

MINUTES OF THE 347th MEETING OF THE OHIO TURNPIKE COMMISSION

April 11, 1985

Pursuant to the bylaws the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street in Berea, Ohio at 11:00 a.m. on April 11, 1985, with key members of the staff; a representative, William R. Fleischman, of the consulting engineers, J. E. Greiner Company-Ohio; a member of the press, Pauline Thoma, The (Cleveland) Plain Dealer; 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: Bernard Hurst, William H. Schneider, Sandra Dombey Cooke, Charles R. Pinzone, Clarence D. Rogers, Jr.

Absent: Warren J. Smith

A motion was made by Mrs. Cooke, seconded by Mr. Hurst, that the minutes of the meeting of December 19, 1984, which had been examined by the Members, 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: Mrs. Cooke, Mr. Hurst, Mr. Schneider, Mr. Pinzone, Mr. Rogers

Nays: None

The Chairman declared the minutes stood approved with all Members present voting in the affirmative.

The Chairman reported that the meeting was the 347th meeting of the Ohio Turnpike Commission, and it was being held at the Commission's headquarters as provided for in the Commission's Code of Bylaws. He said Warren Smith, the Director of Transportation, was unable to attend the meeting. He said that, however, Bernard Hurst, Assistant Director of ODOT, was at the meeting as a representative of the department, and he was properly authorized to vote in Mr. Smith's place. He said also at the meeting were Captain Russell Miller, Commander of District 10 of the Ohio State Highway Patrol, and Rob Fleischman, a partner of J. E. Greiner Company-Ohio, the Commission's consulting engineers.

The Chairman reported also that on February 1, the Executive Director and he had delivered in person copies of the Commission's 1984 annual report to the Governor's office, and also to the offices of the legislative leaders and to the chief of staff of the Attorney General. He said the report had then been distributed

to selected members of the General Assembly, to elected officials, to newspapers, television and radio stations throughout the state, and to other interested persons.

The Chairman reported also that as was customary in the Chairman's report, he would give a brief summary of the Commission's financial experience for the first three months of 1985.

The Chairman reported further that total revenues for the period of January through March were \$17,061,709, or 1.3% above last year. He said total toll revenues came to \$14,758,522, up a modest .3% over 1984.

The Chairman reported also that the primary reason for the meeting was to act on several resolutions, draft copies of which were forwarded to the Members with the agenda and had been placed in the Members' folders. He said the resolutions would be explained and presented during the course of the appropriate committee or staff report.

The Chairman said that in the absence of any questions, the report of the Chairman was accepted as offered. He said the report of the Secretary-Treasurer would be received.

The Secretary-Treasurer, Mr. Pinzone, said that since the last Commission meeting, the following had been sent to all Members:

1. Weekly Traffic Statistics
2. Investment Transactions which occurred during December, 1984; January, February and March, 1985
3. Draft of the Commission Meeting Minutes of December 19, 1984
4. Traffic Accident Analysis through December, 1984; 1985 through February 28
5. Traffic and Revenue Report for December and Summary for year 1984; January, February and March, 1985
6. Financial Statements for December, 1984; January, February and March, 1985
7. Expense and Budget Report - Fourth Quarter 1984
8. Comprehensive Annual Financial Report, 1984
9. Report on Concessionaires - 1984
10. Litigation Report for Fourth Quarter 1984 and First Quarter 1985

11. Summary of Bonds Purchased in 1984

The Chairman said the report of the Secretary-Treasurer was accepted as offered. He said the report of the Committee on Budget and Finance would be received.

The chairman of the Committee on Budget and Finance, Mr. Pinzone, said the Commission ended fiscal and calendar year 1984 with expenditures of \$2,017,438, or 5.4 percent under the budget for the year, which was \$37,534,312.

Mr. Pinzone said further that copies of a resolution adopting the proposed budget for 1985 were distributed to necessary officials and offices as required by statute and each member of the 116th General Assembly had been asked whether he or she wished to receive personally a copy, which also was a statutory requirement. He said no member of the General Assembly asked to receive copies personally.

Mr. Pinzone said further that for the first three months of 1985, expenditures were \$829,059, or 7.4 percent under budget for the period.

The Chairman said the report of the Committee on Budget and Finance was accepted as offered. He said the report of the Committee on Service Plazas would be received.

