

## MINUTES OF THE 420th MEETING OF THE OHIO TURNPIKE COMMISSION

April 10, 1996

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio at 10:17 a.m. on April 10, 1996, with Members of the staff: G. Alan Plain, Executive Director; Gino Zomparelli, General Counsel and Deputy Executive Director-External Services; Robert Arlow, Deputy Executive Director-Operations; Anthony A. DiPietro, Deputy Executive Director-Administration; Stephen G. Lorton, Director of Public Affairs & Marketing; David H. Ransbury, Chief Engineer; Daniel F. Castrigano, Maintenance Engineer; Sharon Isaac, Director of Toll Operations; and others in attendance.

Present: Senator Gaeth, John Platt, Earl W. Williams, Marilyn R. Baker, Umberto P. Fedeli

Absent: Ruth Ann Leever, Jerry Wray, Richard A. Hodges

The Chairman said that the minutes of the last two Commission meetings of February 28th and March 11th had been distributed to the Members for their comments and he would accept a motion to adopt them without reading.

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

Ayes: Mrs. Baker, Mr. Williams, Mr. Platt, Mr. Fedeli

Nays: None

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

The Chairman said the meeting was the 420th meeting of the Commission. He said it was being held at the Commission's headquarters as provided for in the Commission's Code of Bylaws.

The Chairman said further that Mrs. Leever and Representative Hodges were unable to attend the day's meeting. He said John Platt, Assistant Director of the Ohio Department of Transportation, was at the meeting in place of Jerry Wray. He said Mr. Platt had been authorized to represent and vote in place of Mr. Wray.

The Chairman said there were a number of guests at the meeting and he would ask them to identify themselves as follows: Pat Norris, Star Bank; Andrea Plassard, Assistant Comptroller; Connie Atkins, Atkins Professional Services; David Patch, The (Toledo) Blade; Mike Stitch, Ruhlin Company; Mark Tylicki, Taxpayer; Grant Mills, McCourt Construction; John Lee, A.G. Edwards; Eric Erickson, the Ohio Company; Gary Joseph, ODOT; John Kresila, Host Marriott; Carol Mueller, Paine Webber; Steve Wood, Paine Webber; Larry McQuillin, Advanced Restaurant Concepts; Dick Turner, Great Lakes Construction; Andy Natale, Thompson, Hine & Flory on behalf of the Great Lakes Construction Company; Bruce Gilbert, Great Lakes

Construction; Bobby Everhart, URS Consultants; Anthony Palombo, Staff Counsel; Bob Barnett, Public Affairs & Marketing; Barbara Lesko, Executive Director's Secretary; Diane Pring, Legal Department; Leah Fox, ODOT; Frank Lamb, Huntington Trust; Ken Zapinski, The (Cleveland) Plain Dealer; McCullough Williams, Pryor, McClendon, Counts; Gordon Reis, Seansongood & Mayer; Pat Patton, Government Liaison Officer; and Troy Atkins, Atkins Professional Advantage.

The Chairman said that, as required by the Ohio Turnpike Act, copies of the Commission's 1995 annual report were mailed on March 28th to the Governor's office and to the legislative leaders. Distribution of the report, which contains the independent accountant's report approved by the Auditor of State, was required to be made by April 1st.

The Chairman said further that the report also was mailed to other Members of the Ohio General Assembly, to elected state officials, to newspapers, to selected radio and television stations and to other interested parties.

The Chairman said that if there was anybody who would like a copy of the annual report they should see Mr. Lorton after the meeting or Mr. Barnett.

The Chairman said also that before getting into some of the reports there was a video he wanted to show those attending the meeting. He said he saw it for the first time the previous Friday. He said he thought it was very well done and extremely accurate.

(The video on the advantages of adding the third lane to the Turnpike ran about 22 minutes.)

Mr. Williams asked what was the plan for utilization of the video.

Mr. Lorton said that it would be offered to all employees on a loaned basis. He said there would be a few copies circulating among all employees.

Mr. Lorton said further that the video had been provided to reporters who attended the news briefing held on March 25 and 26 at locations in Toledo, Cleveland and Youngstown.

Mr. Lorton said further that copies of the video also had been provided to most of the cable systems in Ohio. He said that probably 45 or 50 cable systems now had the video. He said some had already used it, including the system he subscribed to which served Bay Village and Elyria.

Mr. Williams asked if any thought had been given to the areas to be under construction at the time just before construction would start. He said that perhaps showing of the video could be arranged to provide that kind of information to those communities. He asked if any thought had been given to inform people who would be traveling on the Turnpike and how the third lane construction would affect them.

Mr. Lorton said that was part of the reasoning behind the news briefings that were held in the major media markets. He said that information was given to the news media for them to provide to our customers.

Mr. Lorton said further that there were 42 million vehicles a year on the Turnpike. He said it was very difficult to go out and meet one-on-one with so many people. He said that was why the video tape was being provided to the cable systems and it and other information was distributed to the news media.

The Chairman said that perhaps what should be done would be to revisit communities near construction sites before the work actually began and redistribute the video for viewing.

Mr. Williams said that was what he was emphasizing.

Mr. Lorton said he would like to do that.

The Chairman said he did not know if arrangements could be made at the service plazas to have continual showing of the video. He said that maybe there was a way to have televisions set up so that the video tape could be shown 24 hours a day.

Mr. Lorton said further that a small brochure had been developed with an insert map for distribution at service plazas and toll plazas, which provided updated information on where the construction was occurring.

Mr. Platt said that ODOT would be glad to have those brochures for its 13 Travel Information or Welcome Centers throughout the state.

The Chairman said that what people had to realize was that if they traveled the Turnpike in the off-season they would wonder at certain times why there was a need for a third lane. He said that if they used the Turnpike in-season they would ask why there wasn't a third lane.

The Chairman said that, unfortunately, a third lane was not needed on the Turnpike every day. He said there were certain peak times in the summer months and in the fall months when traffic was very, very heavy. He said that during the winter months and the beginning of spring traffic was not as busy.

The Chairman said further that the Commission would not sacrifice safety for anything. He said the Commission's number one concern was safety and that was not about to change.

The Chairman said also that various reports would be received and the Members would act on a number of resolutions. He said draft copies of the resolutions were sent to the Members and they would be explained during the appropriate reports.

The Chairman said the report of the Executive Director would be received.

Mr. Plain said there were a number of resolutions prepared for the meeting. He said that he and General Counsel were probably going to set an all-time record because there were about 18 resolutions to be acted on at the meeting.

Mr. Plain said the first was a resolution for the rejection of all bids on Contract 77-96-01 for the construction of a third lane between milepost 92.41 and milepost 100.52 in Sandusky County.

Mr. Plain said further that there were five bids on the project and the low bid was submitted by the Ruhlin Company, Sharon Center, Ohio in the total amount of \$26,291,940. He said the bidder had a deficient bond and was therefore unresponsive.

Mr. Plain said further that the next lowest bid was submitted by the Great Lakes Construction Company in the amount of \$26,558,974.45.

Mr. Plain said further that the Chief Engineer, after review of the totality of the requirements and demands of that particular project, recommended that it would be in the best interest of the Commission and its customers to reject all bids and to readvertise the project with revised specifications which might include, for example, splitting the project up into two sections.

Mr. Plain said further that during the start up of the construction zones the previous evening there had been an accident and traffic had been backed up for 10 to 14 miles.

Mr. Plain said further that contract 77-96-01 should be readvertised so that part of the work could be done in the fall and the remainder completed in 1997. He said that schedule would be the best for the safety of the Turnpike's customers.

Mr. Ransbury said that the project was the longest to be constructed for the year.

Mrs. Baker said she had one question. She asked exactly what was the difference between the low bid which had the deficient bond and the next closest bid.

Mr. Plain said that the dollar difference was \$267,000. He said the main concern was customer safety. He said that there was the opportunity to shorten up the total project length and start in the fall. He said the project would be the only one with single lane traffic for that part of the year. He said it might be split up because of the complexity of the work and to make sure that it got done quicker.

Mr. Platt said the project also was located right in the tourism area with high traffic volume. He said it made sense to split up the project.

Mr. Plain said that it was located between Interchanges 6 and 7. He said traffic volume was very high, particularly in the summertime for the boaters and the fishermen up at the Lake Erie Islands, and those visiting Cedar Point and some of the other attractions.

Mr. Plain said he would read the Resolved of the resolution as follows:

"RESOLVED that the above-mentioned bids hereto received pursuant to the advertisement for bids for the 3rd lane construction between Milepost 92.41 to Milepost 100.52 located in Sandusky County, Ohio, which contract is designated Contract 77-96-01, be and the same hereby are rejected, and the executive director is authorized to notify the bidders in writing of said action, and to return to the bidders the bid security furnished by them; and

"FURTHER RESOLVED that the executive director and general counsel hereby are authorized and directed to take any and all action necessary to re-advertise for bids for contracts for any portion(s) of the 3rd lane construction between Milepost 92.41 to Milepost 100.52 located in Sandusky County, Ohio, forthwith."

A Resolution Rejecting all Bids on Contract 77-96-01 was moved for adoption by Mr. Williams, seconded by Mr. Platt as follows:

**RESOLUTION NO. 19-1996**

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for 3rd lane construction between Milepost 92.41 to Milepost 100.52 located in Sandusky County, Ohio;

"WHEREAS, the Commission has received bids from five bidders and each bidder submitted alternate bids for the performance of said contract;

"WHEREAS, said bids have been reviewed and analyzed by the Commission's chief engineer and by the Commission's general counsel and they have reported thereon, and they, and also the Commission's executive director, have made recommendations with respect thereto:

"WHEREAS, the Commission has been advised by its general counsel that it may lawfully reject all bids for the aforesaid contract;

"NOW, THEREFORE, BE IT

"RESOLVED that the above-mentioned bids hereto received pursuant to the advertisement for bids for the 3rd lane construction between Milepost 92.41 to Milepost 100.52 located in Sandusky County, Ohio, which contract is designated Contract 77-96-01, be and the same hereby are rejected, and the executive director is authorized to notify the bidders in writing of said action, and to return to the bidders the bid security furnished by them; and

"FURTHER RESOLVED that the executive director and general counsel hereby are authorized and directed to take any and all action necessary to re-advertise for bids for contracts for any portion(s) of the 3rd lane construction between Milepost 92.41 to Milepost 100.52 located in Sandusky County, Ohio, forthwith."

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

Ayes: Mr. Williams, Mr. Platt, Mrs. Baker

Nays: None

Abstain: Mr. Fedeli

The Chairman declared the resolution stood adopted with all Members present, except him, voting in the affirmative. The resolution was identified as No. 19-1996.

Mr. Plain said the next resolution was a Resolution Awarding Contract No. 77-96-02 for third lane construction between Mileposts 100.52 and 104.94 in Sandusky County. He said

there were four bids. He said the lowest responsive bid was submitted by the S. E. Johnson Companies of Maumee, Ohio. He said he would read the Resolved as follows:

"RESOLVED that the bid of The S. E. Johnson Companies, Inc. of Maumee, Ohio, in the amount of \$8,948,754.24, using crushed slag surface course with pipe underdrains for the performance of Contract No. 77-96-02, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract; and

"FURTHER RESOLVED that Project No. 77-96-02 is designated a System Project under the Commission's 1994 Master Trust Agreement."

A Resolution Awarding Contract No. 77-96-02 was moved for adoption by Mrs. Baker, seconded by Mr. Platt as follows:

#### **RESOLUTION NO. 20-1996**

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for 3rd lane construction between Milepost 100.52 to Milepost 104.94 located in Sandusky County, Ohio;

"WHEREAS, the Commission has received bids from four bidders and each bidder submitted alternate bids for the performance of said contract;

"WHEREAS, said bids have been reviewed and analyzed by the Commission's chief engineer, and he has submitted a report concerning such analysis and his report is before the Commission and the Commission's executive director has made his recommendation to the Commission predicated upon such analysis;

"WHEREAS, the Commission's minority business enterprise coordinator has reviewed the documents submitted by the bidders and has determined that there is satisfactory evidence of compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications, and the bid of The S. E. Johnson Companies, Inc. of Maumee, Ohio in the amount of \$8,948,754.24, using crushed slag surface course with pipe underdrains, for the performance of Contract No. 77-96-02 has been determined by the Commission to be the lowest responsive and responsible bid received;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.07, Section 9.312 and Section 153.54, all of the Revised Code of Ohio, and that a performance bond with good and sufficient surety has been submitted by The S. E. Johnson Companies, Inc.;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of The S. E. Johnson Companies, Inc. of Maumee, Ohio, in the amount of \$8,948,754.24, using crushed slag surface course with pipe underdrains for the performance of Contract No. 77-96-02, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract; and

"FURTHER RESOLVED that Project No. 77-96-02 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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

Ayes: Mrs. Baker, Mr. Platt, Mr. Williams, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 20-1996.

