

MINUTES OF THE 363rd MEETING OF THE OHIO TURNPIKE COMMISSION

July 31, 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 10:45 a.m., on July 31, 1989, with key members of the staff; a representative, William R. Fleischman, of the consulting engineers, J. E. Greiner Company-Ohio; members of the media, Hank Harvey, The (Toledo) Blade, and Pauline Thoma, The (Cleveland) Plain Dealer, Steve Fogarty, The (Elyria) Chronicle-Telegram; 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: Roland Nessleringer, Sandra Dombey Cooke,
Charles R. Pinzone, Clarence D. Rogers Jr.

Absent: Edwin M. Bergsmark

A motion was made by Mrs. Cooke, seconded by Mr. Pinzone, that the minutes of the meeting of April 12, 1989, 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. Pinzone, Mr. Nessleringer,
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 363rd 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 Mr. Bergsmark was unable to attend the meeting and Mr. Nessleringer was attending in place of Bernard B. Hurst, Ohio Department of Transportation Director, and had filed the necessary proxy letter and was legally authorized to vote.

The Chairman reported further that since the election of officers would be conducted at the meeting and the Members had to act on a number of resolutions, he would dispense with his customary report on the financial experience.

The Chairman reported further that in accordance with the Turnpike Act and the Commission's Code of Bylaws, the Commission

would hold an election of officers, conducted by nominations and voting, and confirmed by a resolution so that action would appear in the Commission's Journal. He said he would begin by accepting nominations for the office of Chairman.

A nomination of Clarence D. Rogers, Jr. for Chairman of the Commission was made by Mr. Pinzone, seconded by Mrs. Cooke.

The Chairman said that, inasmuch as he had been nominated, he would appoint Mrs. Cooke as Chairman pro term to conduct the election of Chairman.

Mrs. Cooke asked if there were any other nominations and, there being none, she declared the nominations closed. She asked the Assistant Secretary-Treasurer to call the roll.

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

Ayes: Mr. Pinzone, Mrs. Cooke, Mr. Nesslinger,
Mr. Rogers

Nays: None

Mrs. Cooke declared that Mr. Rogers was elected Chairman of the Commission. A Chairman having been elected, Mrs. Cooke said she would turn the meeting over to the Chairman to conduct the rest of the meeting.

The Chairman said he would accept nominations for the election to the office of Vice Chairman. A nomination of Edwin M. Bergsmark for Vice Chairman of the Commission was made by Mr. Pinzone, seconded by Mrs. Cooke. The Chairman asked if there were any other nominations and, there being none, he declared the nominations closed.

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

Ayes: Mr. Pinzone, Mrs. Cooke, Mr. Nesslinger,
Mr. Rogers

Nays: None

The Chairman declared Mr. Bergsmark was elected Vice Chairman of the Commission.

A nomination of Charles R. Pinzone for Secretary-Treasurer of the Commission was made by Mrs. Cooke, seconded by Mr. Rogers. The Chairman asked if there were any other nominations, and, there being none, he declared the nominations closed.

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. Rogers, Mr. Nesslering,
Mr. Pinzone

Nays: None

The Chairman declared Mr. Pinzone was elected Secretary-Treasurer of the Commission.

The Chairman said further that pursuant to the Commission's Bylaws and as has been customary he asked Allan V. Johnson to continue to serve as Assistant Secretary-Treasurer.

A resolution confirming election of officers was moved for adoption by Mrs. Cooke, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 9-1989

"RESOLVED that the election of Clarence D. Rogers, as chairman of the Ohio Turnpike Commission; Edwin M. Bergsmark, as vice-chairman of the Ohio Turnpike Commission and Charles R. Pinzone, as secretary-treasurer of the Ohio Turnpike Commission, all, pursuant to Ohio Revised Code Section 5537.02 and Article I of the Commission's Code of Bylaws, to serve until the first meeting after June 30, 1991, and until their respective successors are elected and qualified or until the aforesaid term is terminated by law, or until such officers individually shall cease to be members of the Ohio Turnpike Commission, is hereby confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws, and the assistant secretary-treasurer is directed to enter this resolution in the journal of the Commission as a record thereof."