The chairman of the Committee on Service Plazas, Mrs. Cooke, said that as the Members knew, the present contracts for operation of the service plaza restaurants, which began in 1970 and had an initial nine-year term to 1979, had been extended three additional two-year terms which expire on September 30, 1985. She said that as a result, the Commission had decided to solicit bids for new contracts to begin October 1, 1985. She said notice of that intention to rebid had been provided to the present operators by letters dated January 22, 1985.

Mrs. Cooke said further that since that time the staff members had prepared bid specifications and documents and the contracts had been advertised with bids due on May 6, 1985, although the bid opening date could be extended by a week or so.

Mrs. Cooke said further that the committee held a pre-document meeting in February with potential restaurant operators, and it had been well attended by representatives of many major fast-food and other types of restaurant operations.

Mrs. Cooke said further that additional information had been sent to the Members or was available to them which gave a breakdown as to the proposed mix of fast-food and family-style restaurants on the Turnpike.

Mrs. Cooke said further that there would be a construction

period of five months, October 1st through the end of February, for the renovation and remodeling of the service plaza restaurants by the new concessionaires. She said electrical work and some minor modifications to the restaurants would be done by the Commission.

Mrs. Cooke said further that there had been some brief discussions about the Commission being empowered to construct and operate hotels on the Turnpike, which was something that might, in the long term, be given consideration.

Mrs. Cooke said the committee had been attempting to encourage the best in quality and flexibility in conversations with potential restaurant operators. She said the committee also had talked with those representatives about advertising options available to inform Turnpike patrons of new restaurant locations.

Mrs. Cooke said further that documents for restaurant contracts had been furnished to the Members and were before them at the meeting. She said she proposed that those documents be approved and ratified by resolution which she recommended be adopted.

A resolution approving, adopting and ratifying documents for restaurant contracts was moved for adoption by Mrs. Cooke, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 1-1985

"WHEREAS, pursuant to the terms thereof, Contract TR-4, for the operation of the restaurants on the Ohio Turnpike will expire on September 30, 1985;

"WHEREAS, the Commission has advertised for bids for contracts to operate the restaurants on the Ohio Turnpike, said contract being generally identified as Contract TR-5;

"WHEREAS, there is before this meeting the contract documents, exhibits and statistical data on which the bids are to be submitted and which have been prepared by the Commission's executive director, general counsel and other staff members of the Commission's Committee on Service Plazas; and

"WHEREAS, the Commission has given consideration to said contract documents, exhibits and statistical data thereof as prepared by the Commission's executive director, general counsel and others;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby approves, adopts and ratifies the contract documents, exhibits and statistical data for the operation of the restaurants along the Ohio Turnpike designated Contract TR-5, and

FURTHER RESOLVED that any addendum or addenda to the afore-said documents which are by them deemed to be necessary or desirable may be issued by the executive director and general counsel."

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

Ayes: Mrs. Cooke, Mr. Pinzone, Mr. Hurst, Mr. Schneider,
Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 1-1985.

Mrs. Cooke said also that she did not know if the other Members had a copy of the weekly sales of March 29th from the Rax restaurants at Commodore Perry and Erie Islands service plazas, but they were doing quite well. She said that for the week ending March 29th food sales for Commodore Perry came to \$24,467, up \$19,264 from the same period in 1984. She said that at the same time food sales at Erie Islands were \$24,920 or \$18,314 over 1984.

Mrs. Cooke said also that the bids for the new restaurant concessionaires would be evaluated by the Committee during May and June, and that recommendations for contract awards by the Commission would be made within 60 days after the bids were opened.

Mrs. Cooke said also that, finally, she wanted to report that the contract for operation of the service stations had been extended at least until September 30, 1986, based on extension requests by Oasis Petroleum Corporation that were made initially in 1982 as permitted in the contract. She said that in addition, the operator had been informed that a decision on its request for extensions beyond 1986 would be made by the Commission in May or June of 1986.

The Chairman said the report of the Committee on Service Plazas was accepted as offered. He said the report of the Committee on Employee Relations would be received.

James C. McGrath, General Counsel, who substituted for the absent vice chairman of the committee, G. Alan Plain, said a resolution was before the Commission at the meeting dealing with the collective bargaining act in Ohio. He said that, as the Members knew, following the adoption of Chapter 4117 of the Ohio Revised Code, the Public Employee Collective Bargaining Act, the Laborers International Union of North America, Local 1283, had requested voluntary recognition as the exclusive bargaining agent for the Commission's non-supervisory employees in the toll collection and maintenance departments. He said the union's request had been approved by the State Employee Relations Board, and the resolution before the Commission essentially dealt with that subject.