Mr. Plain said the next resolution was for the award of Contract No. 77-96-06 for the third lane construction between Milepost 199.05 and Milepost 205.46 in Portage County, Ohio. He said there were three bidders with the lowest responsive bid submitted by the McCourt Construction Company of Akron, Ohio. He said he would read the Resolved as follows:

"RESOLVED that the bid of McCourt Construction Company of Akron, Ohio, in the amount of \$15,100,026.16, using crushed slag surface course with pipe underdrains, for the performance of Contract No. 77-96-06, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract; and

"FURTHER RESOLVED that Project No. 77-96-06 is designated a System Project under the Commission's 1994 Master Trust Agreement."

A Resolution Awarding Contract No. 77-96-06 was moved for adoption by Mr. Williams, seconded by Mr. Platt as follows:

**RESOLUTION NO. 21-1996**

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for 3rd lane construction between Milepost 199.05 to Milepost 205.46 located in Portage County, Ohio;

"WHEREAS, the Commission has received bids from three bidders and each bidder submitted alternate bids for the performance of said contract;

"WHEREAS, said bids have been reviewed and analyzed by the Commission's chief engineer, and he has submitted a report concerning such analysis and his report is before the Commission and the Commission's executive director has made his recommendation to the Commission predicated upon such analysis;

"WHEREAS, the Commission's minority business enterprise coordinator has reviewed the documents submitted by the bidders and has determined that there is satisfactory evidence of compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications, and the bid of McCourt Construction Company of Akron, Ohio in the amount of \$15,100,026.16, using crushed slag surface course with pipe underdrains, for the performance of Contract No. 77-96-06 has been determined by the Commission to be the lowest responsive and responsible bid received;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.07, Section 9.312 and Section 153.54, all of the Revised Code of Ohio, and that a performance bond with good and sufficient surety has been submitted by McCourt Construction Company;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of McCourt Construction Company of Akron, Ohio, in the amount of \$15,100,026.16, using crushed slag surface course with pipe underdrains, for the performance of Contract No. 77-96-06, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract; and

"FURTHER RESOLVED that Project No. 77-96-06 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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

Ayes: Mr. Williams, Mr. Platt, Mrs. Baker, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 21-1996.



Mr. Plain said the next resolution was a Resolution Awarding Contract No. 77-96-07 for third lane construction between Milepost 205.46 and Milepost 209.54 located in Trumbull County, Ohio. He said there were three bids with the lowest responsive bid submitted by the Northern Ohio Paving Company. He said he would read the resolved as follows:

"RESOLVED that the bid of Northern Ohio Paving Company of Twinsburg, Ohio, in the amount of \$11,026,968.48, using crushed slag surface course with pipe underdrains, for the performance of Contract No. 77-96-07, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract; and

"FURTHER RESOLVED that Project No. 77-96-07 is designated a System Project under the Commission's 1994 Master Trust Agreement."

#### **RESOLUTION NO. 22-1996**

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for 3rd lane construction between Milepost 205.46 to Milepost 209.54 located in Trumbull County, Ohio;

"WHEREAS, the Commission has received bids from three bidders and each bidder submitted alternate bids for the performance of said contract;

"WHEREAS, said bids have been reviewed and analyzed by the Commission's chief engineer, and he has submitted a report concerning such analysis and his report is before the Commission and the Commission's executive director has made his recommendation to the Commission predicated upon such analysis;

"WHEREAS, the Commission's minority business enterprise coordinator has reviewed the documents submitted by the bidders and has determined that there is satisfactory evidence of compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications, and the bid of Northern Ohio Paving Company of Twinsburg, Ohio in the amount of \$11,026,968.48, using crushed slag surface course with pipe underdrains, for the performance of Contract No. 77-96-07 has been determined by the Commission to be the lowest responsive and responsible bid received;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.07, Section 9.312 and Section 153.54, all of the Revised Code of Ohio, and that a performance bond with good and sufficient surety has been submitted by Northern Ohio Paving Company;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Northern Ohio Paving Company of Twinsburg, Ohio, in the amount of \$11,026,968.48, using crushed slag surface course with pipe underdrains, for the performance of Contract No. 77-96-07, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract; and

"FURTHER RESOLVED that Project No. 77-96-07 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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

Ayes: Mrs. Baker, Mr. Williams, Mr. Platt, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 22-1996.

Mr. Plain said the next resolution was for Awarding a Contract Under Invitation No. 3471-C for the furnishing to the Commission Group I of eight current model truck cab used chassis, 58,000# GVWR, and accepting in trade eight used trucks; Group II, furnishing and installing eight combination dump/spreader body and central hydraulic system and lighting system; and Group II furnishing and installing eight reversible front snow plows with quick hitch; and bids from six bidders were received in response to that invitation.

He said he would read the Resolved as follows:

"RESOLVED that the bid of Eagle International Truck Sales, Inc. of Cleveland, Ohio in the amount of \$305,760.00 for Group I and the bid of Concord Road Equipment Mfg., Inc. of Painesville, Ohio in the total amount of \$344,680.00 for Groups II and III is, and is by the Commission deemed to be the lowest responsive and responsible bids received and is accepted and the chairman and executive director, or either of them, is hereby authorized (1) to execute a contract with the successful bidders in the form heretofore prescribed by the Commission pursuant to the aforesaid invitation; (2) to direct the return to the other bidders of their bid security at such time as Eagle International Truck Sales, Inc. and Concord Road Equipment Mfg., Inc. have entered into a contract and furnished a performance bond required thereby; and (3) to take any and all action necessary to properly carry out the terms of said contract."

Mr. Williams asked what the delivery date was for the truck and snowplow equipment.

Mr. Castrigano said the delivery time for Group I was 120 days. He said the delivery time for Group II and Group III was ninety days after that. He said everything would be received by the beginning of winter.

A Resolution Awarding a Contract under Invitation No. 3471-C was moved for adoption by Mr. Platt, seconded by Mrs. Baker as follows:

**RESOLUTION NO. 23-1996**

"WHEREAS, the Commission has advertised for bids for Invitation No. 3471-C for the furnishing to the Commission **Group I:** Eight (8) current model truck cab and chassis, 58,000# GVWR, and accepting in-trade (8) used trucks; **Group II:** furnishing and installing (8) combination dump/spreader body, central hydraulic system and lighting system; and **Group III:** furnishing and installing (8) reversible front snow plows with quick hitch; and bids from six bidders were received in response to that invitation and have been reviewed by the Commission's staff; and

"WHEREAS, it is anticipated that the expenditures of the Commission for (8) current model truck cab and chassis, equipped with snow and ice control equipment, as more fully described under Groups II and III of Invitation No. 3471-C shall exceed \$500,000 and in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of such contract;

"WHEREAS, the bids received in response to the invitation were reviewed by the maintenance engineer who has stated that the lowest responsive and responsible bid for Group I was submitted by Eagle International Truck Sales, Inc. of Cleveland, Ohio in the amount of \$305,760.00; and for Groups II and III was submitted by Concord Road Equipment Mfg., Inc. of Painesville, Ohio in the total amount of \$344,680.00 and that both bidders propose to furnish materials and services in accordance with the Commission's specifications;

"WHEREAS, the Commission's general counsel has reviewed the bids received and has advised the Commission that the procedure followed by the Commission in advertising for Invitation No. 3471-C is in accordance with Section 5537.07 of the Revised Code of Ohio, and that the bid of Eagle International Truck Sales, Inc. for Group I is the lowest responsive and responsible bid received, and that the bid of Concord Road Equipment Mfg., Inc. for Groups II and III is the lowest responsive and responsible bid received, and that the Commission may legally enter into a contract with these bidders to furnish the truck cab and chassis described under Group I of Invitation No. 3471-C and to furnish and snow and ice control equipment described under Groups II and III of Invitation No. 3471-C; and

"WHEREAS, the Commission's minority business enterprise coordinator has reviewed the documents submitted by each of the bidders and has advised that MBE waivers have been granted to Eagle International Truck Sales, Inc. under Group I, and that a request to accept partial compliance with the Commission's Minority Business Enterprise Program has been granted to Concord Road Equipment Mfg. under Group II and III;

"WHEREAS, the executive director has reviewed the bids received and has recommended to the Commission that the contract be awarded to the lowest responsive and responsible bidders, Eagle International Truck Sales, Inc. for Group I; and Concord Road Equipment Mfg. for Groups II and III;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Eagle International Truck Sales, Inc. of Cleveland, Ohio in the amount of \$305,760.00 for Group I and the bid of Concord Road Equipment Mfg., Inc. of Painesville, Ohio in the total amount of \$344,680.00 for Groups II and III is, and is by the Commission deemed to be the lowest responsive and responsible bids received and is accepted and the chairman and executive director, or either of them, is hereby authorized (1) to execute a contract with the successful bidders in the form heretofore prescribed by the Commission pursuant to the aforesaid invitation; (2) to direct the return to the other bidders of their bid security at such time as Eagle International Truck Sales, Inc. and Concord Road Equipment Mfg., Inc. have entered into a contract and furnished a performance bond required thereby; and (3) to take any and all action necessary to properly carry out the terms of said contract."

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

Ayes: Mr. Platt, Mrs. Baker, Mr. Williams, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 23-1996.

Mr. Plain said the next resolution was a Resolution Awarding a Contract for Engineering, Design and Construction Inspection Services for 3rd Lane Construction for System Design Project 71-95-29. He said it was for third lane construction between Milepost 123.40 to Milepost 127.23. He said he would read the Resolved as follows:

"RESOLVED that the Commission hereby selects Dansard-Grohnke-Long, Limited as most qualified to perform the services required under the above-mentioned RFP and authorizes and directs the executive director and the general counsel to execute the Engineering Services Agreement, a copy of which is before the commission, with Dansard-Grohnke-Long, Limited all in accordance with the terms and conditions of the Commission's Request for Proposals and its responses thereto."

A Resolution Awarding a Contract for Engineering, Design and Construction Inspection Services for 3rd Lane Construction for System Design Project 71-95-29 was moved for adoption by Mrs. Baker, seconded by Mr. Platt as follows:

#### **RESOLUTION NO. 24-1996**

"WHEREAS, on December 22, 1995, the Commission issued its Request for Proposals (RFP) for Engineering, Design and Construction Inspection Services for "3rd" Lane Construction from Milepost 123.40 to Milepost 127.23 to three consulting engineering firms which previously expressed an interest in performing such work for the Commission, and who are appropriately prequalified, and on January 15, 1996, responses were received from three firms confirming their interest in serving the Commission;

"WHEREAS, the Commission's chief engineer has reviewed the proposals submitted and concluded, on the basis of the proposals, that Dansard-Grohnke-Long, Limited were

most qualified to perform the services required and recommends that the contract be awarded to Dansard-Grohnke-Long, Limited;

"WHEREAS, on February 20, 1996, an initial fee negotiation meeting with Dansard-Grohnke-Long, Limited and the project manager, URS Consultants, Inc., was held and on February 22, 1996, Dansard-Grohnke-Long, Limited submitted a revised fee for Phase I in the total lump sum of \$531,372.00 and a schedule of hourly rates for Phase II;

"WHEREAS, the executive director has also reviewed the proposals submitted and concurs in the recommendation of the chief engineer that the contract be awarded to Dansard-Grohnke-Long, Limited on the basis of their superior technical rating and favorable negotiated fee;

"WHEREAS, the Commission has duly considered such recommendations;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby selects Dansard-Grohnke-Long, Limited as most qualified to perform the services required under the above-mentioned RFP and authorizes and directs the executive director and the general counsel to execute the Engineering Services Agreement, a copy of which is before the Commission, with Dansard-Grohnke-Long, Limited all in accordance with the terms and conditions of the Commission's Request for Proposals and its responses thereto."

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

Ayes: Mrs. Baker, Mr. Platt, Mr. Williams, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 24-1996.

Mr. Plain said the next resolution was a Resolution Awarding a Contract for Engineering, Design and Construction Inspection Services for 3rd Lane Construction for System Design Project 71-95-33. He said the project was for third lane construction between Milepost 165.0 to Milepost 168.68. He said he would read the Resolved as follows:

"RESOLVED that the Commission hereby selects Dodson-Stilson, Inc. as most qualified to perform the services required under the above-mentioned RFP and authorizes and directs the executive director and the general counsel to execute the Engineering Services Agreement, a copy of which is before the Commission, with Dodson-Stilson, Inc. all in accordance with the terms and conditions of the Commission's Request for Proposals and its responses thereto.

