

the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3017.

APPROVAL—LEASE, CANAL LANDS, DEPARTMENT OF PUBLIC WORKS WITH CITY OF ST. MARYS, OHIO, RIGHT TO TAKE WATER FROM LEVEL OF MIAMI AND ERIE CANAL BETWEEN LOCKS 12 AND 13, AT ST. MARYS FOR POWER PLANT PURPOSES, TERM OF FIVE YEARS, ANNUAL RENTAL \$400.00.

COLUMBUS, OHIO, September 27, 1938.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a certain lease in triplicate executed by you as Superintendent of Public Works on behalf of the State of Ohio, and the City of St. Marys, Ohio, in and by which said city is granted the right to take water from the level of the Miami and Erie Canal between Locks 12 and 13 at St. Marys, Ohio, for power plant purposes, for a term of five years.

As a consideration for the right and privilege so granted, the City of St. Marys, Ohio, as the party of the second part in the contract, agrees to pay to the State of Ohio an annual rental of \$400.00, payable in semi-annual installments of \$200.00 each, which annual rental is predicated on an average amount of 114,285,428 gallons per year, and is based on a rate of three and one-half mills per thousand gallons. In this connection, I am advised that most of the water to be taken by the City of St. Marys from the Miami and Erie Canal at this point for the purpose above stated is to be returned to the canal; and, in this situation, I am likewise informed that a rate of three and one-half mills per thousand gallons is the usual rate charged for water where all or the greater part of the water taken is returned to the source of supply.

This lease is one executed by you under the authority of Section 14009, General Code, and assuming that this water will not be needed for primary state purposes, this lease and its provisions are clearly within the authority of this section of the General Code.

This lease has been properly executed by you as Superintendent of

Public Works for and in the name of the State of Ohio and by the City of St. Marys, acting by the hand of its Mayor pursuant to the authority of a resolution of the Council of said city duly adopted under date of September 9, 1938.

Upon the considerations above noted, I am therefore approving this lease as is evidenced by my approval endorsed thereon and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

3018.

APPROVAL—BONDS OF PLEASANT RURAL SCHOOL DISTRICT, CLARK COUNTY, OHIO, \$15,000.00.

COLUMBUS, OHIO, September 28, 1938.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of Pleasant Rural School Dist., Clark County, Ohio, \$15,000.00 (Unlimited).

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise all of an issue of building and equipment bonds dated October 1, 1938, bearing interest at the rate of $2\frac{3}{4}\%$ per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said school district.

Respectfully,

HERBERT S. DUFFY,

Attorney General.