Mr. McGrath said further that the resolution was rather lengthy and, in essence, said that the Laborers International had been recognized as the collective bargaining agent for the non-supervisory toll and maintenance employees and it had requested that the Commission begin collective bargaining negotiations with them.

A resolution authorizing collective bargaining negotiation and execution of employment contracts was moved for adoption by Mr. Schneider, seconded by Mrs. Cooke as follows:

RESOLUTION NO. 2-1985

"WHEREAS, the Commission, under its Code of Bylaws and through its Committee on Employee Relations and its executive director, heretofore has conducted annual discussions with representatives of various employee groups for purposes of reviewing and modifying employees' wages and salaries, benefits and working conditions;

"WHEREAS, until the enactment of Ohio Revised Code, Chapter 4117, the Commission was not authorized to enter into a collective bargaining agreement with any employee group, or labor organization;

"WHEREAS, Chapter 4117 of the Ohio Revised Code, the Public Employee Collective Bargaining Act, now authorizes formal recognition of employee organizations and collective bargaining procedures and contracts;

"WHEREAS, the Laborers' International Union of North America ("LIUNA"), Local 1283 has applied to the State Employment Relations Board ("SERB") for voluntary recognition as the exclusive representative of a unit consisting of all regular full-time, non-supervisory field employees in the Toll Collection Department and Maintenance Department of the Commission and the SERB has certified LIUNA as the exclusive representative of all the employees in those units.

"WHEREAS, LIUNA has filed a notice of its wish to commence collective bargaining negotiations pursuant to Section 4117.14 of the Ohio Revised Code;

"WHEREAS, the Commission desires to authorize and to proceed with such negotiations so as to comply with the statutory requirements and also it desires to maintain the excellent relationship it has developed and nurtured over the years with all its employees, including those outside the referenced bargaining unit;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby authorizes the Committee

on Employee Relations, with the advice of labor counsel, to negotiate on behalf of the Commission with the exclusive representative of the employee bargaining unit and to develop an appropriate collective bargaining contract consistent with the Collective Bargaining Statute and Regulations; and

"FURTHER RESOLVED that the chairman or executive director, or both, be and hereby they are authorized to execute such a contract on behalf of the Commission and to carry out its terms on behalf of the Commission; and

"FURTHER RESOLVED that the authority of the executive director to enter into contracts of employment with all other employees, as such authority is contained in Article V of the Commission's Code of Bylaws, shall continue provided, however, that any such contracts are reasonable and prudent; and

"FURTHER RESOLVED that the chairman be and hereby he is authorized to negotiate and execute on behalf of the Commission a contract of employment with the current executive director provided, however, that such a contract shall not have an initial term that is longer than three years, salary shall not be increased more frequently than once each year on or about January 1, beginning in 1986, and by not more than the rise in the cost of living index or five (5%) percent each year, whichever is less, and that all other employment and fringe benefits shall be consistent with those of other administrative salaried employees; and

"FURTHER RESOLVED that the executive director and general counsel are directed hereby to review the Commission's Code of Bylaws and to recommend such revisions and additions as are appropriate and necessary, to update them to accommodate changes that have occurred since they were last revised and to report such recommendations for action by the Commission as soon as possible."

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

Ayes: Mr. Schneider, Mrs. Cooke, Mr. Hurst,
Mr. Pinzone, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 2-1985.

The Chairman said the report of the Committee on Employee Relations was accepted as offered. He ascertained there would be no report from the designee of the Director of Transportation. He said the report of the Committee on Safety would be received.

The chairman of the Committee on Safety, Mr. Schneider, said that the safety record for 1984 was excellent and, combined with similar excellent years in 1982 and 1983, the Commission and Turnpike had the best three-year record in its history.

Mr. Schneider said also that included in the Members' folders was a report by District 10 of the Ohio State Highway Patrol of its activities on the Turnpike in 1984. He said this was the first time such a report had been prepared and he wanted to thank Captain Miller for presenting it and also for the District's efforts which had contributed to the Turnpike's outstanding safety record.

Mr. Schneider said also that as the Executive Director reported at the last meeting he expected the Safety committee to review the Turnpike's traffic rules and regulations in order to determine whether any changes and updating were warranted. He said that review would be conducted during the remainder of the year, as time permitted.