A Resolution Awarding a Contract for Engineering, Design and Construction Inspection Services for 3rd Lane Construction for System Design Project 71-95-33 was moved for adoption by Mr. Platt, seconded by Mr. Williams as follows:

**RESOLUTION NO. 25-1996**

"WHEREAS, on December 22, 1995, the Commission issued its Request for Proposals (RFP) for Engineering, Design and Construction Inspection Services for "3rd" Lane Construction from Milepost 165.00 to Milepost 168.68 to three consulting engineering firms which previously expressed an interest in performing such work for the Commission, and who are appropriately prequalified, and on January 17, 1996, responses were received from three firms confirming their interest in serving the Commission;

"WHEREAS, the Commission's chief engineer has reviewed the proposals submitted and concluded, on the basis of the proposals, that Dodson-Stilson, Inc. were most qualified to perform the services required and recommends that the contract be awarded to Dodson-Stilson, Inc.;

"WHEREAS, on February 22, 1996, an initial fee negotiation meeting with Dodson-Stilson and the project manager, URS Consultants, Inc., was held and on March 4, 1996, Dodson-Stilson, Inc. submitted a revised fee for Phase I in the total lump sum of \$548,000.00 and a schedule of hourly rates for Phase II;

"WHEREAS, the executive director has also reviewed the proposals submitted and concurs in the recommendation of the chief engineer that the contract be awarded to Dodson-Stilson, Inc. on the basis of their superior technical rating and favorable negotiated fee;

"WHEREAS, the Commission has duly considered such recommendations;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby selects Dodson-Stilson, Inc. as most qualified to perform the services required under the above-mentioned RFP and authorizes and directs the executive director and the general counsel to execute the Engineering Services Agreement, a copy of which is before the Commission, with Dodson-Stilson, Inc. all in accordance with the terms and conditions of the Commission's Request for Proposals and its responses thereto."

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

Ayes: Mr. Platt, Mr. Williams, Mrs. Baker, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 25-1996.

Mr. Plain said the next resolution was a Resolution Adopting Numerical Designation and Name for Interchange with State Route 51. He said he would read the Resolved as follows:

"RESOLVED that the Commission hereby designates the new interchange between the Ohio Turnpike and State Route 51 as Interchange 5A and adopts "Elmore/Woodville-Gibsonburg" as the name for said interchange."

A Resolution Adopting Numerical Designation and Name for Interchange with State Route 51 was moved for adoption by Mr. Williams, seconded by Mr. Platt as follows:

**RESOLUTION NO. 26-1996**

"WHEREAS, the Commission and Director of the Ohio Department of Transportation heretofore, in accordance with law, have designated State Route 51 as a point of ingress to and egress from the Ohio Turnpike;

"WHEREAS, said new interchange has been designed and is under construction at approximately Milepost 80.9 of the Ohio Turnpike near the Village of Elmore, in Sandusky and Ottawa Counties, Ohio and is scheduled for completion in December 1996;

"WHEREAS, the Commission has previously named all other existing interchanges on the Ohio Turnpike; and

"WHEREAS, the executive director has recommended that said interchange be numbered **Interchange 5A** and named "**Elmore/Woodville-Gibsonburg**" and the Commission concurs in said recommendation;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby designates the new interchange between the Ohio Turnpike and State Route 51 as **Interchange 5A** and adopts "**Elmore/Woodville-Gibsonburg**" as the name for said interchange."

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

Ayes: Mr. Williams, Mr. Platt, Mrs. Baker, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 26-1996.

Mr. Plain said the next resolution was a Resolution Adopting Numerical Designation and Name for Interchange with State Route 109. He said he would read the Resolved as follows:

"RESOLVED that the Commission hereby designates the new interchange between the Ohio Turnpike and State Route 109 as Interchange 3B and adopts "Delta-Lyons" as the name for said interchange."

A Resolution Adopting Numerical Designation and Name for Interchange with State Route 109 was moved for adoption by Mr. Platt, seconded by Mrs. Baker as follows:

**RESOLUTION NO. 27-1996**

"WHEREAS, the Commission and Director of the Ohio Department of Transportation heretofore, in accordance with law, have designated State Route 109 as a point of ingress to and egress from the Ohio Turnpike;

"WHEREAS, said new interchange has been designed and is under construction at approximately Milepost 40.3 of the Ohio Turnpike near the City of Delta, in Fulton County, Ohio and is scheduled for completion in December 1996;

"WHEREAS, the Commission has previously named all other existing interchanges on the Ohio Turnpike; and

"WHEREAS, the executive director has recommended that said interchange be numbered **Interchange 3B** and named "**Delta-Lyons**" and the Commission concurs in said recommendation;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby designates the new interchange between the Ohio Turnpike and State Route 109 as **Interchange 3B** and adopts "**Delta-Lyons**" as the name for said interchange."

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

Ayes: Mr. Platt, Mrs. Baker, Mr. Williams, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 27-1996.

Mr. Plain said the next resolution was a Resolution Adopting Numerical Designation and Name for Interchange with County Road 24 (State Route 66). He said he would read the Resolved as follows:

"RESOLVED that the Commission hereby designates the new interchange between the Ohio Turnpike and County Road 24 (S.R. 66) as Interchange 2A and adopts "Archbold-Fayette" as the name for said interchange."

A Resolution Adopting Numerical Designation and Name for Interchange with County Road 24 (State Route 66) was moved for adoption by Mr. Williams, seconded by Mr. Platt as follows:



**RESOLUTION NO. 28-1996**

"WHEREAS, the Commission and Director of the Ohio Department of Transportation heretofore, in accordance with law, have designated County Road 24 (S.R. 66) as a point of ingress to and egress from the Ohio Turnpike;

"WHEREAS, said new interchange has been designed and is under construction at approximately Milepost 25.3 of the Ohio Turnpike near the City of Archbold, in Fulton County, Ohio and is scheduled for completion in December 1997;

"WHEREAS, the Commission has previously named all other existing interchanges on the Ohio Turnpike; and

"WHEREAS, the executive director has recommended that said interchange be numbered **Interchange 2A** and named "**Archbold-Fayette**" and the Commission concurs in said recommendation;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby designates the new interchange between the Ohio Turnpike and County Road 24 (S.R. 66) as **Interchange 2A** and adopts "**Archbold-Fayette**" as the name for said interchange."

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

Ayes: Mr. Williams, Mr. Platt, Mrs. Baker, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 28-1996.

Mr. Plain said the next resolution was a Resolution Adopting Numerical Designation and Name for Interchange with State Route 58. He said he would read the Resolved as follows:

"RESOLVED that the Commission hereby designates the new interchange between the Ohio Turnpike and State Route 58 as Interchange 7B and adopts "Amherst-Oberlin" as the name for said interchange.

A Resolution Adopting Numerical Designation and Name for Interchange with State Route 58 was moved for adoption by Mr. Platt, seconded by Mrs. Baker as follows:

**RESOLUTION NO. 29-1996**

"WHEREAS, the Commission and Director of the Ohio Department of Transportation heretofore, in accordance with law, have designated State Route 58 as a point of ingress to and egress from the Ohio Turnpike;

"WHEREAS, said new interchange has been designed and is under construction at approximately Milepost 140.2 of the Ohio Turnpike near the City of Amherst, in Lorain County, Ohio and is scheduled for completion in December 1997;

"WHEREAS, the Commission has previously named all other existing interchanges on the Ohio Turnpike; and

"WHEREAS, the executive director has recommended that said interchange be numbered **Interchange 7B** and named "**Amherst-Oberlin**" and the Commission concurs in said recommendation;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby designates the new interchange between the Ohio Turnpike and State Route 58 as **Interchange 7B** and adopts "**Amherst-Oberlin**" as the name for said interchange."

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

Ayes: Mr. Platt, Mrs. Baker, Mr. Williams, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 29-1996.

Mr. Plain said that completed the resolutions that he had prepared to offer and he knew General Counsel had others to offer when he got to his report.

The Chairman said the report of the Executive Director was accepted as offered. He said the report of the Secretary-Treasurer, Mrs. Baker, would be received.

Mrs. Baker said the following listed items had been sent to the Members since the last regularly scheduled meeting of the Commission, March 11, 1996:

1. Weekly Traffic Statistics
2. Traffic Accident Summary for February 1996
3. Traffic and Revenue Report for February 1996
4. Financial Statement for February 1996
5. Copy of the RFP issued for Financial Advisor
6. Draft of Commission Meeting Minutes March 11, 1996
7. Comprehensive Annual Financial Report for the Year Ended December 31, 1995
8. Independent Auditor's Reports and Management Letter for the Year Ended December 31, 1995
9. News Releases: #8-1996 Construction Exceeds \$73 Million  
#9-OTC Seeks Financial Advisor  
#10-Media Advisory: Briefing Schedule  
#11-Media Advisory: Reminder of Briefings  
#12-OTC Launches Construction Program  
#13-Commission Meeting Postponed

The Chairman said the report of the Secretary-Treasurer was accepted as offered. He ascertained there was no report from Audit/Legal or Service Plazas.

The Chairman asked Senator Gaeth how he liked the video shown earlier in the meeting.

Senator Gaeth said he had played the video previously and he thought that it was absolutely what the Commission needed to let people know what was being done and why the Commission was doing it. He said it was done very well and he thought it was a good public relations feature.

The Chairman said the report on Employee Relations would be received.

Mr. DiPietro said that at the end of March there had been a labor management meeting with representatives of the union. He said it was a good meeting. He said the issues were discussed and he received the copy of the collective bargaining agreement back from the union signed.

The Chairman said the report on Employee Relations was accepted as offered. He said the report of Mr. Platt would be received.

Mr. Platt said he just wanted to let the Members know that the State of Ohio was selected as one of eight states for the State Infrastructure Bank Pilot Program through the National Highway System. He said ODOT looked forward to cooperating with the Turnpike Commission on various projects such as U.S. 250 and others using some of the proceeds from the Infrastructure Bank. He said he thought it would be an exciting new era in finance for ODOT.

The Chairman said that he had said in the past that Ohio had led the country three years in a row for new plant expansions. He said Ohio also was number one as far as number of businesses that were involved with exporting, not volume, but as far as number of companies. He said Ohio had been a role model.

The Chairman said further that he had the opportunity to hear Senator and Republican Presidential Candidate Bob Dole speak in Cleveland a few weeks ago. He said Senator Dole said he wanted to do for America what Governor Voinovich had done for Ohio. He said he thought that was an awfully nice compliment.

The Chairman said Mr. Platt's report was received as offered. He said Mr. Arlow's report would be received.

Mr. Arlow said that all the permits had been received for Exit 2A, County Road 24/State Route 66. He said the staff was going ahead with plans to build the interchange and should be going to bid in approximately 60 days. He said that would make Sauder Woodworking happy out there.

Mr. Arlow said further that construction had begun on Interchange 3B, the Delta Interchange, and it should be completed later in the year. He said it would be open when the steel plants in the area were completed.

Mr. Arlow said further that the 5A Interchange in Elmore was under construction and work was progressing.

Mr. Arlow said further a design engineer had been selected for the tie-in with I-77. He said plans were proceeding.

Mr. Arlow said further that environmental studies continued for interchanges with State Route 11 and County Road 18 in Mahoning County. He said those studies should be completed very shortly.

Mr. Arlow said further that the renovations of Interchanges 14 and 15 were continuing and work would start soon on Interchange 12.

Mr. Arlow said further that the Turnpike's third lane construction began the day before the meeting in Sandusky County. He said there had been an accident in the construction zone the night before and there had been a backup. He said work on the second phase in Sandusky County and the phase in Lorain County started that day.

Mr. Arlow said further that one of the Turnpike's resurfacing projects was underway, the one in the far west, and the other two were beginning that day.

Senator Gaeth asked if Mr. Arlow could repeat the progress report on Interchange 3B.

Mr. Arlow said construction had started on 3B and it would be completed in November to coincide with the completion of the Delta steel plant.

Senator Gaeth said he was pleased.

The Chairman said that he knew Senator Gaeth was involved with Delta and the Commission was proud to have assisted there. He said that meant a half a billion dollars that will be invested into the state's economy by Cargill, which was one of the largest privately held companies in the world. He said he thought they were about a \$50 billion conglomerate.

The Chairman said further that Ohio won out over ten or twelve other states for the steel mill.

The Chairman said further that Sauder Woodworking Company was adding anywhere between 1,000 to 2,000 new jobs and 2,000 other good jobs were protected there in Archbold as a result of the Commission's decision to build a new interchange. He said the Commission was proud to be involved with the economic development.