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. Nesslering,
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. 9-1989.

The Chairman said also that the General Assembly was then in recess without the House acting on any of the Turnpike related bills. He said the legislation to cancel the Tripartite Agreement was still pending in Congress and the Commission had been advised it should be considered in the fall.

The Chairman reported also that there were seven other resolutions to be acted on at the meeting, and they would be explained and offered during the appropriate committee and staff reports.

The Chairman said the report of the Secretary-Treasurer would be received.

The Secretary-Treasurer 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 April, May, June and July 1989
- (3) Draft of Commission Meeting Minutes of April 12, 1989
- (4) Traffic Accident Analysis through June 1989
- (5) Traffic and Revenue Report for April, May, and June 1989
- (6) Financial Statements for April, May, and June 1989
- (7) Expense and Budget Report for the first 3 months and 6 months of 1989
- (8) Litigation Report for the first and second quarters of 1989
- (9) Bid tabulations for various 1989 construction projects
- (10) News Release #3, 1989 - New Ohio State Highway Patrol Post
News Release #4, 1989 - Construction Projects 1989/with map

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 that committee, Mr. Pinzone, said that he was pleased to report that for the first six months of the year, regular expenditures were some \$1,986,847, or 7.8 percent, under the the budget amount of \$25,601,188. He said there was no item that could be singled out for that favorable experience, but other than routine variations are highlighted in the Expense and Budget Report that had been distributed to the Members.

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

The vice chairman of the Committee on Legal and Audit, Mr. Johnson, said that on behalf of that committee's chairman, Mr. Bergsmark, he wanted to say that the committee was formed at the last Commission meeting and it had met for the first time on July 6.

Mr. Johnson said further that the primary item considered at that meeting was the need to prepare a request for proposals for

the Commission's outside independent auditors. He said that had been requested by the Auditor of State. He said the committee had prepared a draft of that request for proposal. He said proposals would be solicited within the next month for an audit period that begins in 1990.

Mr. Johnson said further that the current audit for the first six months of 1989 was still being prepared by the current auditors, Peat, Marwick, Main and Company. He said the six month audits were required under the Trust Agreement. He said annual audits were required both by the Trust Agreement and by the Turnpike Act. He said that, once again, the request for proposals for outside audit services would be distributed soon and he would have some report to make to the Commission within the next few months on the outcome of that request. He said perhaps General Counsel might wish to comment on any of the legal items that were discussed.

General Counsel, James C. McGrath, said that at the committee meeting the audit procedures of the Commission were reviewed relative to toll collections and other areas, and the litigation procedure and progress were discussed. He said he was pleased to announce, as he mentioned in his quarterly report, that 12 cases were disposed of in the second quarter of 1989. He said he thought the 12 cases had to be a record.

The Chairman said the report of the Committee on Legal and Audit 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 Sohio had submitted a request for extension of the service station contact which was set to expire on September 30, 1990. She said the request was being evaluated by the staff and no doubt it would be presented in due time for action by the Commission.

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

The Executive Director, Allan V. Johnson, said his report would consist mainly of introducing the resolutions that were before the Commission. He said that six of the resolutions concerned the appropriation of properties and right-of-way that were needed to continue the construction of the new Turnpike interchanges with Interstate Route 75 in Wood County, and State Route 2 in Lucas County.

The Executive Director said further that the first resolution declared the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted. He said that resolution involved property needed for the S.R. 2 project. He said those included in the appropriation action were the property owners, Seaway Sand & Stone, Inc. and Mack S. Moon and Arlene Jean Moon, his wife, as well as the County Auditor of Lucas County, and the Lucas County Treasurer.

The Executive Director said further he would read the resolved on the first resolution, as follows:

"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 (that) said property is necessary for the construction of a toll interchange with S.R. 2 (the Airport Highway) and the Ohio Turnpike in the vicinity of milepost 52.9 in Lucas County."