The Chairman said the report of the Committee on Safety was accepted as offered. He said the report of the Executive Director would be received.

The Executive Director, Allan V. Johnson, said that as the Members no doubt recalled the Commission acted at its November 13, 1984, meeting to authorize the execution of an agreement or license for the installation of a fiber optic cable within the Turnpike's right-of-way.

The Executive Director said further that in granting that authority or permission the Commission indicated that such license would be non-exclusive and that other companies would be permitted to apply and be granted similar licenses so long as the cables could be accommodated within the right-of-way.

The Executive Director said further that the installation of the fiber optic cable by Litel Telecommunications Corporation, the company first granted a license for cable installation, continued to progress. He said that for the most part the Litel cable had been installed throughout the entire length of the Turnpike, as provided for in their license, with the exception of a portion of the road beginning just west of the Strongsville-Cleveland (#10) Interchange and continuing east to the Cuyahoga River bridges. He said Litel had used Metropolitan Park right-of-way in that area to link Cleveland and Akron with the cable.

The Executive Director said further that the Commission had received a request from MCI Telecommunications Corporation for a similar permit to utilize the area between mileposts 160 and 177 for installing that company's fiber optic cable. He said MCI's request had been received by the Commission's staff and a form of agreement, essentially the same as the one with Litel, had been drafted. He said he would now hand the Members drafts of that agreement.

The Executive Director said further that since it was a rather unique situation for the Commission he proposed that it grant him authority, as Executive Director, to enter into a license agreement with MCI, just as had been done with Litel. He said a draft of a resolution to do that was in the Members' folders.

The Executive Director said further that in recently reviewing the resolution granting the permit to Litel he found that it pertained only to Litel, even though at that time he recalled the Commission discussed it was to be a non-exclusive license.

The Executive Director said further since he essentially had covered the Whereas's of the resolution, he would read the Resolveds:

"NOW, THEREFORE, BE IT

"RESOLVED that the executive director, with the approval of the general counsel, is hereby authorized to enter into a license agreement with MCI Telecommunications Corporation on essentially the same terms and provisions as the draft agreement, which is before the Commission; and it is

"FURTHER RESOLVED that the executive director, with the approval of general counsel, is hereby authorized to enter into other licensing agreements dealing with the installation of fiber optic cable on the Ohio Turnpike on essentially the same terms and provisions as the draft agreement which is before the Commission at this time and the prior license agreement entered into with Litel Telecommunications Corporation, provided that the deputy executive director-chief engineer and the consulting engineers determine that the installation of such cable will not interfere with the construction, maintenance and operation of the Ohio Turnpike."

The Executive Director said further that he recommended that the resolution be adopted. He said that as the Members could see he was asking for a sort of general approval to enter into other similar agreements. He said there were not any other such agreements at hand, and he didn't know if they would be forthcoming. He said the Commission had access to the Litel cable as part of their agreement, and discussions were continuing with MCI as to whether or not the Commission wanted access to their cable. He said that if the Commission wanted access to the MCI cable, he was sure the company would provide it. He said the Commission's staff had yet to determine how the Litel cable might be used.

The Chairman said he thought it was important that the agreement with MCI specify that the Commission had access to their cable regardless of whether or not it was used.

The Executive Director said a provision would be included in the MCI agreement for cable use by the Commission.

Mr. Schneider said such a provision should be part of all future contracts with fiber optic cable companies.

Mrs. Cooke asked the Executive Director how many cables could be buried in the Turnpike median.

The Executive Director said the Turnpike median was 40 feet wide and the license documents stated that the cables must be no closer than four feet apart. He said that, therefore, probably eight of those cables could be buried in the median, although they might have to be squeezed in bridge pier sites. He said he could not conceive that there would be a need for eight of those cables along the Turnpike. He said that even though they were only as big around as a pencil the cables carried a phenomenal amount of audio and visual data.

The Executive Director said further it was to the Commission's advantage to have MCI install its cable in the 17-mile portion of Turnpike right-of-way which did not have the Litel cable installed. He said that in that gap area Litel had been required to furnish drops into the Towpath and Great Lakes service plazas, and to the Cleveland (#11) Interchange. He said Litel was doing that by bringing in special cable from off the Turnpike. He said installation of the MCI cable would mean that fiber optic cable would be buried the entire length of the Turnpike.