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

Mr. Zomparelli said that, as a follow-up to Senator Gaeth's question about an interchange to be located at State Route 109 and the Turnpike, he had prepared three draft resolutions in connection with the necessity for appropriating property and directing that the proceedings be effected for such appropriation.

Mr. Zomparelli said the first draft resolution listed the property owner as Janet McDonnall, Trustee for James M. McDonnell Trust. He said it also listed Suzanne McDonnall, Trustee for Suzanne McDonnall Trust. He said it further listed Jerry L. McDonnall, Trustee, for Jerry L. McDonnall Trust, and the last party listed was Nancy McDonnall Trustee, under Nancy McDonnall Trust Agreement.

Mr. Zomparelli said further that the property was property necessary to construct the interchange with State Route 109 and he was seeking authority from the Commission to file proceedings for appropriation. He said he would read the Resolved for the first draft resolution 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 owner and persons having an interest therein, to-wit:

<u>Owners</u>	<u>Place of Residence</u>
James J. McDonnall, Trustee under James M. McDonnall Trust Agreement dated April 24, 1992	8820 County Road J Delta, OH 43515
Suzanne McDonnall, Trustee under Suzanne McDonnall Trust Agreement dated April 24, 1992	
Jerry L. McDonnall, Trustee under Jerry L. McDonnall Trust Agreement dated April 24, 1992	8820 County Road J Delta, OH 43515
Nancy McDonnall, Trustee under Nancy McDonnall Trust Agreement dated April 24, 1992	
John Trudel Auditor, Fulton County	210 S. Fulton Street Wauseon, OH 43567
Dennis Hales Treasurer, Fulton County	210 S. Fulton Street Wauseon, OH 43567

The aforementioned property to be appropriated is described as follows:

- Parcel No. 3B-2WL - Fee Simple
- Parcel No. 3B-2WL-1-Fee Simple
- Parcel No. 3B-2T-Temporary Construction Easement

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

"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."

Mr. Zomparelli said he recommended that the resolution be adopted.

Mr. Williams asked if the staff had tried to negotiate with the property owners and that had not been satisfactory.

Mr. Zomparelli said a mutually agreeable amount for the property had not been reached. He said negotiations on that property parcel and those in the other two resolutions would continue for either right-of-entry or purchase of the property.

Mr. Zomparelli said further that if the staff was unsuccessful with obtaining the right-of-entry or outright purchase of the property then he would file the petition for appropriation with the courts, take possession of the property and continue with the construction. He said that at the same time the staff would deposit an amount with the court.

Mr. Zomparelli said the parcels were Parcel No. 3B-2WL, Parcel No. 3B-3WL-I, and Parcel 3B-2T, Temporary Construction Easement on the first draft resolution.

Mr. Platt asked if the resolutions involved whole take of property or partial take.

Mr. Zomparelli said they were partial takes of property, but they were substantial.

Mr. Zomparelli said that there was a second draft resolution involving McDonnall property listed under different owners. He said both properties were in excess of 70 acres.

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. Baker, seconded by Mr. Williams as follows:

#### **RESOLUTION NO. 30-1996**

"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 an interchange with State Route 109 and the Ohio Turnpike in the vicinity of Milepost 40.3 in Fulton 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 owner and persons having an interest therein, to-wit:

<u>Owners</u>	<u>Place of Residence</u>
James J. McDonnall, Trustee under James M. McDonnall Trust Agreement dated April 24, 1992	8820 County Road J Delta, OH 43515
Suzanne McDonnall, Trustee under Suzanne McDonnall Trust Agreement dated April 24, 1992	

Jerry L. McDonnall, Trustee under  
Jerry L. McDonnall Trust Agreement  
dated April 24, 1992

8820 County Road J  
Delta, OH 43515

Nancy McDonnall, Trustee under  
Nancy McDonnall Trust Agreement  
dated April 24, 1992

John Trudel  
Auditor, Fulton County

210 S. Fulton Street  
Wauseon, OH 43567

Dennis Hales  
Treasurer, Fulton County

210 S. Fulton Street  
Wauseon, OH 43567

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

**Parcel No. 3B-2WL - Fee Simple**  
**Parcel No. 3B-2WL-1 - Fee Simple**  
**Parcel No. 3B-2T - Temporary Construction Easement**

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

"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. 3B-2WL**

Being a parcel of land situated in Fulton County, Ohio, Pike Township, Section 3, Town 7N, Range 7E, and lying on the left side of the centerline of a survey, made by the Ohio Turnpike Commission and recorded in Book \_\_\_\_\_ Page \_\_\_\_\_, of the records of Fulton County and being located within the following described points in the boundary thereof:

Commencing at a P.K. nail found at the southeast corner of Section 3;

Thence North 01 Degrees 03 Minutes 09 Seconds East a distance of 1393.09 feet along the centerline of State Route 109 to the intersection of the centerline of State Route 109 and the centerline of the Ohio Turnpike, designated as Station 954+64.48 on the centerline of the Ohio Turnpike;

Thence South 89 Degrees 34 Minutes 16 Seconds West a distance of 3940.78 feet along the centerline of the Ohio Turnpike to a point designated as Station 915+23.70;

Thence North 00 Degrees 25 Minutes 44 Seconds West a distance of 115.00 feet to a point on the existing northerly right-of-way line of the Ohio Turnpike and the Grantor's westerly property line, 115.00 feet left of Station 915+23.70, also being the true place of beginning;

Thence North 00 Degrees 54 Minutes 58 Seconds East a distance of 65.02 feet along said property line to a point on the proposed northerly right-of-way line, 180.00 feet left of Station 915+25.23;

Thence North 89 Degrees 34 Minutes 16 Seconds East a distance of 400.89 feet along said right-of-way line to a point, 180.00 feet left of Station 919+26.11;

Thence North 45 Degrees 08 Minutes 25 Seconds East a distance of 1176.54 feet continuing along said right-of-way line to a point, 196.10 feet left of Station 36+07.06 on the centerline of the proposed Connector Road;

Thence South 88 Degrees 36 Minutes 09 Seconds East a distance of 96.92 feet continuing along said right-of-way line to a point on the Grantor's easterly property line, 153.86 feet left of Station 36+70.28 on the centerline of the proposed Connector Road;

Thence South 00 Degrees 53 Minutes 39 Seconds West a distance of 885.78 feet along said property line to a point on the existing northerly right-of-way line of the Ohio Turnpike, 115.00 feet left of Station 928+42.69;

Thence South 89 Degrees 34 Minutes 16 Seconds West a distance of 1318.99 feet along said right-of-way line to the true place of beginning and containing 11.562 acres of land, more or less, including the present road which occupies 0.000 acres of land, more or less, as determined by Finkbeiner, Pettis and Strout, Inc. under the direction of James M. Loch, P.S. No. 6468 in 1995.

The above described area and the area described in Parcel 2-WL-1 (14.951 acres) is to be deleted from the Auditor's Tax Duplicate No. 20-41112-00 of the Fulton County Record of Deeds and carried as 41.207 acres in the Tax Map Department.



**Parcel No. 3B-2WL (Con'd.)**

The basis of bearing for this description is based on the centerline of the Ohio Turnpike being North 89 Degrees 34 Minutes 16 Seconds East from Station 884+47.00 to Station 966+98.37.

Grantor claims title by instrument(s) of record in Book 266 Page 89 County Recorder's Office.

**Exhibit "A"**

**Parcel No. 3B-2WL-1**

Being a parcel of land situated in Fulton County, Ohio, Pike Township, Section 3, Town 7N, Range 7E, and lying on the right side of the centerline of a survey, made by the Ohio Turnpike Commission and recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, of the records of Fulton County and being located within the following described points in the boundary thereof:

Commencing at a P.K. nail found at the southeast corner of Section 3;

Thence North 01 Degrees 03 Minutes 09 Seconds East a distance of 1393.09 feet along the centerline of State Route 109 to the intersection of the centerline of State Route 109 and the centerline of the Ohio Turnpike, designated as Station 954+64.48 on the centerline of the Ohio Turnpike;

Thence South 89 Degrees 34 Minutes 16 Seconds West a distance of 3946.48 feet along the centerline of the Ohio Turnpike to a point designated as Station 915+18.00;

Thence South 00 Degrees 25 Minutes 44 Seconds East a distance of 125.00 feet to a point on the existing southerly right-of-way line of the Ohio Turnpike and the Grantor's westerly property line, 125.00 feet right of Station 915+18.00, also being the true place of beginning;

Thence North 89 Degrees 34 Minutes 16 Seconds East a distance of 1319.15 feet along said right-of-way line to a point on the Grantor's easterly property line, 125.00 feet right of Station 928+37.15;

Thence South 00 Degrees 53 Minutes 39 Seconds West a distance of 647.02 feet along said property line to a point on the proposed right-of-way line, 352.91 feet right of Station 21+20.60 on the centerline of the proposed Connector Road;

Thence South 89 Degrees 34 Minutes 16 Seconds West a distance of 521.21 feet along said right-of-way line to a point, 114.80 feet right of Station 18+45.82 on the centerline of the proposed Connector Road;

Thence North 68 Degrees 45 Minutes 42 Seconds West a distance of 272.30 feet continuing along said right-of-way line to a point, 117.46 feet right of Station 16+46.98 on the centerline of the proposed Connector Road;

Thence North 47 Degrees 22 Minutes 08 Seconds West a distance of 726.92 feet continuing along said right-of-way line to a point on the Grantor's westerly property line, 175.00 feet right of Station 915+16.82;

Thence North 00 Degrees 54 Minutes 58 Seconds East a distance of 50.01 feet along said property line to the true place of beginning and containing 14.951 acres of land, more or less, including the present road which occupies 0.000 acres of land, more or less, as determined by Finkbeiner, Pettis and Strout, Inc. under the direction of James M. Loch, P.S. No. 6468 in 1995.

The above described area and the area described in Parcel 2-WL (11.562 acres) is to be deleted from the Auditor's Tax Duplicate No. 20-41112-00 of the Fulton County Record of Deeds and carried as 41.207 acres in the Tax Map Department.

**Parcel No. 3B-2-WL-1 (Con'd.)**

The basis of bearing for this description is based on the centerline of the Ohio Turnpike being North 89 Degrees 34 Minutes 16 Seconds East from Station 884+47.00 to Station 966+98.37.

Grantor claims title by instrument(s) of record in Book 266 Page 89 County Recorder's Office.

**Exhibit "B"**

**Parcel No. 3B-2-T**

Being a parcel of land situated in Fulton County, Ohio, Pike Township, Section 3, Town 7N, Range 7E, and lying on the right side of the centerline of a survey, made by the Ohio Turnpike Commission and recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, of the records of Fulton County and being located within the following described points in the boundary thereof:

Commencing at a P.K. nail found at the southeast corner of Section 3;

Thence North 01 Degrees 03 Minutes 09 Seconds East a distance of 1393.09 feet along the centerline of State Route 109 to the intersection of the centerline of State Route 109 and the centerline of the Ohio Turnpike, designated as Station 954+64.48 on the centerline of the Ohio Turnpike;

Thence South 89 Degrees 34 Minutes 16 Seconds West a distance of 3947.66 feet along the centerline of the Ohio Turnpike to a point designated as Station 915+16.82;

Thence South 00 Degrees 25 Minutes 44 Seconds East a distance of 175.00 feet to a point on the proposed southerly right-of-way line of the Ohio Turnpike and the Grantor's westerly property line, 175.00 feet right of Station 915+16.82, also being the true place of beginning;

Thence South 47 Degrees 22 Minutes 08 Seconds East a distance of 726.92 feet along said right-of-way line to a point, 117.46 feet right of Station 16+46.98 on the centerline of the proposed Connector Road;

Thence South 68 Degrees 45 Minutes 42 Seconds East a distance of 272.30 feet continuing along said right-of-way line to a point, 114.80 feet right of Station 18+45.82 on the centerline of the proposed Connector Road;

Thence North 89 Degrees 34 Minutes 16 Seconds East a distance of 521.21 feet continuing along said right-of-way line to a point on the Grantor's easterly property line, 352.91 feet right of Station 21+20.60 on the centerline of the proposed Connector Road;

Thence South 00 Degrees 53 Minutes 39 Seconds West a distance of 10.00 feet along said property line to a point, 359.09 feet right of Station 21+17.02 on the centerline of the proposed Connector Road;

Thence South 89 Degrees 34 Minutes 16 Seconds West a distance of 522.90 feet to a point, 124.88 feet right of Station 18+44.82 on the centerline of the proposed Connector Road;

Thence North 68 Degrees 45 Minutes 42 Seconds West a distance of 276.10 feet to a point, 127.51 feet right of Station 16+48.12 on the centerline of the proposed Connector Road;

Thence North 47 Degrees 22 Minutes 08 Seconds West a distance of 719.89 feet to a point on the Grantor's westerly property line, 188.39 feet right of Station 915+16.51 on the centerline of the Ohio Turnpike;

**Parcel No. 3B-2-T (Con'd.)**

Thence North 00 degrees 54 Minutes 58 Seconds East a distance of 13.40 feet along said property line to the true place of beginning and containing 0.349 acres of land, more or less, as determined by Finkbeiner, Pettis and Strout, Inc. under the direction of James M. Loch, P.S. No. 6468 in 1995.

