

MINUTES OF THE 362nd MEETING OF THE OHIO TURNPIKE COMMISSION

April 12, 1989

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street in Berea, Ohio at 3:10 p.m., on April 12, 1989, with key members of the staff; a representative, William R. Fleischman, of the consulting engineers, J.E. Greiner Company-Ohio; Captain H. E. Williams, Commander of District 10, Ohio State Highway Patrol; members of the media, Hank Harvey, The (Toledo) Blade, and 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 B. Hurst, Edwin M. Bergsmark,  
Charles R. Pinzone, Clarence D. Rogers Jr.

Absent: Sandra Dombey Cooke

A motion was made by Mr. Bergsmark, seconded by Mr. Pinzone, that the minutes of the meeting of December 21, 1988, 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: Mr. Bergsmark, Mr. Pinzone, Mr. Hurst,  
Mr. Rogers

Nays: None

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

The Chairman said the meeting was the 362nd 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 Mrs. Cooke had planned to be at the meeting but had to cancel at the last minute. He said he wanted to recognize the members of the media, Hank Harvey, The (Toledo) Blade, Pauline Thoma, The (Cleveland) Plain Dealer, as well as Captain H.E. Williams, Ohio State Highway Patrol, and Dave Boston, a guest of one of the Members.

The Chairman reported further that in compliance with a provision of the Turnpike Act, copies of the Commission's 1988 annual report were mailed on March 31st to the Governor's office

and to the offices of the legislative leaders. He said that distribution was required by April 1 and the report was then being distributed to the other members of the General Assembly, to elected state officials, to newspapers, and selected radio and television stations and to other interested parties.

The Chairman reported further that he would dispense with the customary statistical report of the Chairman in the interest of saving time, but he did want to comment on legislative action in both Columbus and Washington on bills that would affect the future of the Ohio Turnpike.

The Chairman reported further that on the day before the meeting the Ohio Senate passed Substitute Senate Bill 7, introduced by Senator Ben Gaeth. He said he, the Executive Director and the Deputy Executive Director had testified on behalf of the Commission in support of that bill so he was pleased by the strong 26 to 6 vote in favor of it. He said the bill would modernize the Turnpike Act; add two legislative members to the Commission; establish a six-member oversight committee composed of three senators and three representatives; and required study by that committee on the future of the Turnpike and the Commission to be completed by next March.

The Chairman reported further that a similar bill, House Bill 402, had been introduced in the Ohio House.

The Chairman reported further that another bill, House Bill 31, had previously been introduced. He said that bill would abolish the Commission. He said Commission testimony had been presented in opposition to that bill during hearings that were held on it. He said no recent hearings had been held and no votes had been taken on it.

The Chairman reported further that a bill had been introduced in the U.S. Congress on March 15, 1989, which was designated as HR 1419. He said that bill would permit the so-called Tripartite Agreement among the Commission, State of Ohio and Federal Highway Administration to be voided. He said the Tripartite agreement required the tolls to end after the current bonds matured in June 1992 and prohibited the Commission from issuing additional bonds. He said HR 1419 had been drafted by the Commission, ODOT, and the Governor's staff. He said it had the support of Ohio's U.S. Senators and Representatives in Congress. He said he hoped it would receive prompt attention so that crucial element was finally settled.

The Chairman reported further that he wanted to conclude by saying that the Commission was prepared to work with the new Commission Members and oversight committee in the event legislation in the form of Substitute Senate Bill 7 and HB 402 ultimately passed and became law.

The Chairman reported further that he also wanted to note that the Commission had been criticized by some persons for taking an active role in seeking those legislative initiatives. He said he didn't think there was any need for the Commission to apologize for trying to keep the Ohio Turnpike the outstanding facility it was, which had been achieved over the last forty years by the Commission and its staff. He said that, in fact, he thought it would be a serious omission on the Commission's part if it were to stand aside and acquiesce to the attacks and faulty information being dispensed by those critics. He said that, after all, the Commission was the toll agency in Ohio, and he was pleased by the expressions of support received from many members of the General Assembly, the media and most especially by the public.

The Chairman reported also that the primary reason for the meeting was to act on a number of resolutions, draft copies of which 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 the following listed items had been sent to the Members since the last Commission meeting:

- (1) Weekly traffic statistics
- (2) Investment Transactions which occurred during December 1988; January, February and March 1989.
- (3) Draft of the Commission Meeting Minutes of December 21, 1988
- (4) Traffic Accident Analysis through February 1989
- (5) Traffic and Revenue Report for December 1988; January, February and March 1989
- (6) Report of Concessionaires - 1988
- (7) Financial Statements for December 1988; January, February and March 1989
- (8) Expense and Budget Report for twelve months ending December 31, 1988
- (9) Copy of the Auditor of State's Final Report
- (10) Resolution No. 8-1988 adopting the 1989 Annual Budget
- (11) Ohio Turnpike Commission 1988 Annual Report
- (12) Litigation Reports for the last quarter of 1988 and the first quarter of 1989
- (13) News Release #5, 1988 - Free Coffee for Christmas and New Year's Holidays  
News Release #1, 1989 - Legislative Impasse Jeopardizes New Interchange  
News Release #2, 1989 - Roadway Rehabilitation Efforts Begin

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 that after the proposed budget for 1989 had been adopted at the December Commission meeting it had been distributed to the various state officials and state officers as required by law. He said that, furthermore, it had been filed with the trustee and the consulting engineers as required by the Trust Agreement.

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

The chairman of the Committee on Employee Relations, Louis J. Disantis, said that representatives of the Commission and the Laborers International Union of North America completed their negotiations for a new contract on February 23. He said the proposed agreement had been ratified by the union membership and had been signed. He said that if the Members had any questions, he would be happy to answer them. He said the agreement became effective on March 11, 1989, except for some retroactive provisions, and it would run through January 1, 1992.

