

These are the minutes of the meeting of the Board of Trustees of Ohio University held on Friday, October 30, 1970 at the Athletic Club in Columbus, Ohio.

Chairman Baxter called the meeting to order at 2:05 p.m. with the following members present in addition to the Chairman: Wayne E. Brown, Don M. Casto, Jr., Fred H. Johnson, Edwin L. Kennedy, William R. Morris, and Mrs. I. Wallace Phillips. In addition to the members of the Board of Trustees, also present were Claude R. Sowle, President; Robert L. Savage, Provost; Taylor Culbert, Vice President and Dean of Faculties; Edward M. Penson, Associate Dean of Faculties; Richard C. Dorf, Vice President for Educational Services; Martin L. Hecht, Vice President for Development; John F. Milar, Treasurer; and Paul R. O'Brien, Secretary to the Board of Trustees.

Mr. Morris moved that the minutes of the September 3 meeting be approved as distributed by the Secretary. This was seconded by Mr. Casto and unanimously carried.

The Secretary read the following communication from the Governor appointing Jody Galbreath Phillips to the Board of Trustees:

I, James A. Rhodes, Governor of the State of Ohio, do hereby appoint Jody Galbreath Phillips (Republican), Upper Arlington, Franklin County, Ohio, as a Member, Board of Trustees, The Ohio University, for the unexpired part of the term beginning May 14, 1970, and ending at the close of business May 13, 1979, with appointee taking office September 21, 1970, vice Joseph B. Hall, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus, this 15th day of September, in the year of our Lord, one thousand nine hundred and seventy.

James A. Rhodes

The Secretary then presented letters from the following persons and organizations urging the Board of Trustees to give their approval to the establishment of a branch college in Lawrence County.

Mr. and Mrs. Dan Martin
1608 Charlotte Street
Ironton, Ohio 45638

Mrs. J. O. Daum
116 North 4th Street
Ironton, Ohio 45638

Mr. and Mrs. L. C. Venz
116 North 4th Street
Ironton, Ohio 45638

Mrs. Patsy McComas
116 North 4th Street
Ironton, Ohio 45638

Mr. Fred L. Gool, President
Mr. Garland Smith, Secretary
Coal Grove Lion's Club
219 St. Charles Street
Coal Grove, Ohio 45638

Mr. and Mrs. Ralph Lewis
314 North 6th Street
Ironton, Ohio 45638

Mr. and Mrs. N. McMahon
1610 Thomas
Ironton, Ohio 45638

Mr. Gene Unger
304 South Third Street
Ironton, Ohio 45638

Mr. and Mrs. David Thomas
Route 3
South Point, Ohio 45680

Mr. Woodrow W. Mays
Tri-State Vault Company
P.O. Box 231
Ironton, Ohio 45638

Mr. and Mrs. Dan Newman
436 Rockwood Avenue
Chesapeake, Ohio 45619

Mr. Bernard L. Edwards, Pres.
First National Bank
Ironton, Ohio 45638

Mr. Kenneth H. Auble
Owner-General Manager
WIRO Radio
Ironton, Ohio 45638

Mr. H. Thomas Allyn
201 South Third Street
Ironton, Ohio 45638

Mrs. W. J. Greene, Secretary
Ironton Seedlings Garden Club
Ironton, Ohio 45638

Mrs. Donald Willis, President
Ironton Jaycees
1708 Pessmer Street
Ironton, Ohio 45638

Mr. Jeffrey L. Handley, Treasurer
Knights of Columbus
Watterson Council Number 1405
Ironton, Ohio 45638

Mr. and Mrs. Art Ferguson
P. O. Box 254
South Point, Ohio 45680

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Mr. Richard I. Ward, Secretary
Ironton Ministerial Association
Ironton, Ohio 45638

Mrs. Evelyn Tomlinson, Secretary
The Proctorville Women's Club
Proctorville, Ohio 45669

Mrs. Kenneth Clark, Secretary
Beta Sigma Phi International Sorority
Kappa Delta Chapter
907 South Seventh Street
Ironton, Ohio 45638

Mrs. Martin Weill, Secretary
The Child Welfare Club
Ironton, Ohio 45638

Mrs. Jan Wolfe
Ironton Junior Women's Club
Ironton, Ohio 45638

Mr. Fred Johnson, Chairman of the Board of Trustees Educational Policy Committee, reported that his committee has had the question of the establishment of a branch of Ohio University in Lawrence County under consideration for some time, however, since Mrs. Phillips, a new member of the committee, has not had an opportunity to study the reports submitted on this question, the committee feels they should not make a final decision on the establishment of a Lawrence County Branch until a later meeting.

Mr. Johnson pointed out that members of this committee understand the feelings of the Lawrence County residents relative to the branch and all members of the committee hope to visit both Ironton and Portsmouth before a final recommendation is made to the Board of Trustees. They hope to restudy the educational policy for all of southeastern Ohio. Mr. Johnson also pointed out that Ohio University and its branches belong to all of the people of Ohio and the Board of Trustees is charged with the responsibility of operating Ohio University and the branches for the benefit of the people of Ohio.