The basis of bearing for this description is based on the centerline of the Ohio Turnpike being North 89 Degrees 34 Minutes 16 Seconds East from Station 884+47.00 to Station 966+98.37.

**Exhibit "C"**

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

Ayes: Mrs. Baker, Mr. Williams, Mr. Platt, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 30-1996.

Mr. Zomparelli said the second draft resolution was for adjoining property to that contained in the first resolution. He said the property owners were Louise McDonnall, Trustee of Scott B. McDonnall Trust, and Louise McDonnall and James M. McDonnall, Co-Trustee, for Parcel Number 33-3WL, Parcel No. 3B-3WL-1, Parcel No. 3B-3WD, and Parcel No. 3B-3T. He said two other parcels involved temporary construction easements. He said they were Parcel No. 3B-3T-1 and Parcel No. 3B-3T-2. He said the legal descriptions for all three parcels were attached to the draft resolution.

Mr. Zomparelli said further that, again, the staff would still make every effort to continue in negotiations to resolve this prior to filing because of the necessity to start construction in April. He said the interchange had to be completed on time for the opening of the North Star Steel plant.

Senator Gaeth asked how many acres were involved.

Mr. Zomparelli said it was over 70 acres.

Senator Gaeth asked if there was an appraised value.

Mr. Zomparelli said the staff was working with an appraiser to obtain the value. He said an offer had already been made to the property owners.

Mr. Zomparelli said further that he and Joe Disantis, the Commission's Right of Way Coordinator, had a meeting with the property owners' representatives and attempted to negotiate a deal. He said they weren't represented by Counsel at that time, but they were now represented.

Senator Gaeth said the price just went up.

Mr. Zomparelli said the Senator was probably correct. He said that he and the staff would still like to resolve it amicably. He said it had always been the position of the Commission to resolve such matters out of court. He said that because of the construction schedule the resolution was needed.

Mr. Zomparelli said he would read the Further Resolved 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 property described above may be commenced."

Mr. Zomparelli said he recommended that the Commission adopt the resolution.

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. Platt, seconded by Mr. Williams as follows:

**RESOLUTION NO. 31-1996**

"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 an interchange with State Route 109 and the Ohio Turnpike in the vicinity of Milepost 40.3 in Fulton 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 owner and persons having an interest therein, to-wit:

<u>Owners</u>	<u>Place of Residence</u>
Louise McDonnall, Trustee of Scott B. McDonnall Trust	8820 County Road J Delta, OH 43515
Louise McDonnall and James M. McDonnall, Co-Trustees	8820 County Road J Delta, OH 43515
John Trudel Auditor, Fulton County	210 S. Fulton Street Wauseon, OH 43567
Dennis Hales Treasurer, Fulton County	210 S. Fulton Street Wauseon, OH 43567

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

- Parcel No. 3B-3WL - Fee Simple**
- Parcel No. 3B-3WL-1 - Fee Simple**
- Parcel No. 3B-3WD - Fee Simple**
- Parcel No. 3B-3T - Temporary Construction Easement**
- Parcel No. 3B-3T-1 - Temporary Construction Easement**
- Parcel No. 3B-3T-2 - Temporary Construction Easement**

Legal descriptions are attached as Exhibit "A", "B", "C", "D", "E" and "F";

"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. 3B-3-WL**

Being a parcel of land situated in Fulton County, Ohio, Pike Township, Section 3, Town 7N, Range 7E, and lying on the left side of the centerline of a survey, made by the Ohio Turnpike Commission and recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, of the records of Fulton County and being located within the following described points in the boundary thereof:

Commencing at a P.K. nail found at the southeast corner of Section 3;

Thence North 01 Degrees 03 Minutes 09 Seconds East a distance of 1393.09 feet along the centerline of State Route 109 to the intersection of the centerline of State Route 109 and the centerline of the Ohio Turnpike, designated as Station 954+64.48 on the centerline of the Ohio Turnpike;

Thence South 89 Degrees 34 Minutes 16 Seconds West a distance of 2621.44 feet along the centerline of the Ohio Turnpike to a point designated as Station 928+43.04;

Thence North 00 Degrees 25 Minutes 44 Seconds West a distance of 130.00 feet to a point on the existing northerly right-of-way line of the Ohio Turnpike and the Grantor's westerly property line, 130.00 feet left of Station 928+43.04, also being the true place of beginning;

Thence North 00 Degrees 53 Minutes 39 Seconds East a distance of 870.78 feet along said property line to a point on the proposed right-of-way line, 153.86 feet left of Station 36+70.28 on the centerline of the proposed Connector Road;

Thence South 88 Degrees 36 Minutes 09 Seconds East a distance of 732.72 feet along said right-of-way line to a point, 110.00 feet left of Station 43+50.00 on the centerline of the proposed Connector Road;

Thence North 01 Degrees 23 Minutes 51 Seconds East a distance of 90.00 feet along said right-of-way line to a point, 200.00 feet left of Station 43+50.00 on the centerline of the proposed Connector Road;

Thence South 88 Degrees 36 Minutes 09 Seconds East a distance of 579.84 feet along said right-of-way line to a point, 200.00 feet left of Station 49+29.84 on the centerline of the proposed Connector Road;

Thence South 00 Degrees 58 Minutes 23 Seconds West a distance of 90.00 feet along said right-of-way line to a point, 110.00 feet left of Station 49+30.51 on the centerline of the proposed Connector Road;

Thence South 88 Degrees 36 Minutes 09 Seconds East a distance of 1233.15 feet along said right-of-way line to a point on the proposed westerly right-of-way line of State Route 109, 80.00 feet left of Station 76+00.41 on the centerline of State Route 109;

Thence North 01 Degrees 03 Minutes 09 Seconds East a distance of 326.99 feet along said right-of-way line to a point on the centerline of Township Road HJ, 81.25 feet left of Station 79+25.73 on the centerline of State Route 109;



**Parcel No. 3B-3-WL (Con'd.)**

Thence South 89 Degrees 50 Minutes 44 Seconds East a distance of 80.01 feet along said centerline to a point at the intersection of the centerline of Township Road HJ and the centerline of State Route 109, said point designated as Station 79+28.66 on the centerline of State Route 109, also being the point of intersection of a proposed curve on the centerline of State Route 109;

Thence South 01 Degrees 03 Minutes 09 Seconds West a distance of 815.82 feet along said centerline of State Route 109 to a point on the northerly property line of land currently owned by Jerry and Alvina Meyer, designated as Station 71+12.84;

Thence North 89 Degrees 48 Minutes 48 Seconds West a distance of 253.99 feet along said property line to a point on the westerly property line of land currently owned by Jerry and Alvina Meyer, 253.97 feet left of Station 71+09.00;

Thence South 01 Degrees 03 Minutes 09 Seconds West a distance of 302.73 feet along said property line to a point on the existing northerly right-of-way line of the Ohio Turnpike, 130.00 feet left of Station 952+13.79 on the centerline of the Ohio Turnpike;

Thence South 89 Degrees 34 Minutes 16 Seconds West a distance of 2370.75 feet along said right-of-way line to the true place of beginning and containing 50.000 acres of land, more or less, including the present road which occupies 0.585 acres of land, more or less, as determined by Finkbeiner, Pettis and Strout, Inc. under the direction of James M. Loch, P.S. No. 6468 in 1995.

The above described area and the area described in Parcel 3-WL-1 (0.762 acres) and in Parcel 3-WD (0.501 acres) is to be deleted from the Auditor's Tax Duplicate No. 20-41116-00 of the Fulton County Record of Deeds and carried as 33.917 acres in the Tax Map Department.

The basis of bearing for this description is based on the centerline of the Ohio Turnpike being North 89 Degrees 34 Minutes 16 Seconds East from Station 884+47.00 to Station 966+98.37.

Grantor claims title by instrument(s) of record in Book 257 Page 615 County Recorder's Office.

**Exhibit "A"**

Parcel No. 3B-3WL-1

Being a parcel of land situated in Fulton County, Ohio, Pike Township, Section 3, Town 7N, Range 7E, and lying on the right side of the centerline of a survey, made by the Ohio Turnpike Commission and recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, of the records of Fulton County and being located within the following described points in the boundary thereof:

Commencing at a P.K. nail found at the southeast corner of Section 3;

Thence North 01 Degrees 03 Minutes 09 Seconds East a distance of 1393.09 feet along the centerline of State Route 109 to the intersection of the centerline of State Route 109 and the centerline of the Ohio Turnpike, designated as Station 954+64.48 on the centerline of the Ohio Turnpike;

Thence South 89 Degrees 34 Minutes 16 Seconds West a distance of 2627.56 feet along the centerline of the Ohio Turnpike to a point designated as Station 928+36.92;

Thence South 00 Degrees 25 Minutes 44 Seconds East a distance of 135.00 feet to a point on the existing southerly right-of-way line of the Ohio Turnpike and the Grantor's westerly property line, 135.00 feet right of Station 928+36.92, also being the true place of beginning;

Thence North 89 Degrees 34 Minutes 16 Seconds East a distance of 663.08 feet along said right-of-way line to a point, 135.00 feet right of Station 935+00.00;

Thence South 00 Degrees 25 Minutes 44 Seconds East a distance of 50.00 feet to a point on the proposed right-of-way line, 185.00 feet right of Station 935+00.00;

Thence South 89 Degrees 34 Minutes 16 Seconds West a distance of 664.24 feet along said right-of-way line to a point on the Grantor's westerly property line, 185.00 feet right of Station 928+35.76;

Thence North 00 Degrees 53 Minutes 39 Seconds East a distance of 50.01 feet along said property line to the true place of beginning and containing 0.762 acres of land, more or less, including the present road which occupies 0.000 acres of land, more or less, as determined by Finkbeiner, Pettis and Strout, Inc. under the direction of James M. Loch, P.S. No. 6468 in 1995.

The above described area and the area described in Parcel 3-WL (50.000 acres) and Parcel 3-WD (0.501 acres) is to be deleted from the Auditor's Tax Duplicate No. ~~20-41116-00~~ of the Fulton County Record of Deeds and carried as 33.917 acres in the Tax Map Department.

The basis of bearing for this description is based on the centerline of the Ohio Turnpike being North 89 Degrees 34 Minutes 16 Seconds East from Station 884+47.00 to Station 966+98.37.

Grantor claims title by instrument(s) of record in Book 257 Page 615 County Recorder's Office.

Exhibit "B"

**Parcel No. 3B-3-WD**

Being a parcel of land situated in Fulton County, Ohio, Pike Township, Section 3, Town 7N, Range 7E, and lying on the right side of the centerline of a survey, made by the Ohio Turnpike Commission and recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, of the records of Fulton County and being located within the following described points in the boundary thereof:

Commencing at a P.K. nail found at the southeast corner of Section 3;

Thence North 01 Degrees 03 Minutes 09 Seconds East a distance of 1393.09 feet along the centerline of State Route 109 to the intersection of the centerline of State Route 109 and the centerline of the Ohio Turnpike, designated as Station 66+82.80 on the centerline of State Route 109;

Thence North 01 Degrees 03 Minutes 09 Seconds East a distance of 1245.86 feet continuing along said centerline to a point at the intersection of Township Road HJ, designated as Station 52+65.47 on the centerline of Township Road HJ;

Thence North 89 Degrees 50 Minutes 44 Seconds West a distance of 1175.47 feet along the centerline of Township Road HJ to a point, designated as Station 40+90.00 on the centerline of Relocated Township Road HJ, also being the true place of beginning;

Thence South 89 Degrees 50 Minutes 44 Seconds East a distance of 625.07 feet along said centerline to a point on a curve on the proposed southerly right-of-way line of Relocated Township Road HJ, 50.00 feet right of Station 47+04.53;

Thence along said right-of-way line and a curve to the right with a delta of 05 Degrees 01 Minutes 42 Seconds, a radius of 1004.93 feet and a length of 88.20 feet to point, 50.00 feet right of Station 46+20.72;

Thence North 12 Degrees 58 Minutes 01 Seconds West a distance of 5.00 feet along said right-of-way line to a point on a curve, 45.00 feet right of Station 46+20.72;

Thence along said right-of-way line and a curve to the right with a delta of 13 Degrees 07 Minutes 17 Seconds, a radius of 999.93 feet and a length of 229.00 feet to a point, 45.00 feet right of Station 44+02.03;

Thence North 00 Degrees 09 Minutes 16 Seconds East a distance of 5.00 feet along said right-of-way line to a point, 40.00 feet right of Station 44+02.03;

Thence North 89 Degrees 50 Minutes 44 Seconds West a distance of 312.03 feet along said right-of-way line to a point, 40.00 feet right of Station 40+90.00;

Thence North 00 Degrees 09 Minutes 16 Seconds East a distance of 40.00 feet to the true place of beginning and containing 0.501 acres of land, more or less, including the present road which occupies 0.272 acres of land, more or less, as determined by Finkbeiner, Pettis and Strout, Inc. under the direction of James M. Loch, P.S. No. 6468 in 1995.