The Chairman said that contained in that new agreement was a streamlined grievance procedure. He said it combined two separate steps of the previous grievance procedure into one. He said what had been Step 2 of the old procedure, wherein a three-member panel of the Committee on Employee Relations heard the grievance, now become Step 1. He said he thought it was important that the Committee on Employee Relations be expanded. He said the present membership consisted of Louis J. Disantis, G. Alan Plain, James C. McGrath, Craig Rudolph, Donald M. Sharp, Robert P. Barnett, and David H. Ransbury. He said he wanted to add to that committee Secretary-Treasurer, Charles R. Pinzone, to serve as co-chairman with Mr. Disantis, and also Ms. Andrea Plassard and Ms. Mary Shirley.

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

The vice chairman of the Committee on Safety, Allan V. Johnson, said a new Ohio State Highway Patrol post on the Turnpike had been opened in February. He said the new building, construction of which had been paid for by the Commission, housed Post 90 of the Patrol. He said it was located within the boundaries of the Sandusky-Norwalk (#7) Interchange, and was more centrally situated in its area of responsibility -- some 80 miles

of Turnpike. He said that area was where the heaviest traffic was concentrated. He said that having Post 90 at the Sandusky-Norwalk Interchange would greatly enhance the control of traffic from nearby Cedar Point and other Lake Erie island resorts. He said he expected to have an opening ceremony for the new Patrol Post and he would inform the Members of that event.

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 said that following the meeting he would present to the Members what he would call a preliminary report on the new, additional toll interchanges that had been under study since 1988.

The Executive Director said further that at the Commission's December meeting he presented a recap of the interchanges included as being desirable from the environmental and engineering studies that were performed for the Commission beginning in 1979 and concluding in 1983. He said those interchanges identified at that time were styled as freeway-type interchanges. He said they were predicated on the assumption that the Turnpike would become a toll-free road but the Commission now was assuming that the Turnpike will stay as a toll road. He said that, therefore, the twelve new interchange sites, actually ten since the staff was in the final design stages on the interchanges with Interstate Route 75 and Ohio Route 2, had to be re-examined and reconfigured for toll-type layouts. He said that work had been done and it could be found in the preliminary report. He said he didn't have any recommendations at that time as to which of those interchanges might be desirable to be constructed in any priority fashion.

The Executive Director said further that since the re-examination period had begun the staff had received requests to look at alternative sites within two specific areas. He said the first was between the Streetsboro (#13) and Warren (#14) Interchanges. He said the previously mentioned environmental and engineering studies selected as desirable an interchange with State Route 44 and an alternative was State Route 88. He said that there had not been strong public support for an interchange with State Route 88 when the studies were conducted, but that situation had changed. He said there had been an outpouring of public sentiment of late to take another look at an interchange with State Route 88, possibly in favor of State Route 44. He said the staff would be taking another look at State Route 88 so that it could be assessed in the selection process.

The Executive Director said further that another area was around Lorain where several interchanges were selected as desirable between the Sandusky-Norwalk (#7) and Lorain County

(#8A) Interchanges. He said those sites would have been at State Route 60 and at State Route 58. He said the staff had received requests to look at an interchange site at Baumhart Road and possibly at a new north-south facility that the State was examining called the Central Lorain Corridor.

The Executive Director said further that those additional alternatives would be included in the preliminary report. He said he would give the preliminary report to the Members, and he suggested that they, especially the Director of Transportation, take a close look at it. He said he thought that perhaps he and Mr. Hurst, along with the Members, might confer on the study before the next Commission meeting to determine what the next move would be on the whole review process.

The Executive Director said also that as part of the legislative process in Washington, HR 1419 had been introduced in the House of Representatives by Congressman Douglas Applegate and others of the Ohio Congressional delegation. He said the legislation contained language which Mr. Hurst and he had a great deal to do with before it was put into its final form. He said the bill had been referred to the House Committee on Public Works and since it was a highway matter, it was then referred to the Subcommittee on Surface Transportation chaired by Congressman Norman V. Mineta of California. He said that at the suggestion of Congressman Applegate, who was the bill's principal sponsor, he wrote to Congressman Mineta on April 11th, and a copy of that letter was in the Members' folders. He said that he included some background information for the Congressman and asked for his help and support in seeing to it that the legislation moved in the appropriate manner.

Mr. Hurst said he and the Executive Director basically wrote the same letter asking Congressman Mineta to expedite the bill. He said he spoke personally to the Congressman on April 10 in Cincinnati where the Congressman spoke at a National Safety Council meeting. He said Congressman Mineta told him that Congressman Applegate had been calling him about every day, and he thought he could get it out of his committee pretty soon.

The Executive Director said he thought that was one area in which he and Mr. Hurst were in total agreement and he hoped their combined efforts would result in passage of the bill.

Mr. Bergsmark asked if the Executive Director could give the Members a status report on the new Turnpike interchanges with Interstate Route 75 and State Route 2.

The Executive Director said the staff had the final plans on the first stage of the I-75 project which included the toll plaza area, and all the ramps down onto the Turnpike. He said the area where the toll plaza would be located had to be graded, and there

would be a later, separate contract to build the toll plaza. He said the remaining plans were being worked on and would be furnished to the staff within a short time by the consultants. He said when those plans were received the bid process would be undertaken for the other contracts. He said construction would begin on the first phase in another month or two.

Mr. Bergsmark asked the Executive Director when that interchange would be completed.

The Executive Director said the project was complicated in that roadway lanes were to be added on I-75 from the Turnpike for more than a mile up to Buck Road. He said that some of the bridges over I-75 had to be rebuilt. He said he expected a 1991 completion on that project.

Mr. Bergsmark said that project tied in with the State Route 795/I-75 connection.

The Executive Director said those two projects were separate with regard to design and construction purposes. He said he thought Mr. Hurst would comment on State Route 795.

