

MINUTES OF THE 373rd MEETING OF THE OHIO TURNPIKE COMMISSION

February 10, 1992

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio at 11:27 a.m., on February 10, 1992, with key members of the staff; a representative, W. Robson Fleischman, of the consulting engineers, Greiner Engineering, Inc. - Ohio; a representative, Richard Fetzner, of the trustee, Ameritrust Company National Association; Dean Berry and David Millstone of the fiscal and labor counsel, Squire, Sanders & Dempsey; two members of the media, Pauline Thoma, The (Cleveland) Plain Dealer and Hank Harvey, The (Toledo) Blade; 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: Joseph J. Vukovich, M. Ben Gaeth,  
Charles R. Pinzone, Umberto P. Fedeli,  
Edwin M. Bergsmark, James H. Brennan

Absent: Jerry Wray

A motion was made by Mr. Bergsmark, seconded by Mr. Pinzone that the minutes of the meeting of December 18, 1991, 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. Fedeli,  
Mr. Brennan

Nays: None

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

The Chairman said the meeting was the 373rd 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 Jerry Wray, Director of the Ohio Department of Transportation, was unable to attend the meeting. He said Robert Blair and Patrick Grubbe were attending as his representatives, but not as voting alternates. He said that, nevertheless, the Commission had a quorum and could conduct its business.

The Chairman asked the Executive Director, Allan V. Johnson, if he would introduce those attending the meeting.

The Executive Director said that the other persons present were Nancy Gold, Legal Department; Sharon Isaac, Staff Counsel in the Legal Department; Pauline Thoma, The (Cleveland) Plain Dealer; Hank Harvey, The (Toledo) Blade; Lou Disantis, Director of Administrative Services; Les Gaines, Minority Business Enterprise Coordinator; David Millstone, Squire, Sanders & Dempsey; Pat Patton, Government Liaison Officer; Dick Fetzner, Ameritrust Company National Corporation; Jim Cooper, Donaldson, Lufkin and Jenrette; Craig Rudolphy, Comptroller; Dean Berry, Squire, Sanders & Dempsey; Don Sharp, Director of Operations; Pat Grubbe, ODOT; Barbara Lesko, Mr. Johnson's secretary; Leah Fox, ODOT; and Diane Pring, Legal Department. He said that at the conference table there were Alan Plain, Deputy Executive Director-Chief Engineer; Jim McGrath, General Counsel; Rob Fleischman, Greiner Engineering Inc.-Ohio; Bob Barnett, Director of Information and Research; and Robert Blair, ODOT.

The Chairman reported also that the primary reason for the meeting was to act on three resolutions, draft copies of which had been previously sent to the Members and also were in the Members' folders. He said the resolutions would be explained and introduced during the various committee and staff reports. He said, also, that because of the new Members and changes on the Commission it was appropriate and necessary to re-establish the standing committees of the Commission. He said the committees were as follows:

#### BUDGET AND FINANCE

Edwin M. Bergsmark, Chairman  
Umberto Fedeli, Vice Chairman  
Craig Rudolphy  
Allan V. Johnson  
James C. McGrath  
G. Alan Plain

#### SERVICE PLAZA

M. Ben Gaeth, Chairman  
Allan V. Johnson, Vice Chairman  
Donald M. Sharp  
Craig Rudolphy  
James C. McGrath  
Alice Linn

#### EMPLOYEE RELATIONS

Umberto Fedeli, Chairman  
Louis Disantis  
Charles Pinzone  
G. Alan Plain  
James C. McGrath  
Craig Rudolphy

Robert Barnett  
Andrea Plassard  
Mary Shirley  
Donald M. Sharp  
David Ransbury  
Sharon Isaac

ADVISOR: SQUIRE, SANDERS & DEMPSEY

AUDIT AND LEGAL COMMITTEE

Joseph Vukovich, Chairman  
Edwin M. Bergsmark, Vice Chairman  
James C. McGrath  
Allan V. Johnson  
Craig Rudolph

SAFETY COMMITTEE

Charles Pinzone, Chairman  
M. Ben Gaeth, Vice Chairman  
G. Alan Plain  
Allan V. Johnson      ADVISORS: GREINER ENGINEERING, INC.-OH  
James C. McGrath      COMMANDER, DISTRICT 10 (OSHP)

The Chairman said that, as Chairman, he would serve on all the committees as ex officio member. He said that if there were no questions, the report of the Secretary-Treasurer would be received.