After a discussion, it was moved by Mr. Johnson and seconded by Mr. Kennedy that the decision on establishing a Lawrence County Branch be tabled until a later meeting of the Board of Trustees. This motion was carried unanimously.

The Chairman noted that there were delegations from both Lawrence County and Scioto County who wished to speak to the Board of Trustees relative to the establishment of the Lawrence County Branch. He called on Senator Collins as the first speaker.

Senator Oakley Collins of Ironton called the Board's attention to an appropriation of 2.8 million dollars for the Lawrence-Scioto County Technical Institute which was made by the last Legislature. He pointed out that \$600,000 of this appropriation had been used to help establish the Scioto County Vocational-Technical Institute. Senator Collins reported that, in his opinion, more money can be made available by the Legislature if it can be shown that the remaining 2.2 million dollars of construction money is not sufficient to construct the branch building.

Senator Collins reported that there would be 1,000 students graduating from high school in Lawrence County this year, 1,200 next year and 1,500 in 1975. He also reported that there were only 7 students attending the Portsmouth Branch from Lawrence County at the present time. Senator Collins feels that now is the time for the Board of Trustees to take action on this proposal. He thanked the Board for the consideration given him and reported that the committee of the Board of Trustees would be welcome in Ironton and Portsmouth at any time.

Mr. Casto inquired as to how long the present funds would be available. It was reported that these funds would be available until June 30, 1971.

The Chairman called on Carlton Davidson, who is the representative from Lawrence County in the State Legislature.

Mr. Davidson reported that he concurred in all of Senator Collins' statements. He feels, however, that since the Legislature has appropriated the funds for the construction of a branch in Lawrence County, the Board of Trustees of Ohio University should comply with the wishes of the Legislature and implement this construction. He called the Board's attention to the fact that for the past ten years he has supported higher education in the Legislature, including the appropriations for the Portsmouth Branch. Mr. Davidson then recalled a meeting held in Athens with President Alden during which a commitment to the Ironton project was made.

The Chairman then called on Elliot Meyers, Chairman of the Lawrence County Branch Advisory Committee. Mr. Meyers pointed out that he has been a long-time supporter of the Lawrence County Branch and his committee has always cooperated with the Board of Trustees. He also called the Board's attention to the fact that Lawrence County looks to Jackson and Gallia Counties and West Virginia for satellite support to Lawrence County rather than to Scioto County. He also reported that the rumors that the Board of Trustees would not approve the construction of Lawrence County Branch has hurt the branch enrollment in Lawrence County this year. Also, the community effort for financial support for the Branch has been stifled by the uncertainty of the future of the Lawrence County Branch. He reported that the Board of Trustees committee would be welcome in Ironton.

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The Chairman then called on Jack Wolfe from Ironton. Mr. Wolfe pointed out that it was sixty miles from northern Lawrence County to Portsmouth and the Lawrence County people did not look to Portsmouth for their support but rather north and east. Mr. Wolfe also pointed out that there is acreage available now for the construction of a branch. This acreage has been paid for and can be used any time.

Senator Collins then reported that Chancellor Millett of the Board of Regents favors the construction of a branch in Lawrence County. He again expressed the hope that the Board of Trustees would support the construction of this branch.

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The Chairman then called on James Strafford, Chairman of the Ohio University Portsmouth Advisory Committee.

Mr. Strafford introduced the following members of the Ohio University Portsmouth Advisory Committee who were present: William Horr, James Pugh, David Vetter, and Paul Flohr. Mr. Strafford reported that he had been a member of the branch committee for twenty-five years and that although the Portsmouth committee does not consider the Lawrence County Branch as a rival, it is objecting to the construction of a branch building in Lawrence County for the following reasons:

The Portsmouth Campus has 780 students registered this year and 98 per cent of these are full-time students. The establishment of a branch in Lawrence County may dilute the Portsmouth operations.

The investment in buildings of about 2 million dollars in Portsmouth for 780 students makes the proposed investment in Lawrence County of over 3 million dollars for 400 students seem unjustified economically.

The estimated annual subsidy of \$134,000 for Lawrence County Branch operating expenses cannot be justified when compared with no operating subsidy for the Portsmouth Branch.

The citizens of Portsmouth have contributed over \$500,000 to the Portsmouth Branch.

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Mr. Strafford hopes that the Ohio University Board of Trustees will make a complete, thorough study and consider all the facts before reaching a decision on the Lawrence County Branch.

The Chairman then called on David Vetter from the Portsmouth delegation. Mr. Vetter pointed out that the City Council and the citizens of Portsmouth had pushed through an urban renewal project for the benefit of the Ohio University Portsmouth Campus. This project contained four city blocks and the first building has been constructed on the corner of one of the city blocks. He also suggested that before a great increase in enrollment could be expected, it would be necessary to create more of a "college" atmosphere for the Portsmouth Campus. This atmosphere could only be created by increased enrollment and the construction of additional buildings in Portsmouth.

