

# OHIO TURNPIKE COMMISSION

## Resolution Authorizing Release of a Portion Interest in Parcel No. 118M

WHEREAS, the Commission purchased in the name of the State of Ohio a fee simple interest for public highway purposes over a parcel of real estate designated as Parcel No. 118M located in the City of Elyria;

WHEREAS, the purchase of the aforesaid parcel was for the original construction of Turnpike Project No. 1;

WHEREAS, representatives of the property owners abutting Parcel No. 118M have requested that the Commission take any and all action necessary to sell and convey a portion of Parcel No. 118M for the fair market value of said property;

WHEREAS, the Consulting Engineers by letter dated June 26, 2008, have advised the Commission that a portion of the subject parcel is no longer needed for the construction and operation of the Turnpike and there appears to be no future need as the third lane has been constructed in this area;

WHEREAS, the Chief Engineer by letter dated July 3, 2008, has advised the Commission that a portion of the subject parcel is no longer needed for the construction, operation and maintenance of the Turnpike;

WHEREAS, the Commission has determined, based on the recommendations of the Consulting Engineers and the Chief Engineer that a portion of Parcel No. 118M is no longer needed for the construction, operation and maintenance of the Turnpike;

WHEREAS, the General Counsel has advised the Commission that the provisions of Ohio Revised Code Sections 5537.06(C) and 5501.34(C) authorize the Commission to sell real property no longer needed for the operation of the Turnpike to the abutting owner of the unneeded property without advertisement or competitive bidding when the fair market value of the property is less than twenty thousand dollars (\$20,000.00);

WHEREAS, the Right of Way Coordinator has determined that the fair market value of the unneeded property in question is estimated to be under twenty thousand dollars (\$20,000.00) based upon a review of the Lorain County Auditor's market values for properties in the immediate vicinity of Parcel No. 118M.

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 sell that portion of Parcel No. 118M to the abutting property owner that is no longer needed for the construction, operation or maintenance of the Turnpike; 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 the abutting property owner, as permitted by statute.

**(Resolution No. 45-2008 adopted September 15, 2008)**