Mr. Hurst said ODOT would not go as fast as the Commission because it was using federal funds. He said the S.R. 795/I-75 connection had been designated a demonstration project in the last federal highway bill by Congressman Delbert Latta. He said ODOT had engaged a consulting firm and had started on the plans. He said he had been busy at other meetings that morning and had not received a report before leaving Columbus.

Mr. Bergsmark asked how the completion schedule for S.R. 795/I-75 would compare with the I-75/Turnpike project.

The Executive Director said he knew that Mr. Hurst would be leaving the country toward the end of the week. He suggested, therefore, that he contact ODOT Assistant Director Wayne Kauble for an update.

Mr. Bergsmark said the last time he asked the environmental assessment had been completed and it looked like it was going to be fairly close on track with the I-75/Turnpike Interchange.

The Executive Director said further he thought it would follow right behind the Turnpike project. He said the staff was doing all the elements necessary with the Turnpike project to make sure that the collector-distributor roads were incorporated to accommodate the S.R. 795/I-75 connection.

The Executive Director said further that there were various stages to the S.R. 2 project. He said one of those elements was widening and revamping of S.R. 2 to accommodate the interchange.

He said plans for that work had been submitted to ODOT, and he had been unable to speak with Mr. Kauble to get an update on the plans. He said another element of the project was a total rebuild of the bridge carrying S.R. 2 over the Turnpike. He said the piers on the outside of the bridge had to be taken down. He said the plans for bridge rebuilding were almost finished and advertising for bids would begin within a short time. He said he thought a contract would be awarded within the next month. He said Mr. McGrath would go to Toledo the day after the meeting to take care of some of the project's right-of-way aspects. He said he expected the project to be under construction in 1989 and completed by 1990.

Mr. Bergsmark asked if the I-75/Turnpike interchange would be open in the early part of 1991.

The Executive Director said most of the 1991 construction season would be needed for the work. He said he could give a more exact date after the final plans had been received. He said he had handed Mr. Hurst an inter-agency agreement on the I-75/Turnpike interchange which Mr. Hurst had to sign. He said he already had signed the agreement on behalf of the Commission. He said the Commission previously had authorized the agreement and he hoped Mr. Hurst could sign it before he left the country.

Mr. Hurst said he would sign it the day after the meeting.

The Executive Director said he thought it was important that the agreement be executed by both parties before contracts were awarded for the project. He said the Commission had before it a resolution authorizing the same kind of agreement for S.R. 2, and he would get to that resolution in a few minutes.

Mr. Bergsmark said both new interchanges were important because Burlington Air Express, a major freight hauling system, was moving from Indiana to Toledo Express Airport bringing 800 jobs to the community.

The Executive Director said the staff was very aware of that situation and would soon set the exact completion dates on the projects.

The Executive Director said also that the rest of his report would be to introduce the various resolutions, copies of which were in the Members' folders. He said the first resolution was entitled a resolution ratifying, confirming and approving wage scales and classifications. He said that as previously reported, the collective bargaining agreement had been ratified and executed for many of the full-time, non-supervisory employees in maintenance and toll collection. He said regular discussions also were held with those employees not in the union. He said that as Executive Director he had approved various aspects of the



union agreement under the bylaws of the Commission and other resolutions enacted by the Commission.

The Executive Director said further that, during a recent audit by the Auditor of State, one of the comments was that the Commission itself had not approved actions taken back in 1984. He said that to make sure that there were not any questions or problems regarding wage scales and classifications he thought the resolution was appropriate. He said he would read the resolved as follows:

"Resolved that the Ohio Turnpike Commission hereby ratifies, confirms, and approves the actions of the executive director and the Committee on Employee Relations for the years 1984 through 1989 in negotiating, establishing and implementing general wage scales and classifications, other conditions of employment, and contracts of employment for employees of the Commission."

The Executive Director said further that, as the Chairman knew, the Committee on Employee Relations had been in the forefront on the discussions and formal negotiations that had established the conditions of employment for the employees of the Commission. He said the Chairman himself had headed the committee back in 1984, the year on which the auditor's comment had been made. He said he was recommending that the resolution be adopted so there was no question on the actions that had taken place over those years.

Mr. Hurst asked if the new wages were just established in 1989. He said he knew the staff had negotiations for the people within the bargaining unit for their wage rates. He asked who made the decisions on the wage rates for the top administrators.

The Chairman said that the wages for those employees not within the bargaining unit were set by him and the Executive Director. He said he was asking that the resolution ratifying those actions be adopted. He said Mr. Hurst and the other Members would be supplied with the information on the different wage rates.

The Executive Director said further he already had provided the current rate information to the Members. He said that if Mr. Hurst wanted a list of the same wage classifications in 1988 he would furnish them to him. He said that in addition to the decision on the wage increase being an action by the Chairman and Executive Director, the process included the discussions by a subcommittee of the Committee on Employee Relations with administrative, supervisory and other employees who fell outside the formal collective bargaining group.

Mr. Hurst asked what was the percentage of increases to the top executive staff.

Mr. Disantis said the Committee on Employee Relations had a subcommittee which met with those employees not in the bargaining unit. He said they met with the members of the supervisory staff from tolls, supervisory staff from maintenance, and all supervisory and non-supervisory employees in the administration building. He said the subcommittee recommended to the committee that there be a five percent general increase for the year 1989. He said the committee approved the recommendation and it was recommended to the Executive Director, discussed with the Chairman and put into effect beginning January 1st. He said the five percent increase was the same recommended and ratified for all other employees in the bargaining unit. He said there was no variation.

The Executive Director said further that it was fair to say that a five percent general wage increase went into effect on January 1 for all employees. He said the 1988 wage list he could give to Mr. Hurst would be five percent less than the 1989 wages.

Mr. Disantis said that at a previous Commission meeting it was reported that the discussions with non-union employees had begun. He said he thought it was reported at the December meeting that they were finished and the new salaries would go into effect on January 1.