The Chairman said he noticed in the resolution that it was pointed out that the MCI installation would not interfere in any way with the 1985 Turnpike construction program, which he thought was important.

The Executive Director said he agreed with the Chairman and he emphasized that the Commission's license agreements specified that the companies installing the cable would be required to move them at their own expense should the cables be in the way of future Turnpike construction projects.

Mr. Hurst said he wondered about the continuing rights or benefits to the cable installers at such time when the Turnpike might become a free part of the Interstate system in light of the Federal Highway Administration's objections to such installations in Interstate route right-of-way.

The Executive Director said that situation specifically was addressed in the agreement with Litel and the draft agreement with MCI. He said the license was only granted for the remainder of the term of the Commission's existing outstanding bonds, which matured December 1, 1990. He said the agreements did state that the Commission would, if possible, attempt to transfer the license to a successor agency, if that came about in 1990. He said the companies were not given any guarantees the licenses would be extended, and therefore, they could automatically expire in 1990. He said the agreements further provide that in 1990 the cable ceases to be used or is actually removed in the event the Turnpike comes under the jurisdiction of ODOT and the license is not

transferred.

Mr. Hurst asked the Executive Director if the Commission's staff addressed the possibility that the cable owners might insist on some rights or benefits since they were, in fact, occupying the right-of-way.

The Executive Director said the Commission had not granted any rights or interest in the Turnpike's right-of-way itself. He said no easements were given to the cable companies. He said the Commission was protected from such a situation.

Mr. Hurst said that once public utilities such as Litel and MCI had been utilizing right-of-way for an extended period of time it was difficult to remove them.

General Counsel said that both licenses stated that their entry into the Turnpike created no interest in the real estate.

Mr. Hurst said he didn't want to imply that ODOT was against that type of joint usage. He said that as a matter of fact ODOT had adopted an attitude that a joint usage right-of-way certainly did benefit the public. He said that ODOT and the Commission did have to consider the position taken by the Federal Highway Administration.

The Executive Director said that when the Litel resolution was adopted and authorized by the Commission Warren Smith was in attendance and his comment was he would go along with the license only so far as it affected the Turnpike. He said Mr. Smith said he didn't want to imply that by agreeing to the resolution he would agree to a similar installation of cable along any of the free Interstate routes under ODOT's jurisdiction.

A resolution granting authority to the Executive Director relative to fiber optic cable licenses was moved for adoption by Mr. Pinzone, seconded by Mr. Schneider as follows:

RESOLUTION NO. 3-1985

"WHEREAS, MCI Telecommunications Corporation, whose principal office is located in Arlington, Virginia has requested a license to install a fiber optic cable on the Ohio Turnpike;

"WHEREAS, by Resolution No. 16-1984 the Commission authorized the executive director to enter into a non-exclusive license with Litel Telecommunications Corporation for the installation of fiber-optic cable the entire length of the right-of-way of the Ohio Turnpike;

"WHEREAS, MCI Telecommunications Corporation has requested a license to install a fiber-optic cable on a portion of the turnpike's right-of-way from approximately Milepost 160 to Milepost 177 and the draft of such license agreement is before the Commission;

"WHEREAS, the executive director, deputy executive director-chief engineer and the consulting engineers have determined that the installation of such cable would not at this time interfere with the construction, maintenance and operation of the Ohio Turnpike;

"WHEREAS, MCI Telecommunications Corporation has offered compensation to the Commission in consideration for the granting of such a license;

"NOW, THEREFORE, BE IT

"RESOLVED that the executive director, with the approval of the general counsel, is hereby authorized to enter into a license agreement with MCI Telecommunications Corporation on essentially the same terms and provisions as the draft agreement, which is before the Commission; and it is

"FURTHER RESOLVED that the executive director, with the approval of general counsel, is hereby authorized to enter into other licensing agreements dealing with the installation of fiber-optic cable on the Ohio Turnpike on essentially the same terms and provisions as the draft agreement which is before the Commission at this time and the prior license agreement entered into with Litel Telecommunications Corporation, provided that the deputy executive director-chief engineer and the consulting engineers determine that the installation of such cable will not interfere with the construction, maintenance and operation of the Ohio Turnpike."

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

Ayes: Mr. Pinzone, Mr. Schneider, Mr. Hurst,
Mrs. Cooke, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 3-1985.