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

- (1) Weekly traffic statistics
- (2) Investment transactions which occurred during December 1991 and January 1992
- (3) Draft of the Commission Meeting minutes of December 18, 1991
- (4) Traffic Accident Analysis through December 1991
- (5) Traffic and Revenue Report for December 1991, Summary of 1991
- (6) Report of Concessionaires - 1991
- (7) Financial Statement for December 1991
- (8) Expense and Budget Report for 12 months ending December 31, 1991
- (9) Litigation Report for last quarter of 1991
- (10) Copy of Resolution No. 12-1991 adopting 1992 Commission Budget

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 Executive Director said that, on behalf of Mr. Bergsmark, who was chairman of that committee, he wanted to report the Commission's final budget for 1992 had been distributed as required under the trust agreement. He said copies had been sent to the trustee, consulting engineers, and also to various state administrative and legislative officials, which was required by statute. He said copies of the letters of distribution were furnished 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 Audit and Legal would be received.

The Executive Director said that, on behalf of Representative Vukovich, who had just been named to lead that committee, he wanted to note for the record that the audit of the Commission for 1991 was under way by the Commission's independent auditors, Deloitte & Touche. He said it was expected that their work would be concluded before the end of February so that their report could be included in the annual financial report of the Commission which was required by statute to be submitted to the Governor and General Assembly by April 1, 1992.

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

The Executive Director said that, on behalf of Senator Gaeth, who had just been named chairman of that committee, he wanted to note that the week before the Commission meeting the Marriott Corporation replaced its Roy Rogers restaurant at the Turnpike's Middle Ridge Service Plaza, which was in Lorain County adjacent to the westbound roadway, with a Burger King restaurant. He said Marriott had exclusive right to operate the Burger King restaurants on toll facilities in the United States. He said that although the Roy Rogers unit at Middle Ridge had been there since 1985 and had provided excellent food and facilities, the Roy Rogers name was not very well known in Ohio. He said there were only a few units inside Ohio. He said he and General Counsel, James C. McGrath, had met with Marriott officials the Friday before the meeting and they reported that in the first week, even without any real publicity or promotion, the sales at the Burger King unit had increased substantially over the Roy Rogers unit and Marriott was convinced that the Burger King unit would lead to increased sales at the Middle Ridge Service Plaza. He said that in addition to the Burger King restaurant there was a Bob's Big Boy unit and a TCBY Yogurt facility at Middle Ridge, the busiest plaza on the Turnpike.

The Executive Director said further that there remained a Roy Rogers restaurant at the Vermilion Valley Service Plaza, directly across the Turnpike from Middle Ridge, but he expected Marriott would be changing that to Burger King in the future.

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 Committee on Safety and the Director of Transportation. He said the report of the Executive Director would be received.

The Executive Director, Mr. Johnson, said he had two items, the first being the status of the Tripartite Agreement. He said that as the Members knew, subsequent to the authorization adopted by the Commission at the last meeting, a request was made to the Federal Highway Administration to modify the Commission's existing Tripartite Agreement. He said that request was submitted to the FWHA through the Ohio office, the Chicago Regional office and, finally, to Washington, D.C.

The Executive Director said further that he had been informed by Fred Hempel, who was the Ohio Division Administrator of FWHA, that the Commission's request was in Washington and that a letter acknowledging the request was on its way. He said it would agree with the Commission's interpretation that tolls can continue beyond June 1, 1992, without repayment of federal funds and that a modified agreement would be necessary.

The Executive Director said further that, needless to say, the staff was prepared to act immediately upon receipt of the letter from FWHA to draft a modified agreement. He said it was comforting to know that after almost nine years, the Commission was on the verge of having this issue settled.

The Chairman asked the Executive Director if there was anything the Members could do to speed up the process.

The Executive Director said he didn't think there was anything more that could be done at that time. He said he would be on the telephone the afternoon of the meeting to find out whether the letter was mailed on February 5, as stated by Mr. Hempel.

The Executive Director said also that the Turnpike Oversight Committee, chaired by Ohio Senator Scott Oelslager, had scheduled a meeting for February 25 at the Statehouse in Columbus and he and other staff members were prepared to attend and participate in that meeting.

The Chairman said he thought it would be desirable if some of the Commission Members could attend. He said he was going to try to be there, but was not certain he could make it.

Mr. Pinzone said he thought he could attend the 10:00 a.m. meeting.

Mr. Fedeli said he had a conflict, so he could not attend the meeting.

The Chairman said he thought some of the Commission Members should be at the meeting to display the Commission's cooperation and interest. He asked Mr. Vukovich if he would be at the meeting.

Mr. Johnson said that Mr. Vukovich and Mr. Gaeth were both members of the committee.