Mr. Hurst said the increases were never voted on by the Commission even though they had been in effect since January 1.

Mr. Disantis said the Executive Director had been authorized for years to handle the approval of wage increases in that manner.

A resolution ratifying, confirming, and approving wage scales and classifications was moved for adoption by Mr. Pinzone, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 1-1989

"WHEREAS, pursuant to the provisions of the Commission's Code of Bylaws and resolutions of the Commission, the executive director, with the advice and recommendation of the Committee on Employee Relations, is authorized to establish wage scales and classifications and other conditions of employment for Commission employees and to enter into contracts of employment;

"WHEREAS, the executive director has kept the Commission advised of said wage scales and classifications and in particular of general wage increases, if any, granted at the beginning of a calendar year;

"WHEREAS, at the beginning of each calendar year, the Commission staff prepares a document which sets forth the compensation and various step pay ranges for each Turnpike Commission employee, and the current document has been presented to the members and is before the Commission;

"WHEREAS, the Auditor of the State of Ohio has, pursuant to an audit performed for the year 1987, commented that, notwithstanding the terms and provisions of the Commission's Code of Bylaws and pertinent resolutions, the Commission itself did not approve the general wage scales and classifications implemented in 1984;

"WHEREAS, it is the desire of the Commission to cooperate whenever and wherever appropriate and possible with the Auditor of the State in conducting its affairs in a manner, according to law, which is compatible with the recommendations by the State Auditor;

"NOW, THEREFORE, BE IT

"RESOLVED that the Ohio Turnpike Commission hereby ratifies, confirms, and approves the actions of the executive director and the Committee on Employee Relations for the years 1984 through 1989 in negotiating, establishing and implementing general wage scales and classifications, other conditions of employment, and contracts of employment for employees of the Commission."

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

Ayes: Mr. Pinzone, Mr. Bergsmark, Mr. Rogers

Nays: Mr. Hurst

The Chairman declared the resolution stood adopted with all Members present, with the exception of Mr. Hurst, voting in the affirmative. The resolution was identified as No. 1-1989.

The Executive Director said also that the next resolution was called a resolution providing for a fringe benefit pick-up of employee contributions to PERS. He said that the pick-up was included in the collective bargaining agreement and it called for the Commission to pick up the employee contribution to the Public Employee Retirement System.

The Executive Director said further the Commission was not paying anything additional, but it was a tax or tax reduction mechanism for employees. He said the current employee contribution to PERS was eight and a half percent and under the

pick-up the Commission was picking up that eight and a half percent, thus it will not be a taxable item in the employee's salary. He said employees effectively would get eight and a half percent less salary credited to them. He said if the Members had any questions he would defer them to other staff members, perhaps Mr. McGrath.

The Chairman asked if there were any questions from the Members.

Mr. Pinzone said the pick-up had been in effect at various political entities for the last year or two.

The Executive Director said it was not anything unusual.

Mr. Hurst said ODOT had it in effect for a year or year and a half.

The Executive Director said further the resolution was a long one. He said it had seven Resolveds in it. He said the staff had to follow up with the appropriate requests for the Internal Revenue Service private letters to finally confirm it. He said the pick-up had all been handled by the Commission's outside legal counsel.

A resolution providing for a fringe benefit pick-up of employee contributions to PERS was moved for adoption by Mr. Bergsmark, seconded by Mr. Hurst as follows:

RESOLUTION NO. 2-1989

"WHEREAS, certain employees of the Ohio Turnpike Commission ("Commission") are members of the Public Employees Retirement System ("PERS") established pursuant to Chapter 145 of the Ohio Revised Code;

"WHEREAS, Commission employees who are members of PERS are obligated to contribute a specified percentage of their compensation to PERS;

"WHEREAS, amounts paid by such employees to PERS are currently includible in gross income for federal income tax purposes;

"WHEREAS, Section 414(h)(2) of the Internal Revenue Code provides that the Commission, as employer, may pick-up (assume and pay) employee contributions to PERS and that such amounts will not be currently taxed for federal income tax purposes;

"WHEREAS, the Commission has agreed that it will adopt a salary reduction pick-up on behalf of its employees who are

included in a collective bargaining unit represented by Local 860 of the Laborers' International Union of North America ("collective-bargaining unit"); and

"WHEREAS, in accordance with Section 414(h)(2) of the Internal Revenue Code, the Commission wishes to adopt a salary reduction pick-up on behalf of its collective-bargaining unit employees and all other employees of the Commission;

"NOW, THEREFORE, BE IT RESOLVED by the Ohio Turnpike Commission that:

"Section 1. The Commission's method of payment of salary and provision of fringe benefits to its employees who are participants in PERS are hereby modified as follows, in order to provide for a salary reduction pick-up of employee contributions to PERS.

"Section 2. The total annual salary, and salary per pay period, for each employee shall be the salary otherwise payable under the Commission policies and any collective bargaining agreement with respect to union employees. Such total annual salary, and salary per pay period, of each employee shall be payable by the Commission in two parts: (a) deferred salary and (b) cash salary. An employee's deferred salary shall be equal to that percentage of that employee's total annual salary, or salary per pay period, which is required from time to time by PERS to be paid as an employee contribution by that employee, and shall be paid by the Commission to PERS on behalf of that employee as a pick-up and in lieu of the PERS employee contribution otherwise payable by that employee. An employee's cash salary shall be equal to that employee's total annual salary or salary per pay period less the amount of the pick-up for that employee, and shall be payable, subject to applicable payroll deductions, to that employee. The Commission shall compute and remit its employer contributions to PERS based upon an employee's total annual salary per pay period, including the aforesaid pick-up. The total combined expenditures of the Commission for such employees' total salaries otherwise payable under applicable Commission policies and any collective bargaining agreement with union employees (including pick-up amounts) shall not be greater than the amounts it would have paid for those items had this provision not been in effect.