The Executive Director said further that he would disperse with the reading of the rest of resolveds contained in the other resolutions because they were quite similar. He said the resolutions were necessary in order to take the next steps on the acquisition of the various properties. He said he requested that the resolution be adopted and he deferred any questions to General Counsel.

General Counsel said the staff had negotiated long and hard with Seaway Sand & Stone for their property, which was a key parcel to the S.R. 2 interchange, and had been unable to obtain right of entry and he didn't expect a right of entry on that parcel. He said that if the staff was going to go forward on a timely basis, the Commission must get ready to appropriate the property.

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

RESOLUTION NO. 10-1989

"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 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>
Seaway Sand & Stone, Inc.	2190 Whitehouse-Spencer Rd. Swanton, Ohio 43558
Mack S. Moon and Arlene Jean Moon, his wife	7 Lakemoon Drive Holland, Ohio 43528
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. 8-WL -- Fee Simple

A legal description is 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 8-WL

Situated in Lucas County, Swanton Township, Town 7 North, Range 9 East, in Section Three (3) and in the State of Ohio, bounded and described as follows:

Commencing at the East quarter (1/4) corner of Section Three (3); thence North 89° 41' 28" West, along the East and West centerline of Section Three (3), 661.12 feet to a point in the Proposed South Limited Access Line of Ramp A and a point in the Grantor's corner, said Grantor's property is recorded in Volume 1935, Page 227, the principal place of beginning, said point being at Station 88+78.05, 374.45 feet right of the Baseline of Ramp A; thence North 89° 41' 28" West, along said East

and West centerline of Section Three (3) and the Grantor's property line and Limited Access Line, 475.94 feet to a point in the Proposed North Limited Access Line of Ramp A, said point being at Station 87+36.65, 80.00 feet left of the Baseline of Ramp A; thence along the following courses of said Limited Access Line; North 17° 35' 32" East, 263.35 feet, being at Station 90+00.00, 80.00 feet left; North 03° 29' 06" East, 112.15 feet, being at Station 91+00.00, 110.00 feet left; North 21° 16' 47" East, 116.39 feet, being at Station 92+00.00, 120.00 feet left; North 39° 06' 47" East, 116.39 feet, being at Station 93+00.00, 110.00 feet left; North 61° 43' 46" East, 119.34 feet, being at Station 94+00.00, 70.00 feet left; North 52° 48' 30" East, 109.45 feet, being at Station 95+00.00, 65.00 feet left; North 60° 39' 36" East, 116.04 feet to a point in the Grantor's Easterly property line, said point being at Station 96+06.71, 60.54 feet left of the Baseline of Ramp A; thence South 01° 30' 32" West, along the Grantor's Easterly property line and the Proposed East Limited Access Line of Ramp A, 744.11 feet to the principal place of beginning, containing 5.783 Acres, more or less, subject to all legal highways. The bearings referred to herein are based upon a Recorded Centerline Plat recorded in Volume 50, Pages 41 and 42, for the Ohio Turnpike dated October 17, 1952 and used for the determination of angular measurements.

Description prepared by HNTB based on a Survey made by Thomas G. Gergich, Registered Surveyor No. S-7146."

Mr. Nesslinger asked General Counsel if the property named in the resolution was occupied.

General Counsel said the land was vacant.

Mr. Nesslinger said that then no relocation had to be offered.

General Counsel said he was correct.

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. Nesslinger,
Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 10-1989.

The Executive Director said further that the remaining resolutions involving appropriations were all for the new interchange between the Turnpike and I-75 in Wood County. He said the first of those resolutions involved a property owned by a Mason Rowley. He said he did believe the Commission had a right of entry on that property.

General Counsel said that at the last Commission meeting the Members adopted a resolution for the two main Rowley parcels. He said that subsequent to that date the right-of-way had been expanded in a minor degree, and the parcel in question was very small but necessary. He said the appropriation action was scheduled for trial in October 1989.

