

OHIO TURNPIKE COMMISSION

Resolution Directing that the Commission Participate in Legal Proceedings To Determine the Priority of Claims and Obligations of Parties with Respect to Attested Accounts and IRS Levy Filed Against Parties to Contract No. 48-06-01

WHEREAS, on June 26, 2006, by Resolution No. 23-2006, the Commission awarded a contract to Blaze Building Corporation ("Blaze") of Berea, Ohio for renovations to the Ohio Turnpike (Berea) Administration Building, located at 682 Prospect Street, Berea, Ohio, Milepost 159.4 in Cuyahoga County, Ohio, herein designated as Contract No. 48-06-01;

WHEREAS, the Commission received an Affidavit of Lien on Public Funds filed under Ohio Revised Code Section 1311.26 on behalf of Tradesman International, Inc. against EGZ Hydronics Plumbing and Heating, Inc., a subcontractor to Blaze Building Corporation under Contract No. 48-06-01;

WHEREAS, Blaze Building Corporation has submitted a Notice of their Intention to Dispute said claim in accordance with the provisions of Ohio Revised Code Section 1311.31;

WHEREAS, the Commission has also been notified by Blaze Corporation that it has received a Notice of Levy issued against EGZ Hydronics Plumbing and Heating, Inc. issued by the Internal Revenue Service for all contract payments owed to this Subcontractor;

WHEREAS, Blaze Building Corporation has indicated to the Commission its intention to file an interpleader action in the Court of Common Pleas for Cuyahoga County wherein it will request that the Court adjudicate the priority of claims and responsibilities of all of the respective parties to the action and Contract No. 48-06-01; and

WHEREAS, the General Counsel has recommended that the Commission join in the interpleader action in order to ensure that its rights and legal obligations be clearly determined and to avoid any possible liability for making contract payments to the wrong party.

NOW, THEREFORE, BE IT

RESOLVED that the General Counsel is authorized to include the Ohio Turnpike Commission as a party to an interpleader action filed by Blaze Building Corporation in order to adjudicate and determine the priority of claims and obligations of all of the parties with respect to the attested account filed by Tradesman International, Inc., and the Internal Revenue Service Levy issued against EGZ Hydronics Heating and Plumbing, Inc.

(Resolution No. 15-2007 adopted May 21, 2007)