"Section 3. The employee contribution pick-up shall be included in the employee's total annual salary for the purpose of computing daily rate of pay, for determining paid salary adjustments to be made due to absence, or for any similar purpose.

"Section 4. The pick-up by the Commission of an employee's contributions to PERS shall be mandatory for all employees described who are members of PERS. No such member shall have the option of choosing to receive the contributed amounts directly instead of having them paid by the Commission to PERS.

"Section 5. The Commission shall fulfill its income tax reporting and withholding responsibilities for each employee in such manner as is required by applicable federal, state and local laws and regulations as they may exist at the time of such reporting and withholding, it being the Commission's understanding that federal and Ohio state income tax laws and regulations presently require it to report as an employee's gross income his total annual salary less the amount of the employee contribution pick-up while applicable municipal income tax laws may require it to report as an employee's gross income his total annual salary including the amount of the employee contribution pick-up.

"Section 6. The Executive Director (or his designee), and the Comptroller (or his designee) hereby are directed to take all acts necessary and appropriate to implement the provisions of this resolution, including but not limited to making applications to the Internal Revenue Service for a private letter ruling concerning the federal income tax treatment of the pick-up plan and making applications to PERS to determine the PERS requirements in connection with such pick-up plan.

"Section 7. The pick-up shall apply to all payroll periods beginning on and after the date that a private letter ruling approving the pick-up is received from the Internal Revenue Service."

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

Ayes: Mr. Bergsmark, Mr. Pinzone, Mr. Hurst,  
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. 2-1989.

The Executive Director said also that the next resolution was called a resolution approving agreement with the Ohio Department of Transportation on construction of a toll interchange at S.R. 2 (Airport Highway) and the Ohio Turnpike. He said

that as he already explained the staff was in the final plan preparation stage for the S.R. 2/Turnpike interchange. He said the Commission previously had authorized a Commission-ODOT agreement for the I-75/Turnpike agreement, and it had been prepared along the same lines. He said it provided for the Commission to pay for all the costs of building the interchange, and ODOT was to approve all plans, especially for the S.R. 2 portion of the project. He said that he thought it was important to have the agreement executed and have a full agreement between the Commission and ODOT before contracts were awarded. He said that without reading the resolution he recommended that it be adopted. He said a draft of the agreement was included with the resolution. He said after the resolution was adopted he would forward a draft to ODOT for Mr. Hurst to execute.

A resolution approving agreement with the Ohio Department of Transportation for construction of a toll interchange at S.R. 2 (Airport Highway) and the Ohio Turnpike was moved for adoption by Mr. Bergsmark, seconded by Mr. Hurst as follows:

RESOLUTION NO. 3-1989

"WHEREAS, Resolution No. 1-1988 adopted by the Commission on March 21, 1988, approved the location, design and construction of a toll interchange with S.R. 2 (Airport Highway) and the Ohio Turnpike in the vicinity of Milepost 52.9 in Lucas County, Ohio;

"WHEREAS, the Ohio Department of Transportation (ODOT) has approved the location and design of the proposed interchange at S.R. 2 and the Ohio Turnpike by Director Hurst's letter of July 26, 1988;

"WHEREAS, a proposed agreement to cover the responsibility of ODOT and the Ohio Turnpike Commission ("Commission") in the design and construction of the interchange has been prepared and is attached hereto as Exhibit "A" and is incorporated by reference;

"WHEREAS, the proposed agreement provides that all plans and specifications shall be prepared by the Commission and the portions affecting S.R. 2 shall be subject to approval by ODOT prior to any commencement of work; that all construction contracts will be awarded by the Commission and that all costs of the project, including needed right-of-way shall be the sole responsibility of the Commission; and

"WHEREAS, such proposed agreement has been approved by the Commission's executive director, deputy executive director-chief engineer and the consulting engineers and is now before the Commission for approval as to its terms;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission's executive director be, and hereby he is, authorized to enter into an agreement with ODOT, as approved by general counsel, on the terms and conditions substantially as set forth in Exhibit "A"."

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

Ayes: Mr. Bergsmark, 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. 3-1989.

The Executive Director said also the Members had before them a resolution authorizing interagency transfer of an easement. He said there were cases where the Commission constructed or re-constructed facilities that adjoined and paralleled the Turnpike for which right-of-way was acquired by law under the name of the Commission and the State of Ohio. He said the situation had caused some problems in the past in that the Commission had what basically were local roads that turned out to be the Commission's responsibility and they were not something the Commission should have had.

The Executive Director said further that the particular road the resolution spoke of was a service road that ran into the Turnpike's Towpath Service Plaza in the City of Broadview Heights, Cuyahoga County. He said the right-of-way was acquired as limited access when it really was a local road.

The Executive Director said further that he had received requests by some of the adjoining property owners and also from the City of Broadview Heights to figure out some way that the road could be accessed by the adjoining properties. He said he had no problem with that, and he was proposing to authorize an interagency transfer. He said the resolution called for transferring the Commission's interest and right in the underlying right-of-way to ODOT. He said Mr. Hurst then would transfer the state's interest to the local authority. He said the final outcome would be that the ownership and responsibility for the roadway was going to be transferred to the City of Broadview Heights with the Commission retaining all the rights needed for access into the service plaza area and into the fueling facilities at the plaza.



The Executive Director said further that the transferral had been reviewed by the Commission's consulting engineers and by the Chief Engineer, who said the right-of-way was no longer needed for the construction, operation and maintenance of the Turnpike. He said it was a parallel road to the Turnpike into the plaza. He said that perhaps Mr. Hurst had not been involved in prior property transfers, but he could assure Mr. Hurst that the staff had worked with ODOT in the past to accomplish transfers. He said Mr. McGrath also had discussed the transfer with the real estate section of ODOT. He said he requested that the resolution be adopted so that the transfer could be accomplished and the road be turned over to the City of Broadview Heights.