Mr. Nesslinger inquired about the need for the additional parcel.

General Counsel said it was required due to broadening of right-of-way for Bates Road, just north of the area at which the Turnpike crosses due to an adjustment to the construction plans.

Mr. Nesslinger said that, again, was relocation necessary on that property.

General Counsel said relocations were not necessary for that parcel or for the other four parcels named in the remaining resolutions.

The Executive Director said he might explain further that there were several houses in the area of both projects and the staff had been successful in negotiating the acquisition of all the properties that had houses on them.

General Counsel said these were five houses and the staff had purchased all of them.

Mr. Nesslinger asked if right of entry could be obtained by filing the appropriate action, and also if the Commission had right of entry on any of the properties.

The Executive Director said right of entry had been obtained on the Rowley property.

General Counsel said right of entry on the others would be obtained on filing and placing a deposit on the properties with the courts.

A resolution declaring the necessity of appropriating property and directing that proceedings to effect such

appropriation be begun and prosecuted was moved for adoption by Mr. Nessler, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 11-1989

"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 64.5 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-WD -- Fee Simple

A legal description is 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 4-WD

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 northwest corner of the southeast quarter of said Section 34;

Thence South 0° 40' 32" West on the westerly line of the southeast quarter of Section 34 a distance of 668.96 feet to a point on Grantor's northwesterly property corner, said point being 962.49 feet left of Station 88+96.68 on the centerline of survey of the Ohio Turnpike and the true place of beginning of the parcel herein conveyed;

Thence South 89° 19' 28" East on Grantor's northerly property line a distance of 37.87 feet to a point;

Thence South 0° 40' 32" West on the proposed easterly right-of-way line of Bates Road a distance of 230.38 feet to a point on the proposed limited access right-of-way line of the Ohio Turnpike;

Thence North 89° 19' 28" West on the proposed limited access right-of-way line of the Ohio Turnpike a distance of 37.87 feet to a point on Grantor's westerly property line and the westerly line of the southeast quarter of Section 34;

Thence North 0° 40' 32" East on Grantor's westerly property line and the westerly line of the southeast quarter of Section 34 a distance of 230.38 feet to the true place of beginning containing 0.200 acres more or less including the present road which occupies 0.165 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. Nesslinger, Mr. Pinzone, 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. 11-1989.

The Executive Director said further that the third resolution involved, again, a property at the I-75/Turnpike interchange. He said the owners of the property were Catherine Lee and Mary Recknagel. he said that, as Mr. McGrath had explained, the land was vacant and the staff had been unable to negotiate in a reasonable time the acquisition of the property so he recommended that the resolution be adopted.

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

RESOLUTION NO. 12-1989

"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 64.5 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>
Catherine Lee	9656 Avenue Road Perrysburg, Ohio
Mary Recknagel	9656 Avenue Road Perrysburg, Ohio
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. 10-WL -- Fee Simple

A legal description is 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 No. 10-WL

All that part of the east 30 acres of the west 1/2 of the east 1/2 of the southwest 1/4 of Section 34, Town 3, United States Reserve in Wood County, Ohio, lying northerly of and adjoining that parcel of land appropriated by the State of Ohio in Cause No. 38201, Wood County Common Pleas Court. 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. Nesslering, Mrs. Cooke, Mr. Pinzone,
Mr. Rogers

Nays: None

The Chairman said the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 12-1989.

The Executive Director said further that the next resolution involved another parcel in the I-75/Turnpike interchange project area. He said the owner of parcel 5-WL was a Dale F. Allen.

