



Founded 1803

COUNCIL • MANAGER • GOVERNMENT

April 3, 2006

Mr. William J. Shkurti
Senior Vice President for Business and Finance
The Ohio State University
108 Bricker Hall, 190 North Oval Mall
Columbus, OH 43210-1362

Dear Mr. Shkurti:

Thank you very much for your correspondence of March 30, 2006. I have shared your letter, the memorandum, and the attachments with the other members of Worthington City Council, with David Zoll, Scott Whitlock and City of Worthington staff. I have also had a couple of conversations with Mr. Robert Haverkamp as a follow-up to your communication and after consultation with Messrs. Zoll and Whitlock. The ensuing comments are in reply to your letter, and written as a result of conversation with these gentlemen.

We very much appreciate your commitments on behalf of The Ohio State University that "the University will not make major changes regarding the use or operation of the Airport - or use of the University land outside the Airport - without adequately notifying [its] neighbors and providing substantial opportunity for comment and consultation." Although we acknowledge the University's position that the Resolution to be considered by The Ohio State University Board of Trustees on April 7, 2006 proposing transfer of land title, is viewed by the University as just an "administrative change of title", we do believe that it is part and parcel of other larger issues and needs to be viewed in that context. If the business of the Board of Trustees is solely limited to consideration of that Resolution and that the action is unrelated to any plans for additional airport expansion, we see no need to appear before the Fiscal Affairs Committee on Friday, April 7. However, we still would urge the Board, before taking this administrative action, to carefully review the memoranda submitted by Mr. Whitlock (see next two paragraphs), and other issues raised in the remainder of this letter.

It is clearly the desire of the Federal Aviation Administration that it receive covenants restricting the use of the airport land to that purpose and restricting the proceeds from that land to support of the airport for a period of twenty years. The change of title is



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predicated on the assumption, as enunciated in the memorandum accompanying your letter that "such property is already inside the Airport and thus already committed to Airport use." However, a commitment to Airport use does not necessarily mean that the commitment is for a period of twenty years with the restrictions desired by the FAA.

The memoranda prepared for Mr. Scott Whitlock, the City of Worthington representative to the Don Scott Airport Advisory Board, by Attorney Sandra Dickenson dated March 27, 2006, copies of which were given to Mr. Robert Haverkamp on March 30, 2006, reach the conclusion that: "All the property inside OSU airport boundaries may never have been properly restricted to airport purposes under Ohio law because there is no evidence that parties with the proper power and authority followed proper procedures for such restriction." (Consolidated Conclusion, page 3) That conclusion suggests that the Trustees need consider first, before authorizing title transfers, whether the property inside the OSU airport boundaries should be restricted for a period of twenty years for airport uses. Is the use of this property for airport purposes the best use that can be made of the property? Should all of the property shown as being inside the airport boundaries be dedicated exclusively to airport use? The decision by the Trustees should be made based upon careful study and extensive community consultation. The Trustees should not proceed on the assumption that such a decision has already been made.

There were two other issues raised in the Whitlock/Chandler report to Worthington City Council in February. One issue was whether leaving out of the title transfer land necessary for the runway protection zone for Runway 14/32 prejudged the closing of that runway. Since then we have seen the e-mail prepared by Robert Haverkamp, dated February 28, 2006, in which he provides assurance that the decision to close Runway 14/32 is not being "prejudged." (Attachment E to your letter) We appreciate that assurance and simply want to emphasize that such a decision would clearly affect Worthington. Last Friday, the Worthington representative sitting on the overnight flight committee was provided with data for runway usage during the hours (11:00 p.m. to 7:00 a.m.) when the Don Scott Airport tower is closed. For those operations for which it is known which runway was used (72% of the operations), Runway 14/32 was utilized nearly 5% of the time. Runway 14/32 is the only runway for which approaches and departures do not fly over the City of Worthington. Closing Runway 14/32 will noticeably increase the operations over the City of Worthington, particularly during the nighttime hours.

The second issue is the consideration to be paid for the transfer of property currently titled in the name of the Board of Trustees. Although this issue does not directly affect the City of Worthington, our representative to the Advisory Board believes that on issues which come before the Board, he should offer his best advice even if they do not directly affect the City of Worthington. Accordingly, he has shared with the University the

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memorandum of Attorney Dickenson which seems to reach a different conclusion regarding the amount and source of consideration to be paid for the transfer of title from the conclusion which Mr. Haverkamp may have reached as reflected in his February 28, 2006, e-mail and in his comments at the Advisory Board meeting on March 30, 2006.

We certainly appreciate your assurances and response to our position. However, I would still suggest that it would be better to delay consideration of the transfer of title until some of the fundamental issues have been studied and resolved. We ask that these concerns and comments be shared with the Committee and the Board.

Very truly yours,

A handwritten signature in black ink, reading "Louis J. R. Goorey". The signature is written in a cursive, flowing style.

Louis J. R. Goorey, M.D., President, Worthington City Council

cc: President Karen A. Holbrook
Dean William A. Baeslack, III
Christopher M. Culley, Esq.
David O. Frantz
Robert J. Haverkamp