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 the Members had before them three resolutions, all dealing with appropriating property for the new Turnpike interchange with State Route 49 in Williams County. He said the resolutions involved property owners Keller, Taylor and Lougheed. He said that in each instance the properties had been appraised and there had been numerous contacts by the Commission's negotiator. He said resolutions called for the Commission to authorize the filing of appropriation actions on those particular parcels. He said they were needed for the interchange and he would like to go forward with the filings.

General Counsel said further that he would read the second resolved which appeared in all three resolutions as follows:

"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." He said each resolution went on to describe the property owned by Mr. and Mrs. Keller, Mr. and Mrs. Taylor, and Mrs. Lougheed.

General Counsel said further that he would read the final resolved in the three resolutions 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." He said he requested that the three resolutions be adopted.

The Chairman asked if all other means of securing the properties had been exhausted.

General Counsel said that in each instance there had been between five and ten contacts with each property owner. He said the Commission's negotiator had made some contacts by telephone, but a number had been in person. He said he didn't believe that the Commission could reach a solution short of appropriation.

The Chairman asked if there was a great deal of difference between what the Commission offered and the amount requested by the property owners.

General Counsel said that, for example, the Commission had offered \$13,975 for the Taylor parcel, while the demand was \$20,000 more. He said that for the Loughed parcel the Commission had offered \$20,125, but the owner wanted \$45,000. He said the price range was so wide that the filings had to be processed to resolve the situation.

Three resolutions declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted were moved for adoption by Mr. Pinzone, seconded by Mr. Fedeli as follows:

RESOLUTION NO. 1-1992

"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. 49 and the Ohio Turnpike in the vicinity of Milepost 2.1 in Williams 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>
Michael L. Keller and Anita M. Keller	RR 2, Box 276A Edon, Ohio 43518
Evelyn Miller, County Auditor of Williams County	Court House, 2nd floor Bryan, Ohio 43506
Elaine Willibey, County Treasurer of Williams County	Court House, 2nd floor Bryan, Ohio 43506

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."

Parcel No. 5 WL

Being a parcel of land situated in part of the NW 1/4 of Section 3, Town 10 South, Range 4 West, Northwest Township, Williams County, State of Ohio, and being more particularly described as follows:

Commencing at the northwest corner of said Section 3; then S-00 52 01-W, along the west line of said Section 3, being also the centerline of State Route 49, 1832.62 feet to a point in the northerly limited access right-of-way line of Ohio Turnpike Project No. 1 (Sta. 116+87.42, 125.00' Lt.); then S-84 51 04-E, along said northerly line, said line being parallel with and 125.00 feet north measured at right angles from the centerline of said Ohio Turnpike Project No. 1 as described in Volume 5 at pages 46 and 47 of the Williams County Plat Record, 1322.04 feet to a point in the west line of a parcel of land conveyed to Michael L. & Anita M. Keller by deed as described in Volume 270 at page 740 of the Williams County Deed Record (Sta. 130+09.46, 125.00' Lt.) marking the PRINCIPAL POINT OF BEGINNING for this description; then N-00 51 09-E, along said west line, 15.04 feet to a point (Sta. 130+08.33, 140.00' Lt.); then S-84 51 04-E, along a line parallel with and 140.00 feet north measured at right angles from said centerline of Ohio Turnpike Project No. 1, 1322.09 feet to a point in the east line of said parcel of land conveyed to Michael L. & Anita M. Keller (Sta. 143+30.42, 140.00' Lt.); then S-00 50 16-W, along said east line, 15.04 feet to a point in said northerly limited access right-of-way line (Sta. 143+31.55, 125.00' Lt.); then N-84 51 04-W, along said northerly limited access right-of-way line, 1322.09 feet to the point of beginning.

Containing in all 0.455 acre of land, more or less, subject however to all legal highways and easements.

The bearings referred to herein are based upon the centerline survey plat for the Ohio Turnpike Project No. 1 as recorded in Volume 5, at pages 46 & 47 of the Williams County Plat Records, and are used for the purpose of angular measurement.

This legal description was prepared from a resurvey performed on the ground by Robert A. Sanford, Ohio Surveyor No. 5424 - Poggemeyer Design Group, Inc., 1168 North Main Street, Bowling Green, Ohio, 43402.

Exhibit "A"



RESOLUTION NO. 2-1992

"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. 49 and the Ohio Turnpike in the vicinity of Milepost 2.1 in Williams 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>
Duane A. Taylor and Helen Taylor	03692 Route 20 Edon, Ohio 43518
Evelyn Miller, County Auditor of Williams County	Court House, 2nd floor Bryan, Ohio 43506
Elaine Willibey, County Treasurer of Williams County	Court House, 2nd floor Bryan, Ohio 43506

The aforementioned property to be appropriated is described as follows:

Parcel No. 6 WL -- Fee Simple  
Parcel No. 7 WL -- Fee Simple  
Parcel No. 7 WL-1 -- Fee Simple  
Parcel No. 7 WD -- Fee Simple

Legal descriptions are attached as Exhibit "A", "B", "C" and "D."