Mr. McGrath said the transfer was an unusual transaction. He said that three times in the last six or seven years such action had taken place. He said the fee title would remain in the hands of the State of Ohio and the Commission would maintain complete control. He said there could then be access from abutting properties to the road, and the City of Broadview Heights would maintain the road.

A resolution authorizing interagency transfer of an easement was moved for adoption by Mr. Hurst, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 4-1989

"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 aforesaid 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."

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

Ayes: Mr. Hurst, Mr. Pinzone, Mr. Bergsmark,  
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. 4-1989.

The Executive Director said also the next resolution was entitled a resolution authorizing the Executive Director to take immediate action concerning the award of contract FTP 55-89-02. He said the resolution dealt with the first stage of the I-75/Turnpike interchange. He said the plans for the project were completed and ready for final review. He said bids would be advertised in a short time. He said the contract award would be made before the next Commission meeting so he was asking authority to make that award pursuant to the regular competitive bidding process.

The Executive Director said further the project was labeled a FTP or Fuel Tax Project. He said the Commission did get some fuel taxes from fuels sold at the Turnpike service plazas. He said that when the Commission authorized the interchange project in 1987 it directed that he recommend a financing plan. He said he was not prepared to do that yet. He said the first stage was to cost only a fraction of the estimated \$20 million project. He said he wanted to defer any recommendation for the total financing of the I-75/Turnpike and S.R. 2/Turnpike interchanges until perhaps the next Commission meeting.

The Executive Director said further the Commission had an interagency understanding with the Toledo-Lucas County Port Authority whereby that organization might sell bonds to help finance the two projects and the Commission would pay them off over a period of time. He said that was one alternative which might be considered in the future. He said, again, that the first phase of the I-75/Turnpike interchange could be financed with the Turnpike's normal revenues. He said he was making that explanation so the Members didn't think he forgot that eventually a decision would have to be made about funding the total costs of both interchanges.

The Executive Director said further he recommended adoption of the resolution to give authority to make an award.

A resolution authorizing the Executive Director to take immediate action concerning award of contract FTP 55-89-02 (Phase I) was moved for adoption by Mr. Bergsmark, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 5-1989

"WHEREAS, the Commission is preparing to advertise for bids for the contract providing for the construction of a portion of the toll interchange at Interstate Route 75 and the

Ohio Turnpike Commission, such contract being designated and described as follows:

FTP 55-89-02 (Phase I)	Interchange 4A; Ramps A, B, C and D; connector ramp and connector bridge over the Turnpike at Milepost 64.9 in Wood County, Ohio;
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"WHEREAS, it is imperative that the work to be performed under this contract be commenced as soon as possible so as to take advantage of the construction season;

"WHEREAS, it is estimated that the cost of this contract will exceed the \$250,000 limit of authorization heretofore granted by the Commission to the executive director with respect to the awarding of such contracts;

"WHEREAS, the Commission desires to delegate to the executive director authority to make award of this contract for the performance of the work so that such award may be made immediately as soon as appropriate;

"NOW, THEREFORE, BE IT

"RESOLVED that with respect to the award of Contract FTP 55-89-02 (Phase I), if, in the opinions of the executive director, the deputy executive director-chief engineer and the consulting engineer it is in the best interest of the Commission for an award to be made by the executive director in advance of any meeting of the Commission, the executive director hereby is authorized to award and enter into any contract and to take whatever other action, on behalf of the Commission, the executive director, with the approval of the deputy executive director-chief engineer and the consulting engineer, shall determine to be in the best interest of the Commission, notwithstanding any limitation imposed upon the authority of the executive director under any resolution heretofore adopted, provided that any award made and contract entered into pursuant to authority granted herein shall be approved by general counsel; and

"FURTHER RESOLVED that the executive director shall inform the Commission of the actions taken hereunder."

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

Ayes: Mr. Bergsmark, Mr. Pinzone, Mr. Hurst,  
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. 5-1989.

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

General Counsel, Mr. McGrath, said he had three resolutions to present, all of them dealing with the appropriation of property. He said the first two resolutions were for properties owned by John B. Santus and Robert S. Stump, both of which were needed for the S.R. 2/Turnpike interchange. He said the third property, owned by Mason Rowley, was involved in the I-75/Turnpike interchange.

General Counsel said further that he didn't believe the Commission could negotiate a purchase of the Santus and Stump properties short of litigation. He said he was quite optimistic about the Rowley property in that it might be obtained short of actual appropriation.

General Counsel said further he asked the Commission to adopt resolutions on all three of the particular parcels. He said they were identical and he would read the Resolved portion which was the same in each instance as follows:

"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."

A resolution declaring the necessity of appropriating property and directing that proceeding to effect such appropriation be begun and prosecuted (Santus property) was moved for adoption by Mr. Hurst, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 6-1989

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement with said owner and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction of a toll interchange with S.R. 2 (Airport Highway) and the Ohio Turnpike in the vicinity of Milepost 52.9 in Lucas County, Ohio;

"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>
John B. Santus	1240 S. Reynolds Road Toledo, Ohio 43615
County Auditor of Lucas County	One Government Center Toledo, Ohio
County Treasurer of Lucas County	One Government Center Toledo, Ohio

"The aforementioned property to be appropriated is described as follows:

Parcel No. 1-WL -- Fee Simple

"Legal descriptions are attached as Exhibit "A";

"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.

Exhibit "A"

East Parcel

The West 6 acres of that part of the Northeast 1/4 of the Southeast 1/4 of Section 3, Town 7 North, Range 9 East, in Swanton Township, Lucas County, Ohio, lying Northerly of Airport Highway.

Subject to legal highways.

West Parcel

The East 5 acres of that part of the west 1/2 of the southeast 1/4 of Section 3, Town 7 North, Range 9 East, in Swanton Township, Lucas County, Ohio, lying north of the center line of the Toledo-Wauseon Road (Chicago Pike).

Subject to legal highways."

