

OHIO TURNPIKE COMMISSION

Resolution Authorizing Interagency
Transfer of an Easement

WHEREAS, the Commission purchased in the name of the State of Ohio a fee simple interest in a parcel of real estate designated Turnpike Parcel 139 F-3, said real estate being used for the construction of a service road from Broadview Road, Broadview Heights, Ohio, to the Commission's Towpath Service Plaza;

WHEREAS, the service road constructed thereon is a private road maintained and used only for access to the service plaza and the adjoining property does not have access to said road;

WHEREAS, there is substantial acreage abutting the afore-said service road which does not have economically practical access to Broadview Road, unless said access is provided over the service road;

WHEREAS, representatives of the property owners abutting the service road and the City of Broadview Heights have requested that the Commission take action to permit access to the service road from abutting properties and to permit the use of the service road for access to Broadview Road;

WHEREAS, the consulting engineers, by letter dated April 10, 1989, have advised that provided the Commission retains full and complete use of the service road that exclusive use of the service road is no longer needed for the construction and operation of the Turnpike;

WHEREAS, the deputy executive director-chief engineer by letter dated April 11, 1989, has advised that provided the Commission retains full and complete use of the service road that exclusive use of the service road is no longer needed for the construction and operation of the Turnpike;

WHEREAS, the Commission has determined, based on the recommendations of the consulting engineer and the deputy executive director-chief engineer and on the condition that the Commission retain the fee simple interest in said real estate and free and uninterrupted access to and from the Towpath Service Plaza to Broadview Road for all types of vehicles including, but not limited to, gasoline tank trucks, that permitting access to the service road from abutting land and the use of the said service road by the general public for access to Broadview Road, by easement, would not interfere with the construction, operation and maintenance of the Ohio Turnpike;

NOW, THEREFORE, BE IT

RESOLVED, that the executive director and general counsel, shall take any and all action necessary on behalf of the Commission or by or through the appropriate officers of the State of Ohio to convey an easement in the real estate on which the aforesaid service road is constructed so as to permit access to said service road from abutting properties and access therefrom to Broadview Road provided that such action shall reserve to the Commission the fee simple interest in said real estate and free and complete use of the service road for access to and from the Towpath Service Plaza; and

FURTHER RESOLVED that the authority hereby granted to the executive director and general counsel shall include authority, if deemed appropriate, to execute an interagency transfer of the Commission's jurisdiction to the Director of the Ohio Department of Transportation for subsequent transfer to the City of Broadview Heights, as permitted by statute.