**Parcel No. 3B-3WD (Con'd.)**

The above described area and the area described in Parcel 3-WL (50.000 acres) and Parcel 3-WL-1 (0.762 acres) is to be deleted from the Auditor's Tax Duplicate No. 20-41116-00 of the Fulton County Record of Deeds and carried as 33.917 acres in the Tax Map Department.

The basis of bearing for this description is based on the centerline of the Ohio Turnpike being North 89 Degrees 34 Minutes 16 Seconds East from Station 884+47.00 to Station 966+98.37.

Grantor claims title by instrument(s) of record in Book 257 Page 615 County Recorder's Office.

**Exhibit "C"**

**Parcel No. 3B-3-T**

Being a parcel of land situated in Fulton County, Ohio, Pike Township, Section 3, Town 7N, Range 7E, and lying on the right side of the centerline of a survey, made by the Ohio Turnpike Commission and recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, of the records of Fulton County and being located within the following described points in the boundary thereof:

Commencing at a P.K. nail found at the southeast corner of Section 3;

Thence North 01 Degrees 03 Minutes 09 Seconds East a distance of 1393.09 feet along the centerline of State Route 109 to the intersection of the centerline of State Route 109 and the centerline of the Ohio Turnpike, designated as Station 954+64.48 on the centerline of the Ohio Turnpike;

Thence South 89 Degrees 34 Minutes 16 Seconds West a distance of 1964.48 feet along the centerline of the Ohio Turnpike to a point designated as Station 935+00.00;

Thence South 00 Degrees 25 Minutes 44 Seconds East a distance of 135.00 feet to a point on the existing southerly right-of-way line of the Ohio Turnpike, 135.00 feet right of Station 935+00.00, also being the true place of beginning;

Thence North 89 Degrees 34 Minutes 16 Seconds East a distance of 1930.98 feet along said right-of-way line to a point on the westerly right-of-way line of State Route 109, 135.00 feet right of Station 954+30.98;

Thence South 01 Degrees 03 Minutes 09 Seconds West a distance of 40.01 feet along said right-of-way line to a point, 175.00 feet right of Station 954+29.94;

Thence South 89 Degrees 34 Minutes 16 Seconds West a distance of 1929.94 feet to a point, 175.00 feet right of Station 935+00.00;

Thence North 00 Degrees 25 Minutes 44 Seconds West a distance of 40.00 feet to the true place of beginning and containing 1.773 acres of land, more or less, as determined by Finkbeiner, Pettis and Strout, Inc. under the direction of James M. Loch, P.S. No. 6468 in 1995.

The basis of bearing for this description is based on the centerline of the Ohio Turnpike being North 89 Degrees 34 Minutes 16 Seconds East from Station 884+47.00 to Station 966+98.37.

**Exhibit "D"**

**Parcel No. 3B-3-T-1**

Being a parcel of land situated in Fulton County, Ohio, Pike Township, Section 3, Town 7N, Range 7E, and lying on the left side of the centerline of a survey, made by the Ohio Turnpike Commission and recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, of the records of Fulton County and being located within the following described points in the boundary thereof:

Commencing at a P.K. nail found at the southeast corner of Section 3;

Thence North 01 Degrees 03 Minutes 09 Seconds East a distance of 1393.09 feet along the centerline of State Route 109 to the intersection of the centerline of State Route 109 and the centerline of the Ohio Turnpike, designated as Station 66+82.80 on the centerline of the State Route 109;

Thence North 01 Degrees 03 Minutes 09 Seconds East a distance of 1077.20 feet continuing along said centerline to a point designated as Station 77+60.00;

Thence North 88 Degrees 56 Minutes 51 Seconds West a distance of 80.00 feet to a point on the proposed westerly right-of-way line of State Route 109, 80.00 feet left of Station 77+60.00, also being the true place of beginning;

Thence North 88 Degrees 56 Minutes 51 Seconds West a distance of 10.00 feet to a point, 90.00 feet left of Station 77+60.00;

Thence North 01 Degrees 03 Minutes 09 Seconds East a distance of 147.25 feet to a point on the existing southerly right-of-way line of Township Road HJ, 90.86 feet left of Station 79+05.69;

Thence South 89 Degrees 50 Minutes 44 Seconds East a distance of 10.00 feet along said right-of-way line to a point on the proposed westerly right-of-way line of State Route 109, 80.87 feet left of Station 79+06.01;

Thence South 01 Degrees 03 Minutes 09 Seconds West a distance of 147.40 feet along said right-of-way line to the true place of beginning and containing 0.034 acres of land, more or less, as determined by Finkbeiner, Pettis and Strout, Inc. under the direction of James M. Loch, P.S. No. 6468 in 1995.

The basis of bearing for this description is based on the centerline of the Ohio Turnpike being North 89 Degrees 34 Minutes 16 Seconds East from Station 884+47.00 to Station 966+98.37.

**Exhibit "E"**

**Parcel No. 3B-3-T-2**

Being a parcel of land situated in Fulton County, Ohio, Pike Township, Section 3, Town 7N, Range 7E, and lying on the left side of the centerline of a survey, made by the Ohio Turnpike Commission and recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, of the records of Fulton County and being located within the following described points in the boundary thereof:

Commencing at a P.K. nail found at the southeast corner of Section 3;

Thence North 01 Degrees 03 Minutes 09 Seconds East a distance of 1393.09 feet along the centerline of State Route 109 to the intersection of the centerline of State Route 109 and the centerline of the Ohio Turnpike, designated as Station 954+64.48 on the centerline of the Ohio Turnpike;

Thence South 89 Degrees 34 Minutes 16 Seconds West a distance of 2621.44 feet along said centerline of the Ohio Turnpike to a point designated as Station 928+43.04;

Thence North 00 Degrees 25 Minutes 44 Seconds West a distance of 130.00 feet to a point on the existing northerly right-of-way line of the Ohio Turnpike and the Grantor's westerly property line, 130.00 feet left of Station 928+43.04;

Thence North 00 Degrees 53 Minutes 39 Seconds East a distance of 870.78 feet along said property line to a point on the proposed right-of-way line, 153.86 feet left of Station 36+70.28 on the centerline of the proposed Connector Road, also being the true place of beginning;

Thence North 00 Degrees 53 Minutes 39 Seconds East a distance of 10.00 feet along said property line to a point, 163.19 feet left of Station 36+72.96 on the centerline of the proposed Connector Road;

Thence South 88 Degrees 36 Minutes 09 Seconds East a distance of 722.81 feet to a point, 120.00 feet left of Station 43+40.00 on the centerline of the proposed Connector Road;

Thence North 01 Degrees 23 Minutes 51 Seconds East a distance of 90.00 feet to a point, 210.00 feet left of Station 43+40.00 on the centerline of the proposed Connector Road;

Thence South 88 Degrees 36 Minutes 09 Seconds East a distance of 599.77 feet to a point, 210.00 feet left of Station 49+39.77 on the centerline of the proposed Connector Road;

Thence South 00 Degrees 58 Minutes 23 Seconds West a distance of 90.00 feet to a point, 120.00 feet left of Station 49+40.43 on the centerline of the proposed Connector Road;

Thence South 88 Degrees 36 Minutes 09 Seconds East a distance of 1223.15 feet to a point on the proposed westerly right-of-way line of State Route 109, 120.00 feet left of Station 61+63.60 on the centerline of the proposed Connector Road and 80.00 feet left of Station 76+10.41 on the centerline of State Route 109;

**Parcel No. 3B-3-T-2 (Con'd.)**

Thence South 01 Degrees 03 Minutes 09 Seconds West a distance of 10.00 feet along said right-of-way line to a point on the proposed northerly right-of-way line of the proposed Connector Road, 110.00 feet left of Station 61+63.66 on the centerline of the proposed Connector Road and 80.00 feet left of Station 76+00.41 on the centerline of State Route 109;

Thence North 88 Degrees 36 Minutes 09 Seconds West a distance of 1233.15 feet along said right-of-way line to a point, 110.00 feet left of Station 49+30.51 on the centerline of the proposed Connector Road;

Thence North 00 Degrees 58 Minutes 23 Seconds East a distance of 90.00 feet along said right-of-way line to a point, 200.00 feet left of Station 49+29.84 on the centerline of the proposed Connector Road;

Thence North 88 Degrees 36 Minutes 09 Seconds West a distance of 579.84 feet along said right-of-way line to a point, 200.00 feet left of Station 43+50.00 on the centerline of the proposed Connector Road;

Thence South 01 Degrees 23 Minutes 51 Seconds West a distance of 90.00 feet along said right-of-way line to a point, 110.00 feet left of Station 43+50.00 on the centerline of the proposed Connector Road;

Thence North 88 Degrees 36 Minutes 09 Seconds West a distance of 732.72 feet along said right-of-way line to the true place of beginning and containing 0.626 acres of land, more or less, as determined by Finkbeiner, Pettis and Strout, Inc. under the direction of James M. Loch, P.S. No. 6468 in 1995.

The basis of bearing for this description is based on the centerline of the Ohio Turnpike being North 89 Degrees 34 Minutes 16 Seconds East from Station 884+47.00 to Station 966+98.37.

**Exhibit "F"**



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

Ayes: Mr. Platt, Mr. Williams, Mrs. Baker, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 31-1996.

Senator Gaeth asked how many acres were involved in the resolution.

Mr. Zomparelli said it was a smaller parcel. He said the difference was that there was a home on the property. He said the Meyers had done a lot of renovation and remodeling on the home and they had a lot of sweat equity. He said the staff was trying to give them the opportunity of getting their own appraisal on the property. He said the staff had made an offer in writing to the Meyers, which they rejected. He said he did meet personally with them.

Mr. Zomparelli said it was a necessary area for the construction to proceed on State Route 109. 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. Williams, seconded by Mr. Platt as follows:

**RESOLUTION NO. 32-1996**

"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 an interchange with State Route 109 and the Ohio Turnpike in the vicinity of Milepost 40.3 in Fulton 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 owner and persons having an interest therein, to-wit:

<u>Owners</u>	<u>Place of Residence</u>
Jerry Meyer	8301 State Route 109 Delta, OH 43515
Alvena Meyer	8301 State Route 109 Delta, OH 43515
John Trudel Auditor, Fulton County	210 S. Fulton Street Wauseon, OH 43567
Dennis Hales Treasurer, Fulton County	210 S. Fulton Street Wauseon, OH 43567

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

**Parcel No. 3B-4WL - 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. 3B-4WL

Being a parcel of land situated in Fulton County, Ohio, Pike Township, Section 3, Town 7N, Range 7E, and lying on the left side of the centerline of a survey made by the Ohio Turnpike Commission and recorded in Book \_\_\_\_\_, Page \_\_\_\_ of the records of Fulton County and being located within the following described points in the boundary thereof:

Commencing at a P.K. nail found at the southeast corner of Section 3;

Thence North 01 Degrees 03 Minutes and 09 Seconds East a distance of 1395.09 feet along the centerline of State Route 109 to the intersection of the centerline of State Route 109 and the centerline of the Ohio Turnpike, designated as Station 66+82.80 on the centerline of State Route 109;

Thence North 01 Degrees 03 Minutes 09 Seconds East a distance of 130.04 feet continuing along said centerline to a point on the Grantor's southerly property line, designated as Station 68+12.84, also being the true place of beginning;

Thence South 89 Degrees 34 Minutes 16 Second West a distance of 254.05 feet along said property line to a point on the Grantor's westerly property line, 253.97 feet left of Station 68+06.27;

Thence North 01 Degrees 03 Minutes 09 Seconds East a distance of 302.73 feet along said property line to a point on the Grantor's northerly property line, 253.97 feet left of Station 71+09.00;

Thence South 89 Degrees 48 Minutes 48 Seconds East a distance of 253.99 feet along said property line to a point on the centerline of State Route 109, designated as Station 71+12.84;

Thence South 01 Degrees 03 Minutes 09 Seconds West a distance of 300.00 feet along said centerline to the true place of beginning and containing 1.760 acres of land, more or less, including the present road which occupies 0.207 acres of land, more or less, as determined by Finkbeiner, Pettis and Strout, Inc. under the direction of James M. Loch, P.S. No. 6468 in 1995.