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

Ayes: Mr. Hurst, Mr. Bergsmark, Mr. Pinzone,  
Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 6-1989.

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

RESOLUTION NO. 7-1989

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the trustee for the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction of a toll interchange with S.R. 2 (Airport Highway) and the Ohio Turnpike in the vicinity of Milepost 52.9 in Lucas County, Ohio;

"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>
Welden F. Stump & Co., Inc., Profit Sharing Plan and Trust, Robert S. Stump, Trustee	1313 Campbell Street Toledo, Ohio 43607
County Auditor of Lucas County	One Government Center Toledo, Ohio
County Treasurer of Lucas County	One Government Center Toledo, Ohio

"The aforementioned property to be appropriated is described as follows:

Parcel No. 9-WL -- Fee Simple

"Legal descriptions are attached as Exhibit "A;"

"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.

EXHIBIT "A"

Parcel 9-WL

South Parcels

Parcel I:

That part of the East 1/4 of the Northeast 1/4 of Section 3, Town 7 North, Range 9 East, Swanton Township, Lucas County, Ohio, bounded and described as follows:

Beginning at a point on the East line of the Northeast 1/4 of said Section 3, that is 659.31 feet North of the Southeast corner of the Northeast 1/4 of said Section 3; thence South 88°, 49' 21" West along the North line of the South 10 acres of the East 1/4 of the Northeast 1/4 of said Section 3, a distance of 500.00 feet; thence North 00°, 00' 44" East parallel to the West line of the East 1/4 of the Northeast 1/4 of said Section 3, a distance of 200.00 feet; thence North 88°, 49', 21" east parallel to the North line of the South 10 acres of the East 1/4 of the Northeast 1/4 of said Section 3, a distance of 500.00 feet, more or less, to the East line of the Northeast 1/4 of said Section 3, thence South 00°, 00', 30" West along the East line of the Northeast 1/4 of said Section 3, a distance of 200.00 feet to the point of beginning.

Subject to legal highways.

PARCEL II:

That part of the East 1/4 of the Northeast 1/4 of Section 3, Town 7 North, Range 9 East, Swanton Township, Lucas County, Ohio, bounded and described as follows:



Commencing at the East 1/4 corner of said Section 3, thence 00°, 00', 30" East 659.31 feet, on the East line of said Section 3, to the northeast corner of the south 10.00 acres of said East 1/4 of the Northeast 1/4; thence South 88°, 49', 21" West 500.00 feet, on the north line of said south 10 acres of the East 1/4 of the Northeast 1/4, to the Point of Beginning; thence North 00°, 00', 44" East 200.00 feet, parallel to the west line of said East 1/4 of the northeast 1/4; thence South 88°, 49', 21" West 160.90 feet, parallel to said north line of the south 10.00 acres of the East 1/4 of Northeast 1/4, to said west line of the East 1/4 of the Northeast 1/4; thence South 00°, 00', 44" West 200.00 feet, on said west line of the East 1/4 of the Northeast 1/4, to the northwest corner of said south 10.00 acres of the East 1/4 of the Northeast 1/4; thence North 88°, 49' 21" East 160.90 feet, on said north line of the south 10.00 acres of the East 1/4 of the Northeast 1/4 to the Point of Beginning.

#### North Parcel

That part of the East 1/4 of the Northeast 1/4 of Section 3, Town 7 North, Range 9 East, Swanton Township, Lucas County, Ohio, bounded and described as follows:

Beginning at a point on the East line of the Northeast 1/4 of said Section 3, that is 859.31 feet North of the Southeast corner of the Northeast 1/4 of said Section 3; thence South 88°, 49', 21" West along a line drawn parallel to and 200.00 feet North of the North line of the South 10 acres of the East 1/4 of the Northeast 1/4 of said Section 3, a distance of 660.90 feet; thence North 00°, 00', 44" East along the West line of the East 1/4 of the Northeast 1/4 of said Section 3, a distance of 300.00 feet; thence North 88°, 49', 21" East parallel to the North line of the South 10 acres of of the East 1/4 of the Northeast 1/4 of said Section 3, a distance of 660.89 feet, more or less, on the East line of the Northeast 1/4 of said Section 3; thence South 00°, 00', 30" West along the East line of the Northeast 1/4 of said Section 3, a distance of 300.00 feet to the point of beginning.

Subject to legal highways."

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

Ayes: Mr. Hurst, Mr. Pinzone, Mr. Bergsmark,  
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. 7-1989.

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

RESOLUTION NO. 8-1989

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction of a toll interchange with I-75 and the Ohio Turnpike in the vicinity of Milepost 64.55 in Wood County, Ohio;

"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>
Mason Rowley	P. O. Box 125 Rossford, Ohio 43460
County Auditor of Wood County	Court House Square Bowling Green, Ohio
County Treasurer of Wood County	Court House Square Bowling Green, Ohio

"The aforementioned property to be appropriated is described as follows:

Parcel No. 4-WL -- Fee Simple

Parcel No. 4-WL-1 -- Fee Simple

"Legal descriptions are attached as Exhibits "A" (Parcel No. 4-WL) and Exhibit "B" (Parcel No. 4-WL-1);

"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."