The Executive Director said he had furnished the Members with the bid tabulations and advised them of the contracts that have been awarded for the 1985 construction season. He said that program had begun and was in full swing the week of the meeting, although the weather had been somewhat of a factor. He said some snow recently had fallen, but the Tuesday after Easter the program accelerated with the installation of the concrete barriers to separate two-way traffic zones. He said a number of things were being done differently in 1985 to minimize some of the traffic congestion experienced in 1984. He said the contractor on the bridge improvement projects being done between the Sandusky-Norwalk (#7)

and Lorain-Elyria (#8) Interchanges was required to complete half of the work at the conclusion of June and have all four lanes available during the busy traffic months of July and August. He said the projects would resume after Labor Day.

The Executive Director said further that another area of traffic congestion in 1984 had been eastbound between the Strongsville-Cleveland (#10) and Cleveland (#11) Interchanges. He said that for 1985 the resurfacing project through that same area, which included the addition of a third, climbing lane, would have two lanes eastbound opened to traffic all summer. He said that problems had taken place last year in that area because of slow moving, eastbound traffic climbing out of the valley. He said he hoped the added measures taken to minimize congestion would be successful.

The Chairman said the report of the Executive Director was accepted as offered. He said the report of General Counsel would be accepted.

General Counsel said that in connection with the construction work in progress at the Cleveland (#11) Interchange it was necessary to obtain some additional right-of-way. He said the Commission's staff had been successful in obtaining contractual rights-of-entry for each necessary parcel. He said two resolutions were before the Commission requesting authority to appropriate property.

General Counsel said further that the first resolution dealt with the property of Clara H. Meador. He said that it was not absolutely certain at that time that the property would have to be appropriated. He said it appeared that negotiations would be successful.

General Counsel said further that the second resolution had to do with a parcel of real estate owned jointly by Robert R. Disbro and the estate of Ralph Conte. He said that parcel would have to go to appropriation for the reason that the Conte estate was still pending in Cuyahoga County. He said, unfortunately, Mr. Conte passed away without a will leaving some minor heirs and, as a technical matter, it would be necessary to file an appropriation to clear title to the parcel.

General Counsel said that passage of the resolutions was necessary prior to filing of an appropriation action.

Mr. Schneider asked if the reason for the actual taking of the land was for drainage right-of-way. He said he noticed both parcels didn't add up to an acre.

The Executive Director said a loop ramp coming onto the Turnpike at Interchange 11 was being slightly expanded and the expansion took out a little more right-of-way. He said there were eight parcels to be used.

Mr. Hurst said some of the parcels were being taken as fee simple, while others were taken as an easement.

The Executive Director said the easements were temporary for construction purposes.

The Chairman said that even though the wording of both resolutions was quite similar they would be acted on separately.

A resolution declaring the necessity of appropriating property (Clara H. Meador) and directing that proceedings to effect such appropriation be begun and prosecuted was moved for adoption by Mrs. Cooke, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 4-1985

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owners and their representatives, but has been unable to enter into a binding agreement with said owners or their representatives and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction and maintenance of Ohio Turnpike Project No. 1, and

"BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the fee title and necessary easements on the following described property from the owners and persons having an interest therein, to-wit;

<u>Owners</u>	<u>Place of Residence</u>
Clara H. Meador	1804 Glenmount Akron, Ohio 44301
County Auditor of Summit County	Summit County Courthouse Akron, Ohio
County Treasurer of Summit County	Summit County Courthouse Akron, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 3-WL -- Fee Simple

Situated in the Village and Township of Richfield, County of Summit and State of Ohio, and known as being part of Lot No. 11, Tract No. 4, and bounded and described as follows:

Beginning at the intersection of the East line of said Tract No. 4 and the North line of Summit County; thence South 0° 01' 27" East - 2,020.00' on said East line of Tract No. 4 to a point at the

Grantor's southeasterly property corner; thence South 89° 58' 33" West - 389.55' on the Grantor's southerly property line and also on the northerly right-of-way line of the Ohio Turnpike to its intersection with a line parallel to and distant 140' northeasterly measured on a line normal to the centerline of Ohio Turnpike Project No. 1 as shown by plat recorded in Volume 44, page 138 of the Summit County Map Records; said point of intersection being 140' left of and radially from Sta. 53 + 14.79 and being the TRUE PLACE OF BEGINNING of the parcel herein described.