A resolution declaring the necessity of appropriating property 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. 13-1989

"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 64.5 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>
Dale F. Allen	9560 Avenue Road Perrysburg, Ohio
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. 5-WL -- Fee Simple

A legal description is 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 5-WL

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

Beginning at the southeasterly corner of the southwest quarter of said Section 34;

Thence North 0° 40' 32" East on the easterly line of the southwest quarter of Section 34 a distance of 334.53 feet to a point said point being 492.06 feet right of Station 97+22.38 on the centerline of survey of the Ohio Turnpike and the true place of beginning of the parcel herein conveyed;

Thence North 89° 01' 38" West on Grantor's southerly property line a distance of 219.87 feet to a point;

Thence North 9° 27' 17" West on the proposed limited access right-of-way line a distance of 454.95 feet to a point;

Thence South 79° 33' 46" East on the southerly limited access right-of-way line of the Ohio Turnpike a distance of 223.12 feet to a point;

Thence North 0° 40' 32" East on the southerly limited access right-of-way line of the Ohio Turnpike a distance of 56.26 feet to a point;

Thence South 59° 44' 32" East on the southerly limited access right-of-way line of the Ohio Turnpike a distance of 91.99 feet to a point;

Thence South 0° 40' 32" West on the easterly line of the southwest quarter of said Section 34 a distance of 422.07 feet to the true place of beginning containing 2.572 acres more or less including the present road which occupies 0.712 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 397, Page 10 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: Mrs. Cooke, Mr. Pinzone, Mr. Nesslinger,
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. 13-1989.

The Executive Director said further that the next resolution involved parcel No. 6-WL owned by Esther H. Rankin, a/k/a Esther Rankin-Bennett. He said he recommended that the resolution be adopted.

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

RESOLUTION NO. 14-1989

"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 64.5 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>
Esther H. Rankin, a/k/a Esther Rankin-Bennett	9560 Avenue Road Perrysburg, Ohio
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. 6-WL -- Fee Simple

A legal description is 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 6-WL

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

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

Thence North 0° 40' 32" East on the easterly line of the southwest quarter of Section 34 a distance of 230.00 feet to a point said point being 582.96 feet right of Station 97+73.99 on the centerline of

survey of the Ohio Turnpike and the true place of beginning of the parcel herein described;

Thence North 89° 01' 38" West on Grantor's southerly property line a distance of 165.00 feet to a point;

Thence North 26° 57' 30" West on the proposed limited access right-of-way line of the Ohio Turnpike a distance of 118.31 feet to a point on Grantor's northerly property line;

Thence South 89° 01' 38" East on Grantor's northerly property line a distance of 219.87 feet to a point;

Thence South 0° 40' 32" West on the easterly line of the southwest quarter of said Section 34 a distance of 104.53 feet to the true place of beginning containing 0.461 acres more or less including the present road which occupies 0.132 acres.

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

Grantor claims title by instrument recorded in Deed Book 385, Page 252 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. Nesslinger, Mrs. Cooke, 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. 14-1989.

The Executive Director said further that the last resolution for appropriating property was for parcel 9-WL owned by Dora Jean Johnson. He said he recommended that the resolution be adopted.

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

RESOLUTION NO. 15-1989

"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 64.5 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>
Dora Jean Johnson	9911 Mandell Road Perrysburg, Ohio
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. 9-WL -- Fee Simple

A legal description is 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 No. 9-WL

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

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

Thence South 89° 14' 52" East on the northerly line of the southwest quarter of Section 34 a distance of 1,486.73 feet to a point;

Thence South 0° 08' 55" East a distance of 50.00 feet to a point, said point being 944.95 feet left of Station 75+72.72 on the centerline of survey of the Ohio Turnpike and the true place of beginning of the parcel herein described;

Thence South 0° 08' 55" East on Grantor's easterly property line a distance of 236.05 feet to a point;

Thence South 81° 50' 10" West on the westerly limited access right-of-way line of Interstate 75 a distance of 241.58 feet to a point;

Thence North 14° 38' 10" East on the proposed limited access right-of-way line a distance of 77.01 feet to a point;

Thence North 32° 47' 40" East on the proposed limited access right-of-way line a distance of 116.46 feet to a point;

Thence North 51° 04' 27" East on the proposed limited access right-of-way line a distance of 116.61 feet to a point;

Thence North 69° 17' 04" East on the proposed limited access right-of-way line a distance of 69.75 feet to the true place of beginning containing 0.925 acres more or less.