"Exhibit "A"

Parcel No. 4-WL

Situated in Perryburg Township, Wood County and the State of Ohio and being part of the southeast Quarter of Section 34, Town 3, United States Reserve and being more fully described as follows:

Beginning at the northwest corner of the southeast quarter of said Section 34;

Thence South  $0^{\circ} 40' 32''$  West on the westerly line of the southeast quarter of Section 34 a distance of 893.42 feet to a point said point being 767.29 feet left of Station 90+07.49 on the centerline of survey of the Ohio Turnpike and the true place of beginning of the parcel herein conveyed;

Thence South  $89^{\circ} 19' 28''$  East on the proposed limited access right-of-way line a distance of 33.96 feet to a point;

Thence South  $32^{\circ} 47' 27''$  East on the proposed limited access right-of-way line a distance of 49.70 feet to a point;

Thence south  $67^{\circ} 51' 46''$  East on the proposed limited access right-of-way line a distance of 350.00 feet to a point;

Thence South  $22^{\circ} 88' 15''$  West on the proposed limited access right-of-way line a distance of 58.00 feet to a point;

Thence South  $67^{\circ} 51' 46''$  East on the proposed limited access right-of-way line a distance of 120.00 feet to a point;

Thence South 63° 17' 56" East on the proposed limited access right-of-way line a distance of 279.01 feet to a point;

Thence South 40° 37' 59" East on the proposed limited access right-of-way line a distance of 171.43 feet to a point;

Thence South 21° 39' 47" East on the proposed limited access right-of-way line a distance of 156.33 feet to a point;

Thence South 0° 32' 10" East on the proposed limited access right-of-way line a distance of 388.29 feet to a point;

Thence South 24° 36' 35" East on the proposed limited access right-of-way line a distance of 323.68 feet to a point;

Thence South 40° 46' 38" East on the proposed limited access right-of-way line a distance of 113.43 feet to a point on the northerly limited access right-of-way line of the Ohio Turnpike;

Thence North 52° 43' 07" West on the northerly limited access right-of-way line of the Ohio Turnpike a distance of 82.65 feet to a point;

Thence northwesterly on the northerly limited access right-of-way line of the Ohio Turnpike along the arc of a curve deflecting to the left, with a radius of 5,854.58 feet and whose chord bears North 56° 03' 46" West 547.37 feet, an arc distance of 547.57 feet to a point;

Thence North 59° 24' 25" West on the northerly limited access right-of-way line of the Ohio Turnpike a distance of 202.18 feet to a point;

Thence North 59° 44' 32" West on the northerly limited access right-of-way line of the Ohio Turnpike a distance of 486.55 feet to a point on the westerly line of southeast quarter of said Section 34;

Thence North 0° 40' 32" East on the westerly line of the southwest quarter of said Section 34 a distance of 738.56 feet to the true place

of beginning containing 15.975 acres more or less including the present road which occupies 0.952 acres.

"This description is based on a survey made by URS Consultants, Richard E. Rockich Registered Surveyor No. 5680.

"Grantor claims title by instrument recorded in Deed Book 579, Page 679 of the Wood County Records.

"Exhibit "B"

Parcel 4 WL-1

Situated in Perrysburg Township, Wood County and the State of Ohio and being part of the southeast Quarter of Section 34, Town 3, United States Reserve and being more fully described as follows:

Beginning at the southwesterly corner of the southeast quarter of said Section 34;

Thence North  $0^{\circ} 40' 32''$  East on the westerly line of the southeast quarter of Section 34 a distance of 51.57 feet to a point said point being 738.14 feet right of Station 98+62.07 on the centerline of survey of the Ohio Turnpike and the true place of beginning of the parcel herein described;

Thence North  $0^{\circ} 40' 32''$  East on the westerly line of the southeast quarter of Section 34 a distance of 705.04 feet to a point on the southerly limited access right-of-way line of the Ohio Turnpike;

Thence South  $59^{\circ} 44' 32''$  East on the southerly limited access right-of-way line of the Ohio Turnpike a distance of 344.63 feet to a point;

Thence South  $59^{\circ} 24' 38''$  East on the southerly limited access right-of-way line of the Ohio Turnpike a distance of 197.82 feet to a point;

Thence southeasterly on the southerly limited access right-ofway line of the Ohio Turnpike along the arc of a curve deflecting to the right with a radius of 5,604.58 feet and whose

chord bears South 59° 17' 04" East 91.53 feet,  
an arc distance of 91.53 feet to a point;

Thence South 35° 13' 57" West on the proposed  
limited access right-of-way line a distance of  
414.93 feet to a point;

Thence North 89° 22' 24" West on the proposed  
limited access right-of-way line a distance of  
165.12 feet to a point;

Thence South 0° 37' 36" West on the proposed  
limited access right-of-way line a distance of  
55.00 feet to a point;

Thence North 89° 22' 24" West on the proposed  
limited access right-of-way line a distance of  
104.98 feet to a point;

Thence North 81° 04' 18" West on the proposed  
limited access right-of-way line a distance of  
45.47 feet to the true place of beginning  
containing 5.577 acres more or less including  
the present road which occupies 0.868 acres.

"This description is based on a survey made by URS  
Consultants, Richard E. Rockich Registered Surveyor No. 5680.

"Grantor claims title by instrument recorded in Deed Book  
579, Page 679 of the Wood County Records."

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

Ayes: Mr. Hurst, Mr. Pinzone, Mr. Bergsmark,  
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. 8-1989.

The Chairman said the report of General Counsel was accepted  
as offered. He said that at that point he wanted to establish a  
committee to complement the work done by the legal staff. He  
said he was designating that committee as the Audit and Legal  
Committee. He said he asked Mr. Bergsmark to serve as chairman  
of that committee with Mr. Johnson, Mr. McGrath and Mr. Rudolphy.  
He said he had talked with all the committee members and they had  
accepted the positions.

The Chairman said the report of the consulting engineers would be received.

Mr. Fleischman said the consulting engineers annual inspection of Turnpike roadways and drainage structures was completed in March. He said the inspection of bridges would be performed in late April and early May. He said the results and findings of that inspection would be forwarded to the Chief Engineer's office prior to June 1 to assist him in determining the 1990 bridge rehabilitation program.

The Chairman said the report of the consulting engineers was accepted as offered. He said the report of the trustee was next on the agenda, but a representative was not present.

The Executive Director said he had spoken to the trustee and had been told that everything as far as they were concerned was in order.

The Chairman ascertained there would be no report from the Director of Information and Research.

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

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 4:02 p.m.

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

  
Charles R. Pinzone, Secretary-Treasurer