

# OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

## **Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Property Located in Riley Township, Sandusky County as Part of Project No. 71-19-02**

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, the former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay-at-Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended until rescinded or modified by the Director of Health or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the real property acquisition approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission’s work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, for the purpose of maintaining and operating the Ohio Turnpike in a safe and efficient manner, the Commission desires to acquire approximately 0.8019 acre parcel under the Turnpike bridge over the abandoned railroad in Riley Township, Sandusky County (near milepost 98.9), which said approximate 0.8019 acre parcel (as legally described as Parcel 1 on Exhibit A attached hereto and incorporated herein, “Parcel 1”) is a portion of the real estate described in the deed filed for record March 24, 1881 in Deed Volume 34 Page 566 of the Sandusky County, Ohio Records, which Parcel 1 currently has no permanent parcel identification number assigned; and

WHEREAS, for the purpose of accessing Parcel 1 during construction, the Commission additionally desires to acquire approximately 1.7317 acre parcel adjacent to Parcel 1 and which connects Parcel 1 to State Route 510 in Riley Township, Sandusky County, which said approximate 1.7317 acre parcel (as legally described as Parcel 2 on Exhibit A attached hereto and

incorporated herein, "Parcel 2") is a portion of the real estate listed in the Sandusky County Auditor's Records as Parcel No. 08-23-00-0037-00.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby declares that said acquisition of Parcel 1 is necessary for the removal of the main line bridge and the filling in under it with soil embankment, and for the maintenance of the public roadway improvements therefor, all for the proper operation and maintenance of the Ohio Turnpike, as part of Design Project No. 71-19-02; and

FURTHER RESOLVED that the Commission hereby declares that said acquisition of Parcel 2 is necessary to provide the contractor access related to the removal of the main line bridge and the filling in under it with soil embankment, and for the maintenance of the public roadway improvements therefor, all for the proper operation and maintenance of the Ohio Turnpike, as part of Design Project No. 71-19-02; and

FURTHER RESOLVED that in compliance with Ohio Revised Code Chapter 163, the General Counsel is authorized and directed to negotiate for a reasonable time, and if possible enter into an agreement for the purchase, or any such lesser real estate interest as recommended by both Chief Engineer and General Counsel, of Parcel 1 and Parcel 2, with the following entity identified to be the current owner of both Parcel 1 and Parcel 2:

Norfolk and Western Railway Company (formerly The Lake Erie and Western Railroad Company, formerly The New York Chicago and St. Louis Railroad Company),  
c/o NORFOLK SOUTHERN CORPORATION  
Three Commercial Place - Box 209  
Norfolk, Virginia 23510

and such other persons or entities that have or may have an interest in said Parcel 1 and Parcel 2 or are otherwise required to be named in the proceedings for appropriation under Ohio Revised Code Chapter 163; and

FURTHER RESOLVED that the Executive Director or the General Counsel begin proceedings to appropriate and prosecute the appropriation of fee title, or any such lesser real estate interest as recommended by both Chief Engineer and General Counsel, to Parcel 1 and Parcel 2 and any necessary easements on and over Parcel 1 and Parcel 2 described herein or neighboring parcels; and

FURTHER RESOLVED that the Executive Director or the General Counsel be, and he/she is hereby instructed to do or cause to be done all things that may be reasonably necessary so that proceedings for the appropriation of Parcel 1 and Parcel 2 described herein may be commenced and completed; and

FURTHER RESOLVED that the Commission finds and determines that the real property acquisition approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely.

**(Resolution No. 8-2021 adopted February 22, 2021)**