"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."

Parcel No. 6 WL

Being a parcel of land situated in part of the NW 1/4 of Section 3, Town 10 South, Range 4 West, Northwest Township, Williams County, State of Ohio, and being more particularly described as follows:

Commencing at the northwest corner of said Section 3; then S-00 52 01-W, along the west line of said Section 3, being also the centerline of State Route 49, 2098.36 feet to a point in the southerly limited access right-of-way line of Ohio Turnpike Project No. 1 (Sta. 117+07.26, 140.00' Rt.); then S-84 51 04-E, along said southerly line, said southerly line being parallel with and 140.00 feet south measured at right angles from the centerline of Ohio Turnpike Project No. 1 as described in Volume 5 at pages 46 and 47 of the Williams County Plat Record, 1322.11 feet to a point in the west line of a parcel of land conveyed to Helen M. Taylor by deed as described in Volume 227 at page 472 of the Williams County Deed Record marking the PRINCIPAL POINT OF BEGINNING for this description (Sta. 130+29.37, 140.00' Rt.); then N-00 51 08-E, along said west line and southerly line, 15.04 feet to a point (Sta. 130+28.24; 125.00' Rt.); then S-84 51 04-E, along said southerly line, said southerly line being parallel with and 125.00 feet south measured at right angles from said centerline of Ohio Turnpike Project No. 1, 1322.16 feet to a point in the east line of said parcel conveyed to Helen M. Taylor (Sta. 143+50.40, 125.00' Rt.); then S-00 50 16-W, along said east line, 73.04 feet to a point (Sta. 143+55.89, 197.83' Rt.); then N-75 37 16-W, 360.56 feet to a point (Sta. 140+00.00, 140.00' Rt.); then N-84 51 04-W, along a line parallel with and 140.00 feet south measured at right angles from said centerline of Ohio Turnpike Project No. 1, 970.63 feet to the point of beginning.

Containing in all 0.689 acre of land, more or less, subject however to all legal highways and easements.

The bearings referred to herein are based upon the centerline survey plat for the Ohio Turnpike Project No. 1 as recorded in Volume 5, at pages 46 & 47 of the Williams County Plat Records, and are used for the purpose of angular measurement.

This legal description was prepared from a resurvey performed on the ground by Robert A. Sanford, Ohio Surveyor No. 5424 - Poggemeyer Design Group, Inc., 1168 North Main Street, Bowling Green, Ohio, 43402.

Exhibit "A"

Parcel No. 7 WL

Being a parcel of land situated in part of the NE 1/4 of Section 3, Town 10 South, Range 4 West, Northwest Township, Williams County, State of Ohio, and being more particularly described as follows:

Commencing at the northwest corner of said Section 3; then S-00 52 01-W, along the west line of said Section 3, being also the centerline of State Route 49, 1832.62 feet to a point in the northerly limited access right-of-way line of Ohio Turnpike Project No. 1 (Sta. 116+87.42, 125.00' Lt.); then S-84 51 04-E, along said northerly line, said line being parallel with and 125.00 feet north measured at right angles from the centerline of said Ohio Turnpike Project No. 1 as described in Volume 5 at pages 46 and 47 of the Williams County Plat Record, 2644.13 feet to a point in the west line of a parcel of land conveyed to Duane A. & Helen Taylor by deed as described in Volume 183 at page 54 of the Williams County Deed Record (Sta. 143+31.55, 125.00' Lt.) marking the PRINCIPAL POINT OF BEGINNING for this description; then N-00 50 16-E, along said east line, 15.04 feet to a point (Sta. 143+30.42, 140.00' Lt.); then S-84 51 04-E, along a line parallel with and 140.00 feet north measured at right angles from said centerline of Ohio Turnpike Project No. 1, 219.58 feet to a point (Sta. 145+50.00, 140.00' Lt.); then N-62 59 48-E, 206.70 feet to a point (Sta. 147+25.00, 250.00' Lt.); then N-74 37 47-E, 336.64 feet to a point lying 100.00 feet westerly as measured at right angles from the east line of said parcel of land conveyed to Duane A. & Helen Taylor (Sta. 150+.40.28, 368.00' Lt.); then S-84 51 04-E, along a line parallel with and 368.00 feet north as measured at right angles from the centerline of said Ohio Turnpike Project No. 1, 100.28 feet to a point in the east line of said parcel of land conveyed to Duane A. & Helen Taylor (Sta. 151+40.56, 368.00' Lt.); then S-00 50 16-W, along said east line, 248.70 feet to a point in said northerly limited access right-of-way line (Sta. 151+59.26, 120.00' Lt.); then N-84 51 04-W, along said northerly limited access right-of-way line, 827.33 feet to a point in the west line of said parcel of land conveyed to Duane A. & Helen Taylor (Sta. 143+31.93, 120.00' Lt.); then N-00 50 16-E, along said west line, 5.01 feet to the point of beginning.