President Sowle commented that he could find no record of a meeting held in Athens at which former President Alden made a commitment to build the Ironton Branch. However, he did find a letter from Alden to Chancellor Millett recommending that the Ironton facility remain as it is for the current biennium and a letter from Millett concurring with this recommendation.

President Sowle also commented that there was no legal obligation for the Board of Trustees to spend funds appropriated to the University and the non-expenditure of these funds was not a violation of law. Also, he felt that the Board of Regents had established a policy of not building branches until an area had attained an enrollment of 500 FTE. This President reported that he had made no public comments as to his recommendation relative to the Lawrence County Branch.

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Mr. Morris inquired about the report sent out by President Sowle referred to previously by several speakers. President Sowle explained that this was a confidential memorandum sent to the members of the Educational Policy Committee of the Board of Trustees will make a thorough study before its recommendations are submitted.

Mr. Johnson commended both the Ironton and Portsmouth delegations for the well mannered and gentlemanly way in which their interests were presented to the Board. He also reported that the Board of Trustees has no idea of closing the present Ironton Academic Center.

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Mr. Johnson then thanked the legislative representatives for their interest in this matter and reported that the Board of Trustees does appreciate the help they have received in the past from all of the legislative representatives in our branch campus communities.

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The Chairman called on the President for his report. President Sowle asked Provost Savage for a report on capital improvements.

Provost Savage distributed a report listing fifteen different projects which are in various stages of completion. This report showed total funding for capital improvements in the amount of \$43,424,705. Of this amount, \$34,432,639 has been encumbered, \$8,992,066 is unencumbered, and the estimated 1970 expenditures of unencumbered funds totals \$2,138,661. Provost Savage reported no unusual problems now being encountered in our capital improvement projects. He further reported that the Hocking River relocation was proceeding about on schedule and that we are now planning to develop the old river bed into a recreational area for our students.

Mr. Brown inquired how much this river relocation project would reduce future floods in the present airport area. It was reported that the present river relocation plans would only reduce the flood crest by about eight inches in the East State Street airport area.

President Sowle asked Mr. Milar for a report on the Ohio University Fund land holdings.

Mr. Milar reported that the Ohio University Fund is now holding land for Ohio University valued at \$736,000. He reported that the University anticipates receipts from the Hocking Conservancy District of \$100,000 and from the State Highway Department of \$209,000 or \$309,000 from land transferred to these agencies. With the anticipated receipt of \$309,000, the University plans to purchase the Miller Poultry land for \$132,000 and pay the Ohio University Fund \$177,000 in order to permit the transfer of additional land to the University and to permit the reduction of the Fund's outstanding loans. This will reduce the land holdings of the Ohio University Fund to \$559,000.

Mr. Johnson reported that the Dysart Woods, purchased several years ago by the Ohio University Fund, consists of 450 acres of land in Belmont County of which 45 acres are virgin forest. He reported that this land has been used by the Botany Department and other University departments for study in their fields. It has been declared a National Monument by the United States Department of Interior, and last year 2,500 people visited this area. It is one of the few remaining areas in the country that has been left untouched by man over the years.

Mr. Johnson reported that strip miners are starting to remove the coal in this area and it has been determined that stripping too close to this area would change the water level and would contaminate part of the water flowing through Dysart Woods. This would cause irreparable damage to the area. Mr. Johnson reported that the Board of Governors of Dysart Woods have been attempting to convince the mining companies that they should refrain from mining in this area, however, as the price of coal advances, it will become harder to keep the area from being mined.

It was moved by Mr. Johnson, seconded by Mr. Brown and unanimously carried that the Board of Trustees of Ohio University will support the Board of Governors of Dysart Woods in their attempt to preserve and conserve this property, and the Board of Trustees will do everything necessary to preserve the Dysart Woods.

Chairman Baxter commended Mr. Johnson for his interest in this area and reported he felt it is the duty of this Board of Trustees to take every step necessary to implement the above resolution.

Provost Savage presented the following resolution for the Board's consideration. He explained that no buildings were included in the original plans for the Albany airport now being developed and before efficient use of the airport can be made it will be necessary to construct certain buildings in the area. There was a discussion of this proposed resolution and it was then moved by Mr. Brown, seconded by Mr. Kennedy and unanimously carried that the following resolution be adopted.

NEW AIRPORT FACILITIES

WHEREAS, Amended Senate Bill 406 (Section 6) specifically designates that the proceeds from the sale of a parcel of Ohio University property on East State Street, amounting to \$226,000 be used for the construction of buildings and facilities better suited to the needs of the University; and

WHEREAS, an application for a grant in the amount of \$50,000 is being made to the Division of Aviation, Department of Commerce, State of Ohio, to be used for the construction of buildings at the new Ohio University airport,

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BE IT RESOLVED, that the appropriate administrative officers of Ohio University be empowered to proceed with the planning, including the hiring of consultants to prepare detailed plans, for the utilities, hangars, service facilities and administration building at the new University Airport near Albany, completion at an estimated cost of \$316,000 subject to further approval of the detailed plans by the Board of Trustees, and

BE IT FURTHER RESOLVED, that the architectural firm of Bob Scott, Architect and Engineer, be recommended to the Director of Public Works as consulting architect for planning and construction of the new Ohio University Airport facilities.

