

performs the notarial services in his non-official capacity after working hours.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

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2874.

APPROVAL—CONTRACT BETWEEN VILLAGE OF WAUSEON AND STATE OF OHIO FOR IMPROVEMENT OF PORTIONS OF STATE HIGHWAYS NOS. 296 AND 298, APPORTIONED SHARE OF COST OF IMPROVEMENT TO BE PAID BY EACH OF PARTIES THERETO.

COLUMBUS, OHIO, August 25, 1938.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval as to form and legality a contract in duplicate by and between the Village of Wauseon and the State of Ohio providing for the improvement of portions of State Highways Nos. 296 and 298 situated in the Village of Wauseon and setting forth the apportioned share of the cost of said improvement to be paid by each of the parties thereto.

Attached thereto is the certificate of the Auditor of the Department of Highways and of the Director of Finance certifying that sufficient funds to pay for the State's share of said improvement have been set aside and not otherwise obligated.

There is also attached the certificate of the village clerk of Wauseon, Ohio certifying that the money required for the payment of the cost of said improvement, other than that part assumed by the State, is in the treasury or in the process of collection and not appropriated for any other purpose, or is being obtained by the sale of bonds, which bonds are sold and in the process of delivery.

Upon examination, it is my opinion that said contract is in proper legal form and constitutes a binding agreement by and between the parties thereto for the purposes therein stated.

I have, therefore, endorsed my approval as to form and legality thereon and am returning the same herewith.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*