Containing in all 2.394 acres of land, more or less, subject however to all legal highways and easements.

The bearings referred to herein are based upon the centerline survey plat for the Ohio Turnpike Project No. 1 as recorded in Volume 5, at pages 46 & 47 of the Williams County Plat Records, and are used for the purpose of angular measurement.

This legal description was prepared from a resurvey performed on the ground by Robert A. Sanford, Ohio Surveyor No. 5424 - Poggemeyer Design Group, Inc., 1168 North Main Street, Bowling Green, Ohio, 43402.

Exhibit "B"

Parcel No. 7 WL-1

Being a parcel of land situated in part of the NE 1/4 of Section 3, Town 10 South, Range 4 West, Northwest Township, Williams County, State of Ohio, and being more particularly described as follows:

Commencing at the northwest corner of said Section 3; then S-00 52 01-W, along the west line of said Section 3, being also the centerline of State Route 49, 2098.36 feet to a point in the southerly limited access right-of-way line of Ohio Turnpike Project No. 1 (Sta. 117+07.26, 140.00' Rt.); then S-84 51 04-E, along said southerly line, said southerly line being parallel with and 140.00 feet south measured at right angles from the centerline of Ohio Turnpike Project No. 1 as described in Volume 5 at pages 46 and 47 of the Williams County Plat Record, 1322.11 feet to a point in the west line of a parcel of land conveyed to Helen M. Taylor by deed as described in Volume 227 at page 472 of the Williams County Deed Record (Sta. 130+29.37, 140.00' Rt.) then N-00 51 08-E, along said west line and southerly line, 15.04 feet to a point (Sta. 130+28.24, 125.00' Rt.); then S-84 51 04-E, along said southerly line parallel with and 125.00 feet south measured at right angles from the centerline of said Ohio Turnpike Project No. 1, 1322.16 feet to a point in the west line of a parcel conveyed to Duane A. & Helen Taylor by deed as described in Volume 183 at Page 54 of the Williams County Deed Record (Sta. 143+50.40, 125.00' Rt.); marking the PRINCIPAL POINT OF BEGINNING for this description; then N-00 50 16-E, along said west line and southerly line, 5.01 feet to a point (Sta. 143+50.02, 120.00' Rt.); then S-84 51 04-E, along said southerly line, said southerly line being parallel with and 120.00 feet south measured at right angles from said centerline of Ohio Turnpike Project No. 1, 827.33 feet to a point in the east line of said parcel conveyed to Duane A. & Helen Taylor (Sta. 151+77.35, 120.00' Rt.); then S-00 50 16-W, along said east line, 85.24 feet to a point (Sta. 151+83.76, 205.00' Rt.); then N-84 51 04-W, along a line parallel with and 205.00 feet south measured at right angles from said centerline of Ohio Turnpike Project No. 1, 783.76 feet to a point (Sta. 144+00.00, 205.00' Rt.); then N-75 37 16-W, 44.69 feet to a point in the west line of said parcel conveyed to Duane A. & Helen Taylor (Sta. 143+55.89, 197.83' Rt.); then N-00 50 16-E, along said west line, 73.04 feet to the point of beginning.

Containing in all 1.611 acres of land, more or less, subject however to all legal highways and easements.

The bearings referred to herein are based upon the centerline survey plat for the Ohio Turnpike Project No. 1 as recorded in Volume 5, at pages 46 & 47 of the Williams County Plat Records, and are used for the purpose of angular measurement.

This legal description was prepared from a resurvey performed on the ground by Robert A. Sanford, Ohio Surveyor No. 5424 -- Poggemeyer Design Group, Inc., 1168 North Main Street, Bowling Green, Ohio, 43402.