Provost Savage then presented another resolution authorizing signatures for a grant application. He explained that the Ohio Division of Aviation may make a grant of \$50,000 for the Albany airport because the Athens County commissioners have declared this airport to be the official county airport of Athens County. There was a discussion of this resolution and it was moved by Mr. Kennedy, seconded by Mr. Casto and unanimously carried that the following resolution be adopted.

AUTHORIZED SIGNATURES FOR GRANT APPLICATION

WHEREAS, it has been determined that the development by the University of a new airport in the vicinity of Athens, Ohio, is in the best interest of the University and of all Southeastern Ohio, and

WHEREAS, some phases of the airport construction are presently under way, and

WHEREAS, adequate completion of the airport construction is, in part, contingent upon a grant of \$50,000 from the Division of Aviation, Department of Commerce, State of Ohio, and

WHEREAS, the application for the grant calls for the signature of the Chairman of the Board of Trustees of Ohio University and the signature of the President of Ohio University,

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Trustees of Ohio University and the President of Ohio University are hereby authorized to affix their signatures to the application to the Ohio Division of Aviation for a \$50,000 grant for the new Ohio University and are further authorized to accept said grant on behalf of Ohio University:

President Sowle presented a proposed resolution authorizing the applications for a D-2 and a D-3 liquor permit. He explained that the local Auditor of State's examiner insisted that the Board of Trustees take formal action on this application before he would approve payment for the application fee and the purchase of supplies. After a discussion of this resolution, it was moved by Mr. Kennedy, seconded by Mrs. Phillips and unanimously carried that the following resolution be adopted.

WHEREAS; it has been determined that there is no legal impediment to serving spirituous liquor on University property provided a proper license is obtained,

NOW, THEREFORE, BE IT RESOLVED, that the Ohio University Board of Trustees approve an area in Baker Center for the sale of spirituous liquor under rules and regulations approved by the President of Ohio University and the Ohio State Department of Liquor Control, and

BE IT FURTHER RESOLVED, that the proper administrative authorities be empowered to apply to the Ohio State Department of Liquor Control for a D-2 and a D-3 permit to sell spirituous liquor in an area in John Calhoun Baker Center.

The Secretary presented a proposed easement to be granted to the Columbus and Southern Ohio Electric Company that would permit the Company to relocate a power line at our Albany Airport.

The proposed easement was prepared by the Ohio Department of Public Works and has been approved by the University Surveyor and the Director of Utilities.

It was moved by Mr. Morris, seconded by Mr. Brown and unanimously carried that the Ohio Director of Public Works be requested to grant the following easement to the Columbus and Southern Ohio Electric Company.

EASEMENT

THIS EASEMENT, made and entered into this _____ day of _____, 19____, pursuant to the provisions of Section 123.01 (A) (9), Revised Code, by and between THE STATE OF OHIO, through the Department of Public Works and the

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Director of the Department of Public Works, and the Governor of Ohio, duly approved by the Attorney General of Ohio, acting for and on behalf of said State, Party of the First Part, and Columbus and Southern Ohio Electric Company, Party of the Second Part, WITNESSETH:

WHEREAS, the Party of the Second Part applied to Ohio University for an easement over the hereinafter described State land for the following improvement; Relocation of Pole Line - Airport property - Lee Township, Athens County; and

WHEREAS, said Ohio University by _____ . On _____ 19____, approved the granting of said easement; and

WHEREAS, the Party of the First Part, having considered such application of said Second Party, duly resolves to grant said easement for a period of fifteen (15) years, upon the terms and conditions and under the terms and conditions and under the restrictions as hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and the payment of \$1.00 by the Party of the Second Part, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Party of the First Part hereby grants to the Party of the Second Part, its successors and assigns, the easement hereinafter described, together with the right and privilege to said Second Party, its successors and assigns, to occupy and use said easement for the constructions, operation, maintenance, repair and replacement of the improvement described herein for a term of fifteen (15) years effective this date, and under the conditions and restrictions hereinafter provided, to wit:

DESCRIPTION:

Situated in the State of Ohio, County of Athens, Township of Lee and being adjacent to Township Road No. 3.

Commencing at a point in the center of Township Road No. 3 said point being the intersection of the center of said road with the north property line of Ohio University Fund, Inc., thence westerly along said Ohio University Fund, Inc. north property line seventeen and five tenths (17.5) feet to the place of beginning; then north 5° 40' east, seven hundred sixty seven (767') feet more or less to the end at Pole No. 410-9C.