The above-described area is to be deleted from the Auditor's Tax Duplicate No. 20-41116-01 of the Fulton County Record of Deeds and carried as 0.000 acres in the Tax Map Department.

The basis of bearing for this description is based on the centerline of the Ohio Turnpike being North 89 Degrees 34 Minutes 16 Seconds East from Station 884+47.00 to Station 966+98.37.

Grantor claims title by instrument(s) of record in Book 273 Page 750 County Recorder's Office.

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. Williams, Mr. Platt, Mrs. Baker, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 32-1996.

Mr. Zomparelli said that he also had prepared a resolution entitled Resolution Authorizing Release of Interest in Parcel No. 13A-3WL and 13A-5WL.

Mr. Zomparelli said further that the Commission needed to take action to release interest in excess lands. He said the resolution would authorize release of the interest in the properties for the widening and limited access to State Route 44.

Mr. Zomparelli said he had reviewed the resolution with the Executive Director and Deputy Executive Director of Operations and the Chief Engineer. He said they all concurred that the subject parcels were no longer needed for construction, operation and maintenance of the Turnpike. He said they were excess lands. He said he would read the Resolved of the resolution as follows:

"RESOLVED that the executive director and general counsel are authorized and directed to 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 Parcel Nos. 13A-3WL and 13A-5WL to Gertrude L. Dezort and the Gertrude L. Dezort Trust; 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 Gertrude L. Dezort and the Gertrude L. Dezort Trust."

Mr. Zomparelli said that he recommended that the resolution be adopted.

Mr. Williams asked if the property owners were the original owners.

Mr. Zomparelli said that when the Commission constructed an interchange at State Route 44 one of the properties that was appropriated was appropriated from John F. Fant. He said that in settlement of that appropriation proceeding the Commission needed to take action to release its interests in those parcels, excluding the limited access interests. He said they were excess lands. He said they were no longer needed by the Commission.

Mr. Zomparelli said further that the property was for the widening and the limited access required of State Route 44 and not for the original Ohio Turnpike Project No. 1.

Mr. Platt asked how ODOT was involved as he saw in the Resolved.

Mr. Zomparelli said that as a requirement of limited access the Commission was required to purchase these parcels under the requirements of ODOT.

Mr. Ransbury said that referred to the 600 foot limited access on either side of the intersection that was purchased.

Mr. Platt said that mentioned in the Resolved was reference to ODOT subsequently transferring some interest or rights. He said he didn't understand what was meant by that statement.

Mr. Zomparelli said it transferred the Commission's jurisdiction to the Director of ODOT.

Mr. Platt said that it could be that ODOT's real estate people were aware of the situation and he would like to talk to them.

The Chairman asked if Mr. Platt could be given more time to review the matter if he so needed.

Mr. Zomparelli said he didn't see a need for it. He said it obviously was up to the discretion of the Commission. He said the resolution would just authorize the release of land.

Mr. Platt said he didn't think there was any problem with it. He said that once ODOT received authority from the Commission they could take their own subsequent action.

Mr. Williams asked if the situation with the release of property was routine.

Mr. Zomparelli said the parcels were excess lands that no longer were needed by the Turnpike.

Mr. Williams asked if the release process was the procedure normally taken.

Mr. Zomparelli said that he didn't know if it was the normal procedure, but it was the proper procedure necessary to effect a release.

Mr. Plain said that the Commission had disposed of excess property in the past and usually through what they call a Governor's Deed. He said it was a process involving the Director of ODOT or his office.

Mr. Plain said further that those parcels were a little bit different because they were bought in the name of the Turnpike and the State of Ohio when the original Turnpike project was done. He said the parcels mentioned in the resolution were purchased to accommodate the movements of traffic and the limited access portions of the state's right-of-way.

Mr. Zomparelli said that the Commission was releasing its interest in those parcels because it no longer needed them.

Mr. Platt said he was comfortable with the resolution and ODOT would take its own subsequent action on the parcels.

Mr. Zomparelli said he recommended that the resolution be adopted.

A resolution Authorizing Release of Interest in Parcel Nos. 13A-3-WL and 13A-5WL was moved for adoption by Mr. Platt, seconded by Mr. Williams as follows:

**RESOLUTION NO. 33-1996**

"WHEREAS, the Commission purchased in the name of the State of Ohio, for the use of the Ohio Turnpike Commission, a fee simple interest in Parcel Nos. 13A-3WL and 13A-5WL in the Township of Shalersville, Ohio;

"WHEREAS, the purchases of the aforesaid parcels were for the widening and limited access to S. R. 44 as a result of the construction of Ohio Turnpike Project No. 1;

"WHEREAS, the settlement of the John F. Fant, Jr., Trustee, et al. appropriation case provided that the Commission take action necessary to release its interest in Parcel Nos. 13A-3WL and 13A-5WL, and that said interest, excluding the limited access interest, shall be transferred to Gertrude L. Dezort and the Gertrude L. Dezort Trust;

"WHEREAS, the deputy executive director of operations by letter dated March 28, 1996, has advised the Commission that the subject parcels are no longer needed for the construction and operation of the Turnpike;

"WHEREAS, the chief engineer by letter dated March 28, 1996, has advised the Commission that the subject parcels are no longer needed for the construction and operation of the Turnpike;

"WHEREAS, the Commission has determined, based on the recommendations of the chief engineer and the deputy executive director of operations that Parcel Nos. 13A-3WL and 13A-5WL are no longer needed for the construction, operation and maintenance of the Ohio Turnpike;

"NOW, THEREFORE, BE IT

"RESOLVED that the executive director and general counsel, are authorized and directed to 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 Parcel Nos. 13A-3WL and 13A-5WL to Gertrude L. Dezort and the Gertrude L. Dezort Trust; 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 Gertrude L. Dezort and the Gertrude L. Dezort Trust."

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

Ayes: Mr. Platt, Mr. Williams, Mrs. Baker, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 33-1996.

Mr. Zomparelli said that he had further draft resolutions in connection with the Commission's proposed bond issue in 1996. He said the resolutions relate to the debt financing required for the Commission's construction projects.

Mr. Zomparelli said the first draft resolution was titled Resolution Awarding a Contract for the Services of Financial Advisor.

Mr. Zomparelli said further that on March 21st, pursuant to the direction of the Commission, an RFP was issued to companies for services of financial advisors. He said over 60 firms were given the opportunity to respond to that RFP. He said responses were received on March 25, 1996, from seven firms.

Mr. Zomparelli said the Budget and Finance group consisted of Earl Williams, Commission Member, G. Alan Plain, Executive Director, Craig Rudolphy, Comptroller, John Peca, Special Counsel from Climaco and Climaco, and himself, as General Counsel.

Mr. Zomparelli said also that because of the turnaround and quick action required on the matter they also received participation from Andrea Plassard, Assistant Comptroller, and Robert Arlow, Deputy Executive Director of Operations. He said Ms. Plassard and Mr. Arlow were involved in all the interviews and reviewed all the proposals.

Mr. Zomparelli said that all the members of the Budget and Finance group reviewed the proposals submitted by the companies to provide service for financial advisors. He said that members of the Budget and Finance group participated in some of the interviews; and Mr. Plain, himself, Mr. Arlow and Ms. Plassard participated in all the interviews.

Mr. Zomparelli said that he had to commend everybody in the process because they put in a lot of late hours reviewing proposals and trying to select a financial advisor. He said five companies were interviewed.

Mr. Zomparelli said further that based on the proposals submitted, input from the people who reviewed the proposals, and input from the members of the staff who were at the interviews, it was recommended that the Ohio Company be selected as the Commission's Financial Advisor.

Mr. Zomparelli said that he recommended that the Commission move to adopt a resolution selecting the Ohio Company as its Financial Advisor and to authorize and direct the Executive Director and General Counsel to enter into negotiations with the Ohio Company to finalize a contract in accordance with the terms and conditions of the Commission's RFP.

Mr. Zomparelli said there was a draft resolution in the Members' folders, along with a recommendation from the Budget and Finance group to all the Commission Members. He said the resolution was titled Resolution Awarding Contract for Service as a Financial Advisor. He said he would read the Resolved as follows:

"RESOLVED that the Commission hereby selects The Ohio Company of Columbus, Ohio, to serve as its financial advisor and authorizes and directs the executive director and general counsel to enter into negotiations with The Ohio Company to formalize a contract for service as a financial advisor all in accordance with the terms and conditions of the Commission's Request for Proposals."

Mr. Zomparelli said he recommended, along with the Budget and Finance group, the adoption of the resolution.

Mrs. Baker asked if, due to the quick turnaround needed on the Commission's plans for a bond issue, the Ohio Company would be as responsive as the company that had been serving the Commission.

Mr. Zomparelli said that, speaking for himself, and the input he received from the other members of the Budget and Finance group, everyone was very comfortable that they could react quickly.

Mr. Zomparelli said that the group was going to look for immediate and attentive response to the needs of the Turnpike and whether these firms were available to supply it. He said the Ohio Company was definitely ready, willing and able as soon as the Commission was ready to make the decision.

Mr. Zomparelli said that the addition of them being an Ohio company and having a strong presence in Ohio was another important consideration.

A Resolution Awarding Contract for Services as a Financial Advisor was moved for adoption by Mr. Platt seconded by Mrs. Baker as follows:

**RESOLUTION NO. 34-1996**

"WHEREAS, on March 11, 1996, the Commission approved the issuance of a Request for Proposals (RFP) to furnish financial advisory services to the Commission, which RFP was issued on March 12, 1996;

"WHEREAS, responses were received on March 25, 1996, from seven firms expressing an interest in serving as a financial advisor to the Commission and such responses were studied by the Commission's staff and the Commission's Budget and Finance Group;

"WHEREAS, the Budget and Finance Group, after reviewing the proposals submitted, selected five of the firms to be interviewed, such interviews being held on March 27, 28 and 29, 1996;

"WHEREAS, the Budget and Finance Group, after analyzing the proposals received and completing the interviews aforesaid, made recommendations to the Commission, and the Commission has duly considered such recommendations;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby selects **The Ohio Company** of Columbus, Ohio, to serve as its financial advisor and authorizes and directs the executive director and general counsel to enter into negotiations with **The Ohio Company** to formalize a contract for services as a financial advisor all in accordance with the terms and conditions of the Commission's Request for Proposals."



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

Ayes: Mr. Platt, Mrs. Baker, Mr. Williams, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 34-1996.

Mrs. Baker said that for the record, she would like to state that the Commission had been well served by its former financial advisor. She said he had done a fine job for the Commission.

The Chairman said he agreed.

Mr. Zomparelli said there was no question about that statement. He said the Commission was building on those services provided with that bond issue back in 1994.

Mr. Williams said he requested that included in the contractual agreement would be a 10-day notice between both parties so that the contract could be canceled appropriately.

Mr. Zomparelli said those provisions would be incorporated into any contract to allow for termination.

Mr. Zomparelli said that, in connection with the proposed bond issue in 1996, there was going to be an immediate need for selection of a Senior Manager for investment banking services. He said the Budget and Finance group was pleased, as were the Commission's staff, with the services provided by Paine Webber in the bond issue of February 1994.

Mr. Zomparelli said further that he had supplied all the Commission Members with a copy of the resolution awarding a contract to furnish investment banking services on October 8, 1993, which chose Paine Webber, Inc. as the Senior Manager.

Mr. Zomparelli said further that due to the extensive work done by the Commission and its financial advisor, in particular Gordon Reis of Seasongood & Mayer, in the selection of the investment banking firms it was the opinion of the Budget and Finance group that there would be a significant potential cost savings to the Commission in a bond issue by retaining Paine Webber, which could supply all those needs.

Mr. Zomparelli said further that in 1993 when the Commission sent out the RFP for investment banking services a total of 40 investment banking firms responded. He said 13 firms desired to serve as Senior Manager. He said the Turnpike staff, the Executive Director, Budget and Finance group and the Commission Members went through a long process in the selection of Paine Webber as its Senior Manager. He said the staff did not want to throw away all the work that was done in the past and they didn't need to reinvent the wheel.

