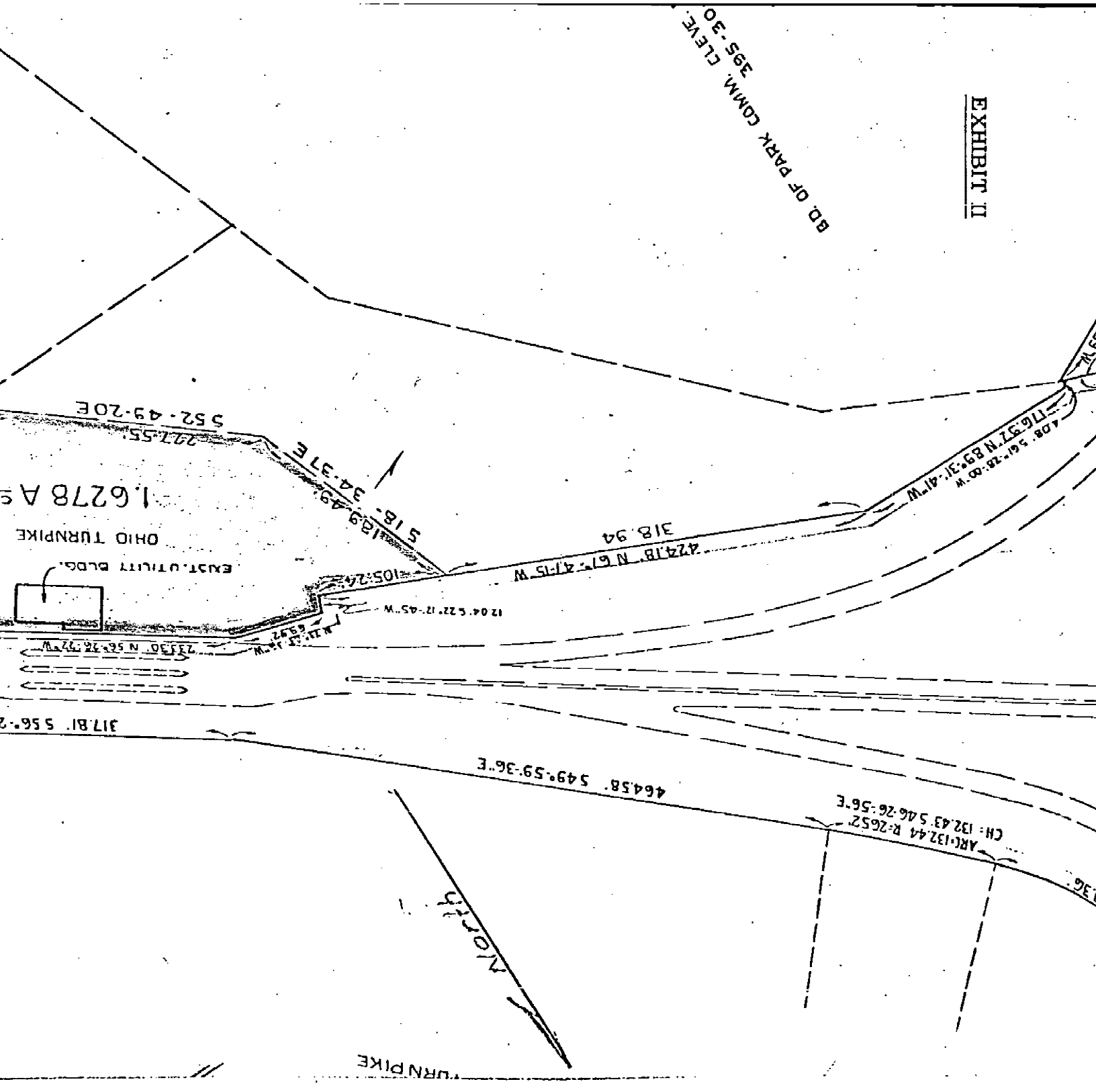
thence leaving said southerly line South $32^{\circ} - 32' - 05''$ West 39.73 feet to a point in the southerly property line of the Ohio Turnpike; thence continuing along the southerly property line the following courses and distances:

South $88^{\circ} - 50' - 22''$ West 219.07 feet;
North $52^{\circ} - 49' - 20''$ West 227.55 feet;
North $18^{\circ} - 34' - 37''$ West 189.49 feet to the place

of beginning and containing 1.6278 acres, more or less.

EXHIBIT II

BD. OF PARK COMM. CLEVELAND



552-49-20E
221.55
1.6278 A
OHIO TURNPIKE
EXIST. UTILITY BLDG.

