

OHIO TURNPIKE COMMISSION

Resolution Amending Resolution No. 11-1993 Relating to Approving the Location, Re-design and Acquisition of Right-of-Way for an Interchange with State Route 58 and the Ohio Turnpike in the Vicinity of Milepost 140.2 in Lorain County, Ohio

WHEREAS, Revised Code of Ohio, Section 5537.04 (A)(9) provides that this Commission designate the locations, and establish, limit, and control such points of ingress to and egress from the Ohio Turnpike as are necessary or desirable in the judgment of the Commission and of the Director of Transportation to insure the proper operation and maintenance of the Ohio Turnpike;

WHEREAS, on March 8, 1993, the Commission adopted Resolution No. 11-1993 which formally designated a connection of S. R. 58 as a point of ingress to and egress from the Ohio Turnpike in the vicinity of Milepost 140.2 in Lorain County, Ohio

WHEREAS, there has been a long-standing interest expressed by local officials, agencies and the general public for the construction of an interchange between the Turnpike and S. R. 58 in Lorain County, Ohio;

WHEREAS, the Commission recognizes the need and desirability to connect these roadways so as to facilitate vehicular traffic in the area to promote the agricultural, commercial, recreational, tourism and industrial development in accordance with Section 5347.03 of the Revised Code;

WHEREAS, the Director of Transportation has concurred in the designation of S. R. 58 as a point of ingress to and egress from the Turnpike;

WHEREAS, the Ohio Rail Development Commission has determined that the preservation of a rail corridor in the vicinity of the interchange is a matter of great concern and has requested that said interchange be constructed so as to include and preserve said transportation corridor;

WHEREAS, the Ohio Environmental Protection Agency (OEPA) has approved the Commission's supplemental preferred alternative plan which allows for the co-existence of the rail corridor because said plan has an acceptable water quality impact consistent with Ohio Antidegradation Rule found at Section 3745-1-05 of the Ohio Administrative Code;

WHEREAS, the Commission received a request from Governor Bob Taft's office, through representative Mike Wise of the Ohio Department of Development, at the Commission's December 20, 1999 meeting, for the relocation of the originally proposed interchange, at the vicinity of S. R. 58 and the Ohio Turnpike, to the supplemental preferred alternative plan preserving the transportation corridor;

WHEREAS, the Commission received a proposal to purchase an option and first right of refusal to obtain a permit to use part of its right-of-way for a rail corridor, a copy of said option and first right of refusal is attached hereto as Exhibit "A";

WHEREAS, the Commission will perform and fund the design, re-design, right-of-way acquisition and construction of the interchange between the Turnpike and S. R. 58 with its own financial resources;

NOW, THEREFORE, BE IT

RESOLVED that, pursuant to Section 5537.04 (A)(9) of the Ohio Revised Code, this Commission does hereby reaffirm and formally re-designate a connection of S. R. 58 as a point of ingress to and egress from the Ohio Turnpike in Lorain County, Ohio;

FURTHER RESOLVED that the chairman and executive director are authorized and directed to engage the services of such consulting firm or firms as they deem capable and appropriate to accomplish the expeditious re-design of a toll interchange between S. R. 58 and the Ohio Turnpike and to confer with the Ohio Department of Transportation so as to coordinate such design with any other projects contemplated for this area that would affect the proposed interchange; and

FURTHER RESOLVED that the Commission determines hereby that the costs and expenses for the study, re-design, right-of-way acquisition and construction of the toll-interchange project shall be paid by the Commission;

FURTHER RESOLVED that the executive director be, and hereby he is, authorized to take any and all necessary action to contract with Lake Shore Railway Association, or any other entity or person, to finalize an agreement to permit use of a portion of the Commission's right-of-way more fully described in Exhibit "A" and in the form attached hereto as Exhibit "A".

(Resolution No. 9-2000 adopted April 10, 2000)

I, Gino Zomparelli, Assistant Secretary of the Ohio Turnpike Commission, do hereby certify that the above is a true copy of the aforesaid resolution which was duly adopted at a meeting of the Commission, duly called for and convened and held on April 10, 2000, at which a quorum was at all times present and voting.

WITNESS my hand and the seal of the Ohio Turnpike Commission on this 11th day of April, 2000.

Gino Zomparelli
Assistant Secretary-Treasurer