Mr. Zomparelli said further that the other thing that made Paine Webber very attractive was that they're very familiar with the Commission's finances and they have been providing the Commission an ongoing service analysis after the original sale of the bonds in 1994.

Mr. Zomparelli said Paine Webber had prior involvement and understanding of the Commission's prior bond issue, bond documents, its ratings and the needs of the Commission. He said their past experience with the Commission was a strong indication that the Budget and Finance Group should recommend that they be retained to provide Senior Management as investment bankers in the Commission's next bond issue in 1996.

Mr. Zomparelli said he just wanted to point out that the Budget and Finance group does not want to change the overall compensation being paid the investment banking firms. He said they were going to recommend that they stick with the rate of \$5.00 per thousand dollars bond issue. He said that was the spread to be paid to all the investment bankers, not just to Paine Webber. He said that was used to pay the Senior Managers, Co-Senior Manager and Co-Manager. He said they would not change what the Commission would be paying to any of the investment banking firms.

Mr. Zomparelli said further that the net spread paid to the group as a whole would be based on the rate paid back in 1994 of \$5.00 per thousand. He said that once the financial advisor was on board the Commission would seek their assistance on how to determine what the breakup would be for the other Co-Managers or Co-Senior Managers. He said the Commission also would seek their assistance in developing an overall debt strategy financing plan, not only for 1996, but beyond the construction period of the third lane and other construction needs of the service plazas and the toll plazas.

Mr. Zomparelli said that he would read the Resolved of the resolution as follows:

"RESOLVED, that the Commission hereby retains Paine Webber, Inc. to serve as senior manager for the proposed offering of State of Ohio, Turnpike Revenue Bonds in 1996; and

"FURTHER RESOLVED that the executive director and general counsel are hereby authorized and directed to notify Paine Webber, Inc. of such appointment and to enter into negotiations and execute an agreement with such firm to serve as senior manager, upon terms consistent with its Proposal to Furnish Investment Banking Services to the Ohio Turnpike Commission, dated June 7, 1993; and

"FURTHER RESOLVED that the aggregate compensation to be paid to the investment bankers by the Commission for their services shall be based on a net spread of no more than \$5.00 per thousand dollars of bonds issued."

Mr. Zomparelli said the resolution was entitled Resolution Providing for Total Compensation to be paid to Investment Banking Firm(s) and for the Appointment of a Senior Manager for the Furnishing of Investment Banking Services.

Mr. Zomparelli said further that for the reasons he stated previously and as spelled out in his letter to the Commission Members on the subject of Investment Banking Services and Senior Manager Recommendation he recommended the resolution be adopted.

A Resolution Providing for Total Compensation to be paid to Investment Banking Firm(s) and for Appointment of a Senior Manager for the Furnishing Banking Services was moved for adoption by Mrs. Baker, seconded by Mr. Williams as follows:

## RESOLUTION NO. 35-1996

"WHEREAS, PaineWebber, Inc., served as the Commission's senior manager in connection with the Ohio Turnpike Commission's offering of State of Ohio Turnpike Revenue Bonds, 1994 Series A, dated as of February 15, 1994; and

"WHEREAS, PaineWebber, Inc. was selected as senior manager on October 18, 1993, as a result of a Request for Proposal (RFP) to Furnish Investment Banking Services issued by the Commission on April 22, 1993;

"WHEREAS, PaineWebber, Inc. is familiar with the Commission's finances and has continued to provide the Commission with post-sale services and analyses required of it as a senior manager; and

"WHEREAS, the Commission was pleased with the services provided by PaineWebber, Inc. in connection with such offering; and

"WHEREAS, the Commission now proposes to issue State of Ohio Turnpike Revenue Bonds in 1996 and desires to retain PaineWebber, Inc. to serve as senior manager in connection with such proposed offering; and

"NOW, THEREFORE, BE IT

"RESOLVED, that the Commission hereby retains **PaineWebber, Inc.** to serve as senior manager for the proposed offering of State of Ohio, Turnpike Revenue Bonds in 1996; and

"FURTHER RESOLVED that the executive director and general counsel are hereby authorized and directed to notify **PaineWebber, Inc.** of such appointment and to enter into negotiations and execute an agreement with such firm to serve as senior manager, upon terms consistent with its Proposal to Furnish Investment Banking Services to the Ohio Turnpike Commission, dated June 7, 1993; and

"FURTHER RESOLVED that the aggregate compensation to be paid to the investment bankers by the Commission for their services shall be based on a net spread of no more than \$5.00 per thousand dollars of bonds issued."

The Chairman said that he wanted to mention one thing before the roll was called. He said that at the time the Commission issued its last bonds they had received the lowest rate of any public agency in the state.

Mr. Zomparelli said that the \$5.00 rate net spread paid to the investment bankers was lower than the industry averages.

Mr. Plain said that in Ohio he thought the rate was from 6-something and nationwide it was 7-something.

The Chairman said that if the rate was not the lowest it was definitely amongst the lowest. He said Paine Webber also had a tremendous background in transportation. He said they had a very good team.

The Chairman said further that he thought Steve Wood was a former finance director of the Illinois Department of Transportation. He said he had tremendous transportation expertise and financial expertise.

The Chairman said further that the Commission was saving probably \$20 million in interest because of the timing and the job that was done on the bond issue in 1994. He said the Commission was very grateful for that.

Mr. Zomparelli said the Bond Buyer stated that the industry average for gross spreads for 1995 per thousand bonds were \$7.84 for negotiated financing, \$6.66 for competitive financing, \$7.48 for transportation bonds and for Ohio agencies \$8.18 . He said the \$5.00 was a very good rate.

The Chairman said that they used to get \$18 and \$20 years ago. He said he appreciated that Mr. Wood worked so competitively for the benefit of the Commission.

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

Ayes: Mrs. Baker, Mr. Williams, Mr. Platt, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 35-1996.

Mr. Zomparelli said that in order to proceed with a bond issue in 1996 and part of putting together the team for that bond issue, along with Financial Advisor and Senior Manager, would be the appointment of Bond Counsel.

Mr. Zomparelli said that he, the Executive Director and the Comptroller had been impressed with the services provided by Peck, Shaffer & Williams. He said the Commission was pleased with the service provided by them and their attentiveness to its needs.

Mr. Zomparelli said further that, again, they were selected as Bond Counsel after an RFP process in 1993. He said the RFP went out on March 17, 1993 and Peck Shafer responded.

Mr. Zomparelli said further that he had spoken to Peck Shaffer and they were willing to continue to represent the Commission under the same payment conditions of that prior RFP. He said he would move to recommend that the Commission retain them as Bond Counsel on its 1996 bond issue because of their familiarity with the Commission's position and financing needs.

Mr. Plain said they did excellent work in writing the Master Trust Agreement.

Mr. Zomparelli said also for the work they had done in the past and their familiarity with the Commission's Master Trust Agreement and the prior bond issue.

Mr. Zomparelli said they prepared a draft resolution entitled Resolution Appointing Bond Counsel. He said he would read the Resolved as follows:

"RESOLVED, that the Commission hereby retains Peck, Shaffer & Williams to serve as bond counsel for the proposed offering of State of Ohio, Turnpike Revenue Bonds, 1996 Series A; and

"FURTHER RESOLVED that the general counsel is hereby authorized and directed to notify Peck, Shaffer & Williams of such appointment and to enter into an agreement with such firm to serve as bond counsel, upon terms consistent with its Proposal to Serve as Bond Counsel to the Ohio Turnpike Commission, dated March 17, 1993."

Mr. Zomparelli said further that he recommended that the resolution be adopted.

The Chairman said he also remembered a letter from Jim McGrath, who was the Commission's prior General Counsel, that recommended two firms to the Commission. He said the best qualified based on the quality of the proposal and experience of the two firms was Peck Shaffer. He said they were significantly less expensive and Mr. McGrath had ranked them equally as far as their abilities. He said they were specialists in bond work.

A Resolution Appointing Bond Counsel was moved for adoption by Mr. Platt, seconded by Mr. Williams as follows:

#### **RESOLUTION NO. 36-1996**

"WHEREAS, Peck, Shaffer & Williams of Cincinnati, Ohio, served as bond counsel in connection with the Ohio Turnpike Commission's offering of State of Ohio Turnpike Revenue Bonds, 1994 Series A, dated as of February 15, 1994; and

"WHEREAS, the Commission was pleased with the services provided by Peck, Shaffer & Williams in connection with such offering; and

"WHEREAS, the Commission now proposes to issue State of Ohio Turnpike Revenue Bonds, 1996 Series A, and desires to retain Peck, Shaffer & Williams to serve as bond counsel in connection with such proposed offering; and

"WHEREAS, Peck, Shaffer & Williams has agreed, pursuant to its letter to the Commission dated March 5, 1996, to serve as bond counsel for the proposed offering on the same terms upon which it served as bond counsel for the 1994 Series A Bonds, in accordance with its Proposal to Serve as Bond Counsel to the Ohio Turnpike Commission, dated March 17, 1993;

"NOW, THEREFORE, BE IT

"RESOLVED, that the Commission hereby retains **Peck, Shaffer & Williams** to serve as bond counsel for the proposed offering of State of Ohio, Turnpike Revenue Bonds, 1996 Series A; and

"FURTHER RESOLVED that the general counsel is hereby authorized and directed to notify **Peck, Shaffer & Williams** of such appointment and to enter into an agreement with such firm to serve as bond counsel, upon terms consistent with its Proposal to Serve as Bond Counsel to the Ohio Turnpike Commission, dated March 17, 1993."

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

Ayes: Mr. Platt, Mr. Williams, Mrs. Baker, Mr. Fedeli

Nays None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 36-1996.

The Chairman said the report of General Counsel was accepted as offered.

Mr. Plain said that the dedication and hard work of the staff, the Commission Members and everybody that had input into the process was really appreciated. He said it did result in some lengthy hours at times. He said he appreciated their service because that was a very important process that had to be done.

The Chairman ascertained there would be no report from the Consulting Engineers or the Trustee.

Mr. Plain said that in the Members' folders there often times was bad news. He said that once in awhile he thought it was good to show some of the appreciation from the outside.

Mr. Plain said further that the Chairman had given the staff direction to get into more outreach in the local communities and more responsiveness. He said that in the Members' folders was a letter from the City of North Ridgeville that he would ask the Chairman to read.

The Chairman said that he saw the letter earlier. He said it was from the Mayor of North Ridgeville and addressed to Alan Plain. He said he would read it as follows:

"This is one of those rare but welcome pieces of correspondence that makes it to your desk. We write to sincerely thank two Ohio Turnpike Commission representatives and to commend you on your choice of staff. Patrick Patton and Don DePaulo do the Commission proud and do great service to the community at large and North Ridgeville.

"North Ridgeville identified signage deficiencies and necessities related to traffic direction on and off the Ohio Turnpike, Route 10 and Lorain Road. Your liaison, Mr. Patton, and Traffic Engineer Don DePaulo came to North Ridgeville, met with our police department to review its recommendations, physically inspected the signage and made their own recommendation and changes to maximize and implement a solution. Their quick, respectful and insightful response to our request is greatly appreciated by the administration and, moreover, represents the Ohio Turnpike Commission exceedingly well.

"In a break from the formal rhetoric of their kind of communication, Mr. Plain, these two guys did an excellent and professional service on your behalf and ours. With calm, competent, thorough and personable people representing the Ohio Turnpike Commission, there is little doubt the Commission's reputation and standing in the townships, villages and municipalities of Northeast Ohio will deservedly grow.

"Please accept our personal thanks on behalf of the 20,000 people who call North Ridgeville home.

"Sincerely, Mayor Deanna L. Hill of North Ridgeville."

The Chairman said that he thought that the Commission also should have some type of formal way to thank Pat Patton and Don DePaulo for their help.

Mr. Williams asked if the next Commission meeting could be scheduled.

The Chairman said that the Commission was going to try to go back to its original schedule, if that was possible. He said that was the second Monday of each month. He said the second Monday in May was the 13th.

The Chairman said the Commission would work on a June date and it probably wouldn't be a bad idea if they worked on the rest of the year so that they could be scheduled to allow people to better plan their activities.

There being no further business before the Commission a motion was made by Mr. Fedeli, seconded by Mr. Platt that the meeting adjourn until the next meeting on May 13th.

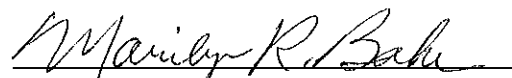
A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Mr. Fedeli, Mr. Platt, Mrs. Baker, Mr. Williams

Nays: None

The Chairman declared the meeting adjourned. The time of adjournment was 11:55 a.m.

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

  
Marilyn R. Baker, Secretary-Treasurer