Exhibit "C"

Parcel No. 7 WD

Being a parcel of land situated in part of the NE 1/4 of Section 3, Town 10 South, Range 4 West, Northwest Township, Williams County, State of Ohio, and being more particularly described as follows:

Commencing at the northwest corner of said Section 3; then S-00 52 01-W, along the west line of said Section 3, being also the centerline of State Route 49, 1832.62 feet to a point in the northerly limited access right-of-way line of Ohio Turnpike Project No. 1 (Sta. 116+87.42, 125.00' Lt.); then S-84 51 04-E, along said northerly line, said line being parallel with and 125.00 feet north measured at right angles from the centerline of said Ohio Turnpike Project No. 1 as described in Volume 5 at pages 46 and 47 of the Williams County Plat Record, 2644.13 feet to a point in the west line of a parcel of land conveyed to Duane A. & Helen Taylor by deed as described in Volume 183 at page 54 of the Williams County Deed Record (Sta. 143+31.55, 125.00' Lt.); then S-00 50 16-W, along said west line and northerly limited access right-of-way line, 5.01 feet to a point (Sta. 143+31.93, 120.00' Lt.); then S-84 51 04-E, along said northerly limited access right-of-way line, being parallel and 120.00 feet north measured at right angles from said centerline of Ohio Turnpike Project No. 1, 827.33 feet to a point in the east line of a parcel of land conveyed to Duane A. & Helen Taylor by deed as described in Volume 183 at page 54 of the Williams County Deed Record, (Sta. 151+59.26, 120.00' Lt.); then N-00 50 16-E, along said east line, 248.70 feet to a point marking the PRINCIPAL POINT OF BEGINNING for this description (Sta. 151+40.56, 368.00' Lt.); then N-84 51 04-W, along a line parallel with and 368.00 feet north as measured at right angles from the centerline of said Ohio Turnpike Project No. 1, 100.28 feet to a point lying 100.00 feet westerly as measured at right angles from the east line of said parcel of land conveyed to Duane A. & Helen Taylor (Sta. 150+40.28, 368.00' Lt.); then N-00 50 16-E, parallel with and 100.00 feet west as measured at right angles from the aforesaid east line, 1857.47 feet to a point on the north line of the northeast quarter of Section 3; then S-89 16 02-E, on and along said north line a distance of 100.00 feet to the northeast corner of said parcel of land as conveyed to Duane A. & Helen Taylor; then S-00 50 16-W, on and along aforesaid east line of Taylor's parcel, 1865.19 feet to the place of beginning.

Containing in all 4.273 acres of land, more or less, of which 0.072 acre, more or less, is existing right-of-way, subject however to all legal highways and easements.

The bearings referred to herein are based upon the centerline survey plat for the Ohio Turnpike Project No. 1 as recorded in Volume 5, at pages 46 & 47 of the Williams County Plat Records, and are used for the purpose of angular measurement.

This legal description was prepared from a resurvey performed on the ground by Robert A. Sanford, Ohio Surveyor No. 5424 - Poggemeyer Design Group, Inc., 1168 North Main Street, Bowling Green, Ohio, 43402.

Exhibit "D"

RESOLUTION NO. 3-1992

"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. 49 and the Ohio Turnpike in the vicinity of Milepost 2.1 in Williams 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>
Nina V. Lougheed	13-148 Route 20 Edon, OH 43518
Evelyn Miller, County Auditor of Williams County	Court House, 2nd floor Bryan, Ohio 43506
Elaine Willibey, County Treasurer of Williams County	Court House, 2nd floor Bryan, Ohio 43506

The aforementioned property to be appropriated is described as follows:

Parcel No. 4 WL -- Fee Simple  
Parcel No. 4 WL-1 -- Fee Simple  
Parcel No. 4 T -- Temporary Construction Easement  
Parcel No. 4 EL-1 -- Fee Simple

Legal descriptions are attached as Exhibit "A", "B", "C" and "D."

"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."

Parcel No. 4 WL

Being a parcel of land situated in part of the NW 1/4 of Section 3, Town 10 South, Range 4 West, Northwest Township, Williams County, State of Ohio, and being more particularly described as follows:

Commencing at the northwest corner of said Section 3; then S-00 52 01-W, along the west line of said Section 3, being also the centerline of State Route 49, 920.01 feet to the PRINCIPAL POINT OF BEGINNING for this description; then S-89 07 59-E, 45.00 feet to a point (Sta. 116+64.15, 1,038.42' Lt.); then S-00 52 01-W, parallel with the west line of said Section 3, 300.00 feet to a point (Sta. 116+86.55, 739.26' Lt.); then S-06 04 12-E, 289.80 feet to a point (Sta. 117+42.93, 455.00' Lt.) then S-69 33 32-E, 1194.36 feet to a point (Sta. 128+95.00, 140.00' Lt.); then S-84 51 04-E, along a line parallel with the centerline of Ohio Turnpike Project No. 1 as described in Volume 5 at page 46 of the Williams County Plat Record, 113.33 feet to a point in the east line of a parcel of land conveyed to Nina Lougheed by deed as described in Volume 273 at page 999 of the Williams County Deed Record (Sta. 130+08.33, 140.00' Lt.); then S-00 51 09-W, along said east line, 15.04 feet to a point in the northerly limited access right-of-way line of Ohio Turnpike Project No. 1 as described in Plat Volume 5 at page 46 of the Williams County Plat Records (Sta. 130+09.46, 125.00' Lt.); then N-84 51 04-W, along said northerly line, said line being parallel with and 125.00 feet north measured at right angles from the centerline of said Ohio Turnpike Project No. 1, 1322.04 feet to a point in the west line of said Section 3 (Sta. 116+87.42, 125.00' Lt.); then N-00 52 01-E, along said west line, said west line being also the centerline of said State Route 49, 912.61 feet to the point of beginning.