THIS EASEMENT IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS:

1. This right-of-way easement is granted with the understanding that said improvement shall be constructed, operated, maintained, repaired, reconstructed or replaced in accordance with good engineering practice, and the Party of the Second Part agrees, for itself, its successors and assigns, to indemnify and save harmless the Party of the First Part from all damages and claims thereof arising out of any act, omission or neglect by the Party of the Second Part or any of its agents during the period of construction, operation and maintenance as herein authorized.
2. This easement is granted on the condition that no special assessment to pay the direct cost of constructing said improvement, shall be made against the Party of the First Part, its successors or assigns, of the within named property, and no cost of any kind shall accrue to said Party of the First Part, its successors or assigns except such usage charges as are contracted for by the Party of the First Part.
3. The improvement shall be constructed on the line and to the grade and within the easement limits as shown on the attached plat No. E-1642 prepared by Columbus and Southern Ohio Electric Company.
4. The Party of the Second Part shall, for a period of one year from completion of construction, provide necessary fill and make such repairs and replacements as may be needed by reason of settlement or similar causes in areas which have been disturbed by said construction.
5. It is understood and agreed that in any portion of the right-of-way easement that is now grassed lawn, the sod for the width of the trench and the temporary construction area shall be removed, stored and replaced, providing it is of sufficient depth to assure regrowth when replaced, or in lieu thereof, the top soil shall be replaced and the area seeded.
6. All field tile, sewers or other public utility underground installations or property of the State of Ohio, encountered in the construction of said improvements shall be replaced if disturbed, and the Party of the Second Part shall notify Ohio University when drainage lines or any other unusual conditions are encountered in the field.
7. The Party of the Second Part, its successors and assigns, agrees to replace, in kind, rather than money, the loss of or damage to all trees, shrubs, fences or any other structures, the amount of such loss or damage to be determined through mutual agreement between the Party of the First Part and Columbus and Southern Ohio Electric Company.

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8. In the event that it should become necessary, in order to operate, enlarge, repair, reconstruct or maintain said improvement, to disturb the surface of the ground, the Party of the Second Part shall restore the same to its former condition or pay for all damage done thereto.

9. The rights granted herein shall not be construed to interfere with or restrict the Party of the First Part, its successors or assigns, in the use of the premises with respect to the construction and maintenance of property improvements along and over the premises herein described so long as the same are so constructed as not to impair the strength or interfere with the use and maintenance of said improvement. Provided, however, that in the event the State of Ohio decides to construct a building or buildings in such location as to interfere with said improvement, its operation and maintenance, then said Party of the Second Part shall relocate and reconstruct said improvement, or part thereof, without expense to the State of Ohio.

10. It is understood and agreed that the Party of the First Part shall have the right to use said improvement as provided in Section 2 of these conditions and such usage shall be restricted only by the accepted usage limitations of a property owner or such restrictions as are contained herein.

THE STATE OF OHIO

By JAMES A. RHODES, Governor

Witnesses as to Signature of the Director of Public Works:

By ALFRED C. GIENOW, Director
Department of Public Works

PARTY OF THE FIRST PART

Witnesses as to signature of Party of the Second Part:

By _____
PARTY OF THE SECOND PART

APPROVED: _____, 19____

Attorney General of Ohio _____

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Provost Savage presented a proposed resolution authorizing the conveyance of easements to the City of Athens for the extension of Stimson Avenue. This transfer had been previously approved by the Board of Trustees at the January 12, 1970 meeting. This resolution will implement the previous action of the Board of Trustees.

It was then moved by Mr. Johnson, seconded by Mr. Brown and unanimously carried that the following resolution be adopted.

WHEREAS, this Board of Trustees has heretofore authorized the appropriate administrative officers of the Ohio University to enter into a contract with the City of Athens pertaining to the extension of Stimson Avenue across Ohio University property (see pages 26-67 of the January 12, 1970, Minutes of the Board of Trustees), and

WHEREAS, part of the consideration to be delivered by the Ohio University is the granting of certain easements over and across other lands owned by the State of Ohio and controlled and supervised by the Ohio University necessary to the extension of Stimson Avenue in said City from its present eastern terminus eastwardly to the relocated Hocking River.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the President of Ohio University and the Secretary of the Board of Trustees be and they hereby are authorized to proceed under the provisions of Ohio Revised Code Section 5301.13 to procure necessary conveyances of the easements identified as Exhibits A through E hereto, all of which said easements are necessary for street, road or highway purposes.

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EXHIBIT A

PERPETUAL EASEMENT FOR R/W
PARCEL NO. 38 WD

Being a parcel of land situated in Athens County, Ohio, City of Athens, Out Lots 7, 8, 9 and 10, Ohio Company Lands, Town 9N, Range 14W and lying on the both sides of a survey made in 1969 and recorded in _____ Book _____, Page _____, of the records of Athens County and being located within the following described points in the boundary thereof;