Thence on said existing northerly right-of-way line northwesterly along the arc of a curve to the left (having a radius of 4,723.66', a chord bearing North 59° 56' 59" West a chord length of 498.88' and an arc length of 499.11') to a point on Grantor's northerly property line;

Thence North 89° 59' 33" along the Grantor's northerly property line a distance of 65.19' to a point on the proposed northerly right-of-way lines;

Thence on said proposed northerly right-of-way line southeasterly along the arc of a curve to the right (having a radius of 4,753.66' a chord bearing South 60° 56' 32" East, a chord length of 221.44' and an arc length of 221.46') to a point;

Thence South 58° 58' 56" East a distance of 276.08' to a point on the Grantor's southerly property line.

Thence South 89° 58' 33" West on said southerly property line a distance of 63.54' to the TRUE PLACE OF BEGINNING.

Containing an area of 0.35 acres, more or less.

"FURTHER RESOLVED that the general counsel be, and he hereby is instructed to do or cause to be done all things that may be necessary in the premises in order that proceedings for the appropriation of the property described above may be commenced in the Probate Court of Summit County."

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

Ayes: Mrs. Cooke, Mr. Pinzone, Mr. Hurst,
Mr. Schneider, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 4-1985.

A resolution declaring the necessity of appropriating property (Disbro-Conte) and directing that proceedings to effect such appropriation be begun and prosecuted was moved for adoption by Mr. Schneider and seconded by Mrs. Cooke as follows:

RESOLUTION NO. 5-1985

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owners and their representatives, but has been unable to enter into a binding agreement with said owners or their representatives and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction and maintenance of Ohio Turnpike Project No. 1, and

"BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the fee title and necessary easements on the following described property from the owners and persons having an interest therein, to-wit;

<u>Owners</u>	<u>Place of Residence</u>
Robert R. Disbro	28359 Fairmount Boulevard Cleveland, Ohio 44114
Mary Jane Conte, o/w Mary Jane Conti	4818 East 93rd Street Garfield Heights, Ohio
Joseph R. Conte, o/w Joseph R. Conti	574-A Corkhill Road Bedford Heights, Ohio
Hermine M. Conte, o/w Hermine M. Conti	6805 Mayfield Mayfield Heights, Ohio
Nicole B. Conte, o/w Nicole B. Conti	4818 East 93rd Street Garfield Heights, Ohio
Ralph W. Conte, Jr., o/w Ralph W. Conti, Jr.	4818 East 93rd Street Garfield Heights, Ohio
County Auditor of Summit County	Summit County Courthouse Akron, Ohio
County Treasurer of Summit County	Summit County Courthouse Akron, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 1-WL -- Fee Simple

Situated in the Village and Township of Richfield, County of Summit and State of Ohio, and known as being part of Original Richfield Township Lot No. 11, Tract No. 4, and bounded and described as follows:

Beginning at a point in the old centerline of Brecksville Road, formerly Cleveland-Massillon Road, U. S. 21 at its intersection with a line parallel to and distant 120' northeasterly, measured on a line normal to the centerline of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 44, Page 138 of Summit County Map Records and being 120' left of and normal to Sta. 39+65.27 on the aforesaid centerline of Ohio Turnpike and being the TRUE PLACE OF BEGINNING of the parcel herein described.

Thence North $10^{\circ} 51' 30''$ East along the original centerline of Brecksville Road a distance of 34.50' to a point on the proposed northerly right-of-way line of the Ohio Turnpike;

Thence South $81^{\circ} 34' 50''$ East along said proposed northerly right-of-way line a distance of 90.74' to a point;

Thence South $70^{\circ} 57' 19''$ East along said proposed northerly right-of-way line a distance of 224.04' to a point;

Thence on said proposed northerly right-of-way line southeasterly along the arc of a curve to the right (having a radius of 4,753.66' a chord bearing South $69^{\circ} 14' 44''$ East, a chord length of 123.40' and an arc length of 123.41') to a point on the Grantor's southerly property line;

Thence South $82^{\circ} 23' 28''$ West on the Grantor's southerly property line a distance of 62.32' to a point on the existing right-of-way line of the Ohio Turnpike;

Thence on the aforesaid existing northerly Ohio Turnpike right-of-way line northwesterly along the arc of a curve to the left (having a radius of 4,723.66' a chord bearing North $69^{\circ} 34' 32''$ West, a chord length of 68.18' and an arc length of 68.18') to a point of compound curvature;

Thence on said existing northerly Ohio Turnpike right-of-way line northwesterly along the arc of a curve to the left (having a radius of 6,251.66', a chord bearing North 70° 15' 12" West, a chord length of 57.64' and an arc length of 57.64') to a point;

Thence on the existing northerly right-of-way line of the Ohio Turnpike South 89° 58' 33" West a distance of 60.37' to a point;

Thence on said existing northerly right-of-way line northwesterly along the arc of a curve to the left (having a radius of 6,231.66' a chord being North 71° 13' 49" West, a chord length of 69.96' and an arc length of 69.96') to a point of tangency.