Containing in all 5.833 acres of land, more or less, of which 0.924 acre, more or less, is existing right-of-way and 4.909 acres, more or less, is new right-of-way, subject however to all legal highways and easements.

The bearings referred to herein are based upon the centerline survey plat for the Ohio Turnpike Project No. 1 as recorded in Volume 5, at page 46 of the Williams County Plat Records, and are used for the purpose of angular measurement.

This legal description was prepared from a resurvey performed on the ground by Robert A. Sanford, Ohio Surveyor No. 5424 - Poggemeyer Design Group, Inc., 1168 North Main Street, Bowling Green, Ohio, 43402.

Exhibit "A"

Parcel 4 WL-1

Being a parcel of land situated in part of the NW 1/4 of Section 3, Town 10 South, Range 4 West, Northwest Township, Williams County, State of Ohio, and being more particularly described as follows:

Commencing at the northwest corner of said Section 3; then S-00 52 01-W, along the west line of said Section 3, being also the centerline of State Route 49, 2,098.36 feet to a point in the southerly limited access right-of-way line of Ohio Turnpike Project No. 1 (Sta. 117+07.26, 140.00' Rt.) marking the PRINCIPAL POINT OF BEGINNING for this description; then S-84 51 04-E, along said southerly line, said southerly line being parallel with and 140.00 feet south as measured at right angles from the centerline of Ohio Turnpike Project No. 1 as described in Volume 5 at page 46 of the Williams County Plat Record, 1,322.11 feet to a point in the east line of a parcel of land conveyed to Nina Lougheed by deed as described in Volume 273 at page 999 of the Williams County Deed Record (Sta. 130+29.37, 140.00' Rt.); then S-00 51 09-W, along said east line, 10.03 feet to a point (Sta. 130+30.12, 150.00' Rt.); then N-84 51 04-W, along a line parallel with and 150.00 feet south as measured at right angles from the centerline of said Ohio Turnpike Project No. 1, 455.12 feet to a point (Sta. 125+75.00, 150.00' Rt.); then S-76 01 45-W, 714.41 feet to a point (Sta. 119+00.00, 384.00 Rt.); then S-31 59 24-W, 191.50 feet to a point lying 75.00 feet east at right angles from the west line of said Section 3 (Sta. 118+13.53, 554.87' Rt.); then S-00 52 01-W, parallel with said west line, 121.19 feet to a point in the south line of said parcel of land conveyed to Nina Lougheed (Sta. 118+22.58, 675.73' Rt.); then N-89 27 57-W, along said south line and being also the east-west 1/2 section line of said Section 3, 75.00 feet to a point in the west line of said Section 3 marking the West 1/4 corner of said Section 3; then N-00 52 01-E, along said west line, said west line being also the centerline of said State Route 49, 543.28 feet to the point of beginning.

Containing in all 3.804 acres of land, more or less, of which 0.734 acre, more or less, is existing right-of-way and 3.070 acres, more or less, is new right-of-way, subject however to all legal highways and easements.

The bearings referred to herein are based upon the centerline survey plat for the Ohio Turnpike Project No. 1 as recorded in Volume 5, at page 46 of the Williams County Plat Records, and are used for the purpose of angular measurement.

This legal description was prepared from a resurvey performed on the ground by Robert A. Sanford, Ohio Surveyor No. 5424 - Poggemeyer Design Group, Inc., 1168 North Main Street, Bowling Green, Ohio, 43402.