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Beginning at a point in the proposed northerly right-of-way line for Stimson Avenue, the corporation line of the City of Athens, the grantor's easterly property line and being 30.00 feet left of Station 44+50.28 in the centerline of a survey made in 1969 for Stimson Avenue in the City of Athens and in Athens Township, Athens County, Ohio;

thence along said property and corporation line South $22^{\circ}27'10''$ west a distance of 63.07 feet to a point in the proposed southerly right-of-way line for Stimson Avenue, being 30.00 feet right of Station 44+69.71;

thence along said proposed right-of-way line north $49^{\circ}35'50''$ west a distance of 433.18 feet to a point of curvature, being 30.00 feet right of Station 40+36.54;

thence along said right-of-way line with a curve to the left having a delta of $8^{\circ}04'38''$ a radius of 1115.92 feet, a length of 157.32 feet and whose chord bears north $53^{\circ}38'10''$ west a distance of 157.19 feet to a point of tangency, being 30.00 feet right of and radially from Station 38+74.99;

thence along said right-of-way line north $57^{\circ}40'28''$ west a distance of 106.21 feet to a point in the grantor's westerly property line being 30.00 feet right of Station 37+68.78;

thence along said property line north $39^{\circ}34'33''$ east a distance of 60.48 feet to a point in the proposed northerly right-of-way line, being 30.00 feet left of Station 37+76.41;

thence along said proposed right-of-way line south $57^{\circ}40'28''$ east a distance of 98.58 feet to a point of curvature, being 30.00 feet left of Station 38+74.99;

thence along said right-of-way line with a curve to the right, having a delta of $8^{\circ}04'39''$, a radius of 1175.92 feet, a length of 165.78 feet and whose chord bears south $53^{\circ}38'10''$ east a distance of 165.64 feet to a point of tangency being 30.00 feet left of Station 40+36.54;

thence along said right-of-way line south $49^{\circ}35'50''$ east a distance of 413.74 feet to the Place of Beginning, containing 0.95 acres, more or less.

Except that the Grantor reserves the right of ingress and egress to Stimson Avenue to be constructed on the lands described herein.

This description is based on a survey made under the supervision and direction of Harold E. Miles, Registered Surveyor No. 5392.

EXHIBIT B

EASEMENT FOR SEWER PURPOSES

Situated in Athens County, Ohio, The City of Athens, Town 9N, Range 14W Out Lot 7, Ohio Company Lands.

The right to construct, use, maintain and keep in repair a single line of storm sewer, circular in shape, with internal diameter of 12 inches to be constructed of concrete pipe, together with the necessary manholes and underdrains, and to be constructed and maintained upon a strip of land 10.00 feet in width, same being 5.00 feet in width on each side of the following described centerline of sewer hereinafter mentioned.

PARCEL NO. 38 S-1

Beginning at a point being 30.00 feet right of Station 38+30.00 in the centerline of a survey made in 1969 for Stimson Avenue in the City of Athens and in Athens Township, Athens County, Ohio.

thence south $32^{\circ}19'32''$ west a distance of 14.00 feet to a point,

thence north $43^{\circ}15'13''$ west a distance of 36.14 feet, and there terminate.

EXHIBIT C

EASEMENT FOR SEWER PURPOSES

Situated in Athens County, Ohio, The City of Athens, Town 9N, Range 14W Out Lot 7, Ohio Company Lands.

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The right to construct, use, maintain and keep in repair a single line of storm sewer, circular in shape, with internal diameter of 12 inches to be constructed of concrete pipe, together with the necessary manholes and underdrains, and to be constructed and maintained upon a strip of land 10.00 feet in width, same being 5.00 feet in width on each side of the following described center line of sewer hereinafter mentioned.

PARCEL NO. 38 S

Beginning at a point being 30.00 feet left of Station 38+30.00 in the centerline of a survey made in 1969 for Stimson Avenue in the City of Athens and in Athens Township, Athens County, Ohio,

thence north 32°19'32" east a distance of 28.50 feet, and there terminate.

EXHIBIT D

TEMPORARY RIGHT-OF-WAY AGREEMENT

PARCEL NO. 38 T-1

Stimson Avenue, Athens, Ohio

For the purpose of performing the work necessary to grade.

Being a parcel of land situated in Athens County, Ohio, City of Athens, OutLots 7, 8 and 10, Ohio Company Lands, Town 9N, Range 14W and lying on the right side of a survey made in 1969 and recorded in _____ Book _____, Page _____, of the records of Athens County and being located within the following described points in the boundary thereof.

Beginning at a point in the proposed southerly right-of-way line of Stimson Avenue, being in the grantor's westerly property line and also being 30.00 feet right of Station 37+68.78 in the centerline of a survey made in 1969 for Stimson Avenue in the City of Athens and in Athens Township, Athens County, Ohio;

thence easterly along said right-of-way line a distance of 106.21 feet to a point of curvature, being 30.00 feet right of and radially from Station 38+74.99;

thence easterly along said right-of-way line with a curve to the right, having a radius of 1115.92 feet, a distance of 157.19 feet to a point of tangency being 30.00 feet right of and radially from Station 40+36.54;

thence easterly along said right-of-way line a distance of 433.18 feet to a point in the grantor's easterly property line and in the easterly line of the City of Athens corporation line being 30.00 feet right of Station 44+69.71;

thence southerly along said property line and corporation line a distance of 47.30 feet to a point being 75.00 feet right of Station 44+34.29;

thence westerly a distance of 374.42 feet to a point being 85.00 feet right of Station 41+00.00;

thence westerly a distance of 191.50 feet to a point being 70.00 feet right of Station 39+00.00;

thence westerly a distance of 133.90 feet to a point in the grantor's westerly property line being 60.00 feet right of Station 37+54.96;

thence northerly along said property line a distance of 30.24 feet to the place of beginning.