518-34-37 E
1204.522°17-45"W
105.24

318.94
474.18°N 67-47-15"W

408.561°38-03"W
116.97°N 89°31-41"W

464.58° 549°59-36"E

CH: 132.43° 546-26-56"E
ARC: 132.44° R: 2652.7

TURNPIKE
North

Ohio

Turnpike
Commission



INTER-OFFICE
CORRESPONDENCE

December 19, 1967

TO: Chairman and Members of the Commission
FROM: General Counsel
SUBJECT: Substitution of New Pages (Resolution No. 21-1967)

I enclose new page 2 of Resolution No. 21-1967 and new Exhibit 1 accompanying Resolution No. 21-1967 to be substituted for page 2 of Resolution No. 21-1967 and accompanying Exhibit 1 forwarded to you at an earlier date.

Lockwood Thompson
Lockwood Thompson
General Counsel

Encs.

cc: Executive Director
Comptroller
Squire, Sanders & Dempsey
LT/dc

7-11-67

OHIO TURNPIKE COMMISSION

Resolution Determining that Certain Real Property
Originally Purchased as a Part of Interchange 10
Will no Longer be Needed or Useful or Serve any
Useful Purpose in Connection with the Construction
or Operation and Maintenance of Ohio Turnpike Project
No. 1, and Authorizing the Taking of Competitive Bids
for the Disposal Thereof

WHEREAS, the Commission has constructed a new interchange of the Ohio Turnpike at its intersection with Interstate Route 71 and has abandoned its original Interchange 10;

WHEREAS, by virtue of the closing of said original Interchange 10 a portion of the real estate constituting said interchange was disposed of by authority of Commission Resolution No. 2-1966 to the City of Strongsville, and another portion of the real estate reverted to the Board of Park Commissioners of the Cleveland Metropolitan Park District leaving a residue of the real estate undisposed of;

WHEREAS, a part of said heretofore undisposed of real estate consisting of a utility building adjacent to the ramp of former Interchange 10 is no longer needed and no longer of use to the Commission in view of the closing of said interchange; and

WHEREAS, the Commission is authorized by Section 713 of the Trust Agreement (hereinafter referred to as the "Trust Agreement") dated June 1, 1952 and entered into by and between the Commission and The Ohio National Bank of Columbus, Trustee, and The National City Bank of New York (now First National City Bank), Co-trustee, to dispose of real and other property on the conditions therein and herein provided;

NOW, THEREFORE, BE IT

RESOLVED that the Commission, having duly and fully considered the matter, hereby determines that from and after July 11, 1967 the following parcel of real estate

will not be needed in connection with the operation and maintenance of Ohio Turnpike Project No. 1, the legal description of which comprises precisely 1.6278 acres, plat of which prepared by John A. Petsche, Civil Engineer, under date of February, 1967, has been exhibited to this Commission;

FURTHER RESOLVED that the Commission deems it in its best interest to sell said parcel of real estate hereinabove described and adopts this resolution pursuant to Section 713 of the Trust Agreement dated June 1, 1952, entered into between the Ohio Turnpike Commission and The Ohio National Bank of Columbus, Trustee, and The National City Bank of New York (now First National City Bank), Co-trustee;

FURTHER RESOLVED that the Commission's executive director is hereby authorized and empowered to take competitive bids for the sale and disposal of said real estate hereinabove described, such sale and disposal to be to the bidder whose bid in consideration of the public interest is determined by the executive director to be the best after advertisement for two consecutive weeks in a newspaper of general circulation in Franklin County and in such other publications as the executive director may see fit; thereupon the Commission's executive director is empowered to execute a quitclaim deed in behalf of the Commission to the successful bidder provided, however, that the consulting engineer shall first approve this resolution, and provided further that the advertisement for bids shall specify that the executive director may at his discretion reject any and all bids;

FURTHER RESOLVED that in connection with the disposal of said real estate by and on behalf of the Commission the Commission shall specify the manner in which the property disposed of may be utilized, without injury to the Turnpike, without

hazard to users of the Turnpike, and without interruption of use, and further containing such terms as may be approved by the executive director and general counsel;

FURTHER RESOLVED that the proceeds of said sale shall be paid to the Ohio National Bank, Trustee under the Trust Agreement, to be credited to the Reserve Maintenance Fund pursuant to said Section 713 of the Trust Agreement; and

FURTHER RESOLVED that the comptroller is hereby directed, immediately upon the consummation of the sale, to notify the trustee thereof of the amount and disposition of the proceeds derived therefrom as hereinabove directed.

(Resolution No. -1967 adopted July 11, 1967)