Exhibit "B"



Parcel 4 T  
Temporary Right of Way Agreement

Being a parcel of land situated in part of the NW 1/4 of Section 3, Town 10 South, Range 4 West, Northwest Township, Williams County, State of Ohio, and being more particularly described as follows:

Commencing at the northwest corner of said Section 3; then S-00 52 01-W, along the west line of said Section 3, being also the centerline of State Route 49, 795.01 feet to the PRINCIPAL POINT OF BEGINNING for this description; then S-89 07 59-E, 45.00 feet to a point (Sta. 116+54.82, 1163.07' Lt.); then S-00 52 01-W, parallel with the west line of said Section 3, 125.00 feet to a point (Sta. 116+64.15, 1,038.42' Lt.); then N-89 07 59-W, 45.00 feet to a point in the west line of said Section 3 (Sta. 116+19.28, 1,035.06' Lt.) then N-00 52 01-E, along said west line, said west line being also the centerline of said State Route 49, 125.00 feet to the point of beginning.

Containing in all 0.129 acre of land, more or less, of which 0.086 acre, more or less, is existing right-of-way and 0.043 acre, more or less, is temporary right-of-way, subject however to all legal highways and easements.

The bearings referred to herein are based upon the centerline survey plat for the Ohio Turnpike Project No. 1 as recorded in Volume 5, at page 46 of the Williams County Plat Records, and are used for the purpose of angular measurement.

This legal description was prepared from a resurvey performed on the ground by Robert A. Sanford, Ohio Surveyor No. 5424 - Poggemeyer Design Group, Inc., 1168 North Main Street, Bowling Green, Ohio, 43402.

Exhibit "C"

Parcel 4 EL-1

Being a parcel of land situated in part of the NW 1/4 of Section 3, Town 10 South, Range 4 West, Northwest Township, Williams County, State of Ohio, and being more particularly described as follows:

Commencing at a point in the centerline of State Route 49 marking the West 1/4 corner of said Section 3; then S-89 27 57-E, along the south line of said NW 1/4, and being also the south line of a parcel of land conveyed to Nina Lougheed by deed as recorded in Volume 273 at page 999 of the Williams County Deed Records, 75.00 feet to the PRINCIPAL POINT OF BEGINNING for this description (Sta. 118+22.58, 675.73' Rt.); then N-00 52 01-E, parallel with said west line, 121.19 feet to a point (Sta. 118+13.53, 554.87' Rt.); then N-31 59 24-E, 191.50 feet to a point (Sta. 119+00.00, 384.00' Rt.); then S-76 01 45-W, 714.41 feet to a point lying 150.00 feet south, as measured at right angles, from the centerline of Ohio Turnpike Project No. 1 as described in Volume 5 at page 46 of the Williams County Plat Record (Sta. 125+75.00, 150.00' Rt.); then S-84 51 04-E, along a line parallel with and 150.00 feet south as measured at right angles from the centerline of said Ohio Turnpike Project No. 1, 455.12 feet to a point in the east line of said parcel of land conveyed to Nina Lougheed (Sta. 130+30.12, 150.00' Rt.); then S-00 51 09-W, along the east line of said parcel conveyed to Nina Lougheed, 426.88 feet to a point marking the southeast corner of said parcel conveyed to Nina Lougheed; then N-89 27 57-W, along the south line of said NW 1/4, 1,243.55 feet to the point of beginning.

Containing in all 11.030 acres of land, more or less, subject however to all legal highways and easements.

The bearings referred to herein are based upon the centerline survey plat for the Ohio Turnpike Project No. 1 as recorded in Volume 5, at page 46 of the Williams County Plat Records, and are used for the purpose of angular measurement.

This legal description was prepared from a resurvey performed on the ground by Robert A. Sanford, Ohio Surveyor No. 5424 - Poggemeyer Design Group, Inc., 1168 North Main Street, Bowling Green, Ohio, 43402.

Exhibit "D"

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

Ayes: Mr. Pinzone, Mr. Fedeli, Mr. Bergsmark,  
Mr. Brennan

Nays: None

The Chairman declared the resolutions stood adopted with all Members present voting in the affirmative. The resolutions were identified as Nos. 1-1992, 2-1992, 3-1992.

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

The Chairman said that the regular business meeting had been concluded.

The Chairman said, however, that the Executive Director and General Counsel have requested that the Commission meet in Executive session so the Members can be informed and review the status of collective bargaining negotiations between the Commission and the union that has been certified as the exclusive representative of its regular, full-time employees in the toll and maintenance departments and to discuss related matters involving other employees.

A motion was made by Mr. Bergsmark, seconded by Mr. Pinzone that the Commission meet in Executive session to review the status of negotiations.

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. Fedeli,  
Mr. Brennan

Nays: None

(The Commission Members left the conference room at 11:51 a.m. and returned at 1:18 p.m.)

The Chairman said the next Commission meeting would be held at the administration building at 11:00 a.m. on March 9.

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

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 1:20 p.m.

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



Edwin M. Bergsmark, Secretary-Treasurer