Thence North 71° 33' 06" West along the said existing northerly right-of-way line a distance of 123.25' to the TRUE PLACE OF BEGINNING.

Containing an area of 0.37 acres, more or less, of which 0.03 acres are within the existing right-of-way.

Parcel No. 1-U - Easement

Situated in the Village and Township of Richfield, County of Summit and State of Ohio, and known as being part of Original Richfield Township Lot No. 11, Tract No. 4, and bounded and described as follows:

Beginning at a point in the old centerline of Brecksville Road, formerly Cleveland-Massillon Road, U.S. 21 at its intersection with a line parallel to and distant 120' northeasterly measured on a line normal to the centerline of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 44, Page 138 of Summit County Map Records; thence North 10° 51' 30" East along the old centerline of Brecksville Road a distance of 34.50' to a point on the Proposed northerly right-of-way line at the Ohio Turnpike; thence South 81° 34' 50" East along said Proposed right-of-way line a distance of 40.03' to a point on the existing easterly right-of-way line of Brecksville Road, and being 161.17' left of and normal to Sta. 40+00.14 on the aforesaid centerline of Ohio Turnpike and being the TRUE PLACE OF BEGINNING of the parcel herein described.

Thence North 10° 51' 30" East along the easterly right-of-way line of original Brecksville Road a distance of 23.35' to a point on the Grantor's northerly property line;

Thence North 89° 58' 33" East along said northerly property line a distance of 17.95' to a point;

Thence South 71° 02' 11" East a distance of 260.58' to a point;

Thence South 69° 01' 53" East a distance of 159.60' to a point on the Grantor's southerly property line;

Thence South 82° 33' 28" West on the Grantor's property line a distance of 40.84' to a point on the proposed northerly right-of-way line of the Ohio Turnpike;

Thence on said proposed northerly right-of-way line northwesterly along the arc of a curve to the left (having a radius of 4,753.66' a chord bearing North 69° 14' 44" West, a chord length of 123.40' and an arc length of 123.41') to a point;

Thence North 70° 57' 19" West on said proposed northerly right-of-way a distance of 224.04' to a point;

Thence North 81° 34' 50" West along said proposed northerly right-of-way line a distance of 50.71' to the TRUE PLACE OF BEGINNING.

Containing an area of 0.20 acres, more or less.

FURTHER RESOLVED that the general counsel be, and he hereby is instructed to do or cause to be done all things that may be necessary in the premises in order that proceedings for the appropriation of the property described above may be commenced in the Probate Court of Summit County."

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

Ayes: Mr. Schneider, Mrs. Cooke, Mr. Hurst,
Mr. Pinzone, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 5-1985.

The Chairman said the report of General Counsel was accepted as offered. He said the report of the consulting engineers would be received.

Mr. Fleischman said the annual inspection of the Turnpike and its facilities by the consulting engineers would begin on April 29.

The Chairman said the report of the consulting engineers was accepted as offered. He ascertained there would be no report from the trustee, since a representative was not present, nor from the Director of Information and Research.

The Executive Director said he wanted to introduce Barbara Lesko to the Commission. He said Mrs. Lesko was his new secretary and she replaced Wilma Schroeder, who retired on March 1.

Mrs. Cooke said she wanted to commend the Executive Director and Captain Miller for the excellent safety record compiled in 1984.

The Chairman said the next Commission meeting would be held in June at which time action probably would be taken on awarding new restaurant concessionaire contracts. He said the exact time and location of the meeting would be determined after consultation with the Members.

There being no further business to come before the Commission, a motion was made by Mr. Pinzone, seconded by Mr. Schneider 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: Mr. Pinzone, Mr. Schneider, Mr. Hurst,
Mrs. Cooke, Mr. Rogers

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 11:44 a.m.

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


Charles R. Pinzone, Secretary-Treasurer