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 543, Page 852, 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. Pinzone, Mr. Nessleringer, 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. 15-1989.

The Executive Director said also that the final resolution of the meeting was a resolution authorizing the Executive Director to take immediate action concerning award of bridge

renovation contract CIP 43-89-34. He said the project was for the deck replacement of the Crissey Road bridge over the Turnpike at milepost 54.8 and the deck replacement and widening of the Holloway Road bridge over the Turnpike at milepost 57.3, both of which were in Lucas County.

The Executive Director said further that it was a project which had previously be considered by the staff, but the plans had been revised. He said the staff had been working with the Lucas County Engineer on the relative costs for providing the widening of the Holloway Road bridge. He said he wanted to take bids and award the contract as soon as possible. He said the contract cost would exceed the \$250,000 limit that the Bylaws provide for award by the Executive Director. He said bids would be solicited according to the standard process and they would be analyzed and evaluated by the staff, by the Commission's outside consultants, and by General Counsel before any award was made. He said he recommended that the resolution be adopted.

A resolution authorizing the Executive Director to take immediate action concerning award of bridge renovation contract CIP 43-89-34 was moved for adoption by Mrs. Cooke, seconded by Mr. Nesslinger as follows:

RESOLUTION NO. 16-1989

"WHEREAS, the Commission is advertising for bids for the deck replacement of Crissey Road over the Ohio Turnpike at Milepost 54.8 and the deck replacement and widening of Holloway Road over the Ohio Turnpike at Milepost 57.3, located in Lucas County, Ohio, such contract being designated as CIP 43-89-34;

"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 the 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 the contract pursuant to CIP 43-89-34 so that such award may be made immediately as soon as appropriate;

"NOW, THEREFORE, BE IT

"RESOLVED that with respect to the award of the Contract CIP 43-89-34, as set forth above, 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 or contracts 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: Mrs. Cooke, Mr. Nesslinger, 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. 16-1989.

The Executive Director said he had something else to report, but it slipped his mind at the time.

The Chairman said he would allow the Executive Director to reopen his report should the information come to mind.

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 said the appropriation and purchasing of right-of-way for the two, new interchange projects in Lucas and Wood Counties was proceeding in good fashion. He said the fact that the Commission had passed six resolutions at the meeting concerning appropriation did not mean that the staff would stop trying to negotiate for the remaining parcels required for the new projects, and he hoped most of those would be resolved prior to trial.

The Executive Director said he did have something else to mention at the meeting and he would take advantage of the Chairman's offer to reopen his report. He said he wanted to mention the general suspension of mainline Turnpike construction

projects. He said all mainline lanes had been open since early in July. He said that, of course, the I-75 interchange project was in active construction. He said Phase I of the S.R. 2 interchange project, which consisted of the rebuilding of the S.R. 2 bridge over the Turnpike, was in progress. He said work was being done on renovation and expansion of three of the Turnpike's maintenance buildings. He said those buildings were at Hiram and Swanton, which included the Ohio State Highway Patrol posts for those zones, and also at Elmore, the western division maintenance headquarters. He said any unfinished resurfacing and bridge deck replacement projects on the mainline would resume after Labor Day.

The Chairman thanked the Executive Director for his additional comments. He said the report of the consulting engineers would be received.

Mr. Fleischman said the consulting engineers had completed their annual inspection of Turnpike facilities since the last Commission meeting.

The Chairman said the report of the consulting engineers was accepted as offered. He ascertained there would be no report from the Trustee, Director of Information and Research, and Director of Operations.

The Chairman said a date and time for the next Commission 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. Nesslinger, 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. Nesslinger, Mr. Pinzone, Mrs. Cooke,
Mr. Rogers

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 11:13 a.m.

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



Charles R. Pinzone, Secretary-Treasurer

