

statutory authority authorizing your department to make reductions in the annual rental in outstanding leases on state property, I am required to hold by way of specific answer to your question that your department has no authority to make any reduction in the annual rental to be paid under such leases.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

1719.

APPROVAL, AS TO FORM—LEASE, PERMIT, APPLICATION AND BOND,  
FOR USE OF THE HIGHWAY DEPARTMENT.

COLUMBUS, OHIO, February 16, 1928

HON. GEORGE F. SCHLESINGER, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—I have your communication of recent date in which you submit for my approval a number of forms for the use of your department, which may be designated as follows:

- (1) Lease for the storage of materials and equipment.
- (2) Permit to lay pipe conduits, drains or other underground structures within public highways.
- (3) Application to open pavement in state highway.
- (4) Application to lay underground structures along or across a state highway without opening pavement.
- (5) Application for permission to erect poles within limits of state highway.
- (6) Bond to secure the performance of the conditions, which are to be attached to each of the permits, referred to in paragraph 2 above.

The first of the forms submitted is prepared to be used when the Director of Highways acts under the provisions of Section 1190-1, General Code.

Each of the forms pertaining to the issuance of permits have been prepared for use in accordance with the provisions of Section 1198, General Code.

Although a bond is not specifically required by the terms of Section 1198, General Code, yet the Director of Highways, acting under the provisions of Section 1198, General Code, may require such a bond. Said section reads, in part, as follows:

"The director may, in his discretion, upon formal application being made therefor to him, grant a permit to any individual, firm or corporation to use or occupy such portion of a road or highway on the state highway system as will not incommode the traveling public. Such permits, when granted, shall be upon the following conditions:

\* \* \*

6. Such other conditions as may seem reasonable to the director; but no condition shall be prescribed which imposes the payment of a money consideration for the privilege granted.

\* \* \* "

I have carefully examined the forms submitted and finding each and all of them correct in form and legal, I hereby approve the same.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*