It is understood the area of land above described contains 0.70 acres, more or less.

This description is based on a survey made under the supervision and direction of Harold E. Miles, Registered Surveyor No. 5392.

EXHIBIT E

TEMPORARY RIGHT-OF-WAY AGREEMENT

PARCEL NO. 38 T

Stimson Avenue, Athens, Ohio

For the purpose of performing the work necessary to grade.

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Being a parcel of land situated in Athens County, Ohio, City of Athens, Outlots 7, 8, 9 and 10, Ohio Company Lands, Town 9 N, Range 14W, and lying on the left side of a survey made in 1969 and recorded in _____ Book _____, Page _____, of the records of Athens County and being located within the following described points in the boundary thereof:

Beginning at a point in the proposed northerly right-of-way line of Stimson Avenue, in the easterly line of the City of Athens corporation line, being in the grantor's easterly property line and also being 30.00 feet left of Station 44+50.28 in the centerline of a survey made in 1969 for Stimson Avenue in the City of Athens and in Athens Township, Athens County, Ohio;

thence westerly along said right-of-way line a distance of 413.74 feet to a point of curvature being 30.00 feet left of and radially from Station 40+36.54;

thence westerly along said right-of-way line with a curve to the left, having a radius of 1175.92 feet, a distance of 165.64 feet to a point of tangency being 30.00 feet left of and radially from Station 38+74.99;

thence westerly along said right-of-way line a distance of 98.58 feet to a point in the grantor's westerly property line being 30.00 feet left of Station 37+76.41;

thence northerly along said property line a distance of 40.32 feet to a point being 70.00 feet left of Station 37+81.50;

thence easterly a distance of 120.03 feet to a point being 70.00 feet left of and radially from Station 39+00.00;

thence easterly a distance of 106.41 feet to a point being 75.00 feet left of and radially from Station 40+00.00;

thence easterly a distance of 438.08 feet to a point in the grantor's easterly property line and the easterly line of the City of Athens Corporation line, being 75.00 feet left of Station 44+35.70;

thence southerly along said property and corporation line a distance of 47.30 feet to the place of beginning.

It is understood the area of land above described contains 0.67 acres, more or less.

This description is based on a survey made under the supervision and direction of Harold E. Miles, Registered Surveyor No. 5392.

The Secretary presented a proposed resolution authorizing the President to sign a right-of-entry for a parcel of land, located south of the Hocking River, to the Ohio State Department of Highways for the purpose of constructing the new Appalachian Highway. It was moved by Mr. Morris, seconded by Mrs. Phillips and unanimously carried that the following resolution be adopted:

WHEREAS, the State of Ohio Department of Highways is desirous of obtaining a parcel of land owned by Ohio University and located south of the Baltimore and Ohio Right-of-Way, and south of the relocated Hocking River in the vicinity of the East State Street Airport, consisting of four acres, more or less, for the construction of State Route #50, and

WHEREAS, in order not to delay the letting of contracts for this construction, the Ohio Department of Highways is requesting the Board of Trustees of Ohio University to grant the Department a right-of-entry to this parcel pending the determination of the amount of compensation due the University,

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Ohio University authorize the President of Ohio University to sign the attached right-of-entry.

RIGHT OF ENTRY

Athens County S. R. 50
Section 14.57

PARCEL 358WL & 358T

Pending completion of negotiation with regard to compensation and damages for subject parcel of land, the State of Ohio, Ohio University, does hereby grant to the State of Ohio, Department of Highways, the right for its employees, authorized agent, or either of them, to enter upon the attached described real estate for the purpose of constructing a highway thereon, or incidental facilities thereto.

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By granting the Right of Entry to the Department of Highways, Ohio University makes no commitment as to the amount of compensation to be accepted for the disturbance of its facility.

Date: _____

PARCEL NO. 358WL

Being a parcel of land lying on the both sides of the centerline of a survey made by the Department of Highways and recorded in Book _____, Page _____, of the records of _____ County and being located within the following described points in the boundary thereof: Athens 50-14.18, R/W.

