

Inasmuch as there is a possibility at any time of negotiations taking place between a municipality and a board of trustees of a school district library located in the municipality for the transfer or lease of property belonging to the municipality to the library board, I am constrained to hold that the offices of mayor of the municipality and member of the board of trustees for the library are incompatible, and cannot lawfully be held by one and the same person at the same time.

I am therefore of the opinion that the mayor of the village of Mentor is not eligible during his term of office to become a member of the Board of Trustees of the Mentor Public Library.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

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CONTRACT—STATE WITH THE BALTIMORE AND OHIO RAILROAD COMPANY AND THE BALTIMORE AND OHIO SOUTHWESTERN RAILROAD COMPANY, RE-LOCATION AND CONSTRUCTION, PART OF STATE HIGHWAY NO. 7, ALONG AND ADJACENT TO PROPERTY OF SAID RAILROAD, WEST OF MARIETTA, WASHINGTON COUNTY.

COLUMBUS, OHIO, August 4, 1939.

HON. ROBERT S. BEIGHTLER, *Director of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted for my consideration a proposed agreement between yourself as Director of Highways of the State of Ohio and the Baltimore and Ohio Railroad Company, and the Baltimore and Ohio Southwestern Railroad Company, covering the re-location and construction of a part of State Highway No. 7 (State Route No. 7) along and adjacent to the property of said railroad company west of Marietta, Washington County, Ohio.

After an examination, it is my opinion that said proposed agreement is in proper legal form and when duly executed by the railroad companies, will constitute a binding contract.

Said proposed agreement is being returned herewith.

Vry truly yours,

THOMAS J. HERBERT,  
*Attorney General.*