

(6) It is understood that the Cincinnati Street Railway Company shall lay and pay all of the cost of track work including rails, ties and foundation as indicated on drawing No. 1029 heretofore referred to.

(7) It is understood that the payment surfacing is to be constructed and paid for by the Board of County Commissioners of Hamilton County or by them in cooperation with the State.

(8) This permit is further granted under the mandatory conditions as laid down in Section 7479 of the General Code.

(9) This permit is further conditioned as follows: In contemplation of pavement work which it is planned will be done this fall involving the paving between the rails and on either side of the double track on the location above described, the Cincinnati Street Railway Company agrees to operate on one track while the road contractor is laying the pavement on the other track in order to protect the newly laid concrete from injury and to co-operate with the contractor as far as is feasible. The Cincinnati Street Railway Company, in the course of other operations, agrees to dispose of excavated waste materials off the right-of-way and to complete their part of the track laying in a manner so as not to unreasonably delay or hamper the use of the road by the traveling public.

(10) This permit may be revoked by the Director at any time for non-compliance of the conditions imposed; they may also be revoked in accordance with future legislation.

Indicate another condition with reference to the date this permit takes effect.

I am asking that you draw up the proper entry for my Journal indicating the conditions as above outlined. We are arranging in this office to indicate proper approval on Drawing No. 1029 as above referred to."

I am enclosing herewith an entry which I have prepared in conformity with the conditions laid down in Section 1198 of the General Code, which likewise contains certain additional conditions which you have set forth in your foregoing communication. This entry should be set forth in full upon your journal in order that all of the various terms and conditions of said permit may be a part of the permanent records of your department.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2530.

APPROVAL, AS TO FORM, AGREEMENT BETWEEN THE STATE OF OHIO AND THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY, FOR GRADE SEPARATION PROJECT AT AVERY, ERIE COUNTY, OHIO.

COLUMBUS, OHIO, September 4, 1928.

HON. HARRY J. KIRK, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—In accordance with the provisions of Section 1229-10, General Code, you have submitted to me for my approval as to form three copies of an agreement

which you propose to execute in behalf of the State of Ohio with the New York, Chicago and St. Louis Railroad Company, covering the construction of a grade separation project under the tracks of the railroad company on State Highway No. 294 at Avery in Erie County, Ohio.

I have carefully examined the proposed contract and am of the opinion that it is in all respects in conformity with law. I am accordingly returning the three copies herewith and you are advised that the proposed contract meets with my approval as to its form.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2531.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE CLEVELAND, CINCINNATI, CHICAGO & ST. LOUIS RAILWAY COMPANY, FOR THE ELIMINATION OF GRADE CROSSING, NEAR DAYTON, MONTGOMERY COUNTY, OHIO.

COLUMBUS, OHIO, September 4, 1928.

HON. HARRY J. KIRK, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, as first party, and The Cleveland, Cincinnati, Chicago & St. Louis Railway Company, as second party.

This agreement pertains to the elimination of a grade crossing over the tracks of The Cleveland, Cincinnati, Chicago & St. Louis Railway Company on State Highway No. 19, Section "J," at a point about four miles south of Dayton, in Montgomery County, Ohio.

I have examined said contract and find it in proper legal form, and I hereby approve and return the same to you.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2532.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE D. E. GARDNER CO., PORTSMOUTH, OHIO, FOR THE CONSTRUCTION OF POWER HOUSE, INSTITUTION FOR FEEBLE MINDED, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$52,091.00—SURETY BOND EXECUTED BY THE FIDELITY AND CASUALTY COMPANY OF NEW YORK.

COLUMBUS, OHIO, September 4, 1928.

HON. HERBERT B. BRIGGS, *State Architect and Engineer, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Welfare and The D. E. Gardner Com-