Beginning at a point in the grantor's easterly property line in the westerly line of Section 34, easterly line of Lease Lot 25, westerly line of Canaan Township, easterly line of Athens Township and in the southerly proposed limited access right-of-way line of U. S. R. 50, said beginning point being north $3^{\circ}39'11''$ east a distance of 1073.23 feet from the southeast corner of Lease Lot 25, and also being 143.36 feet right of and radially from U. S. R. 50, Station 791+03.69, in the centerline of a survey made in 1969, by the Ohio Department of Highways, of proposed U. S. R. 50, Section 14.57, in Athens Township, Athens County, Ohio;

thence along said right-of-way line north $88^{\circ}47'16''$ west a distance of 345.80 feet to a point on a curve in the grantor's southerly property line and in the corporation line of the City of Athens, said point being 145.00 feet right of and radially from U. S. R. 50 Station 787+53.77;

thence along said curved line a distance of 56.32 feet with a curve to the right having a radius of 358.10 feet, a delta of $9^{\circ}00'38''$ and whose chord bears north $56^{\circ}34'02''$ west a distance of 56.26 feet to a point being 114.46 feet right of and radially from Station 787+06.02;

thence continuing along the grantor's southerly property line and said corporation line north $52^{\circ}02'43''$ west a distance of 186.68 feet to a point being U. S. R. 50 centerline Station 785+57.98;

thence continuing along said line north $52^{\circ}03'43''$ west a distance of 208.75 feet to a point in the proposed northerly limited access right-of-way line of U. S. R. 50 being 130.13 feet left of and radially from Station 783+95.62;

thence along said right-of-way line for the following two (2) courses:
1) north $89^{\circ}56'58''$ east a distance of 610.87 feet to a point being 135.00 feet left of and radially from Station 790+00;
2) south $87^{\circ}37'10''$ east a distance of 111.39 feet to a point in the grantor's easterly property line, easterly line of Lease Lot 25, easterly line of Athens Township, westerly line of Section 34, and westerly line of Canaan Township and also being 134.40 feet left of and radially from Station 791+10.18;

thence along said lines south $3^{\circ}39'11''$ west a distance of 134.44 feet to a point being centerline Station 791+07.88;

thence continuing along said lines south $3^{\circ}39'11''$ west a distance of 143.40 feet to the place of beginning, containing 3.41 acres, more or less.

PARCEL NO. 358T

Being a parcel of land situated in Athens County, Ohio, Athens Ohio Company Purchase Lease Lot 25 Township, Section _____, Town 9N, Range 14W, and lying on the left side of a survey, made by the Department of Highways and recorded in _____ Book _____, Page _____, of the records of _____ County and being located within the following described pointed in the boundary thereof: Athens 50-14.18, R/W.

Beginning at a point in the northerly proposed limited access right-of-way line of U. S. R. 50, said point being 131.41 feet left of and radially from Station 788+70.90 in a survey made in 1969 by the Ohio Department of Highways, of proposed U. S. R. 50, Section 14.57 in Athens County, Ohio;

thence westerly along the above said limited access right-of-way line a distance of 40.44 feet to a point being 130.59 feet left of and radially from Station 788+30.00;

thence northerly a distance of 89.41 feet to a point being 220.00 feet left of and radially from Station 788+30.00;

thence easterly a distance of 40.72 feet to a point being 220.00 feet left of and radially from Station 788+70.00;

thence southerly a distance of 88.59 feet to the place of beginning.

Containing 0.08 acres, more or less.

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All Division Deputy Directors March 12, 1970
 T. H. Kovard, Deputy Director, Division of Right-of-Way

Attn: R/W Engineer/Supervisor

Subject: Acquisition of Right-of-Way from Other Public Agencies

An increasing number of negotiated settlements for the acquisition of right-of-way from various public agencies are being returned to Divisions as unacceptable for further processing. This action is taken in light of State Controlling Board rejection of certain small takings.

You are requested to give thoughtful consideration to each acquisition from a public agency to assure that the best interests of both the Highway Department and the agency involved are considered. In any transfer of land to the Department of Highways where the public agency will have to replace or readjust its facility or where there is a diminution of value it is our policy to fairly compensate for this loss. On the other hand, there have been several instances where the acquisition was of an insignificant taking and no real loss, hardship, or inconvenience took place; yet the compensation was more than one dollar.

You are urged to keep in mind that any grant, conveyance, or transfer to the Highway Department by the various public and State agencies must be submitted to the State Controlling Board under provisions of O.R.C. 5501.163. Our presentation to the Board must be valid and stand on its own merit.

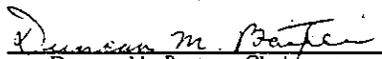
THB:slf

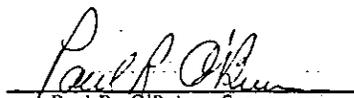
cc: R/W Staff
 D. L. Brooker
 R/W Records Section
 R/W Dep. Director's File

The Chairman confirmed the date for the next meeting of the Board of Trustees as December 7, 1970 in Athens, Ohio.

The Chairman called the roll of members present for comments. Mr. Casto presented an address given by D. L. McCabe presented at the graduation exercises of Ohio University held on July 30, 1843, entitled, "Christianity Indispensable to Perfect Civilization." He asked that a copy of this address be distributed to the members of the Board of Trustees and that it be filed in the archives of Ohio University.

There being no further business, the meeting was adjourned.


 Duncan M. Baxter, Chairman


 Paul R. O'Brien, Secretary

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