

488.

PERMIT—STATE TO NICHOLSON TRANSIT COMPANY,  
RIGHT TO REMOVE SAND AND GRAVEL FROM BED OF  
LAKE ERIE, DESIGNATED PORTION, FAIRPORT AND  
VICINITY OF VERMILION AND LORAIN—COUNTIES:  
LAKE, ERIE, LORAIN.

COLUMBUS, OHIO, April 26, 1939.

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

DEAR SIR: This is to acknowledge receipt of your recent communication with which you submit for my examination and approval a certain written permit in triplicate executed by you as Superintendent of Public Works, acting for and in the name of the State of Ohio, to the Nicholson Transit Company of River Rouge, Michigan.

By this permit, which is for the year 1939 only, the permittee above named is granted the right to remove sand and gravel from the bed of Lake Erie in and upon an area therein described as follows:

(1) Being an area of twelve (12) square miles and commencing one and one-fourth ( $1\frac{1}{4}$ ) miles northerly from Fairport, Ohio, and extending thence northwesterly a distance of six (6) miles.

(2) Being an area of approximately seventy-seven (77) square miles, the same commencing about four (4) miles offshore midway between Vermilion and Lorain, Ohio; thence southwesterly eleven (11) miles; thence northerly eleven (11) miles; thence northeasterly seven (7) miles; thence southeasterly seven (7) miles; thence southerly three (3) miles to the place of beginning.

By this instrument, which as a permit is one executed under the authority of Section 5 of Substitute Senate Bill No. 236 enacted by the 91st General Assembly under date of May 21, 1935, 116 O. L., 245 (Sec. 412-28, G. C.), the permittee, hereinabove named, agrees to pay to the State royalties at the rate of five cents per cubic yard bulk measure for all sand and gravel removed from the bed of Lake Erie within the areas above described.

Upon examination of this instrument, I find that the same has been properly executed by you as Superintendent of Public Works, acting for and on behalf of the State of Ohio, and by the Nicholson Transit Company, the permittee therein named, by the hand of its Secretary and Treasurer, acting pursuant to the authority of a resolution of the Board of Directors of said company duly adopted under date of February 8, 1938.

Upon examination of the provisions of this permit and of the conditions and restrictions therein contained, I find that the same are in conformity with the statutory provisions above noted and that they are such as have proper relation to a contract and agreement of this kind. I am accordingly approving this permit as is evidenced by my approval endorsed thereon and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

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489.

CONTRACT—STATE WITH MARVIN ELECTRIC COMPANY,  
ELECTRICAL WORK, HEATING PLANT ADDITION, KENT  
STATE UNIVERSITY, KENT, OHIO.

COLUMBUS, OHIO, April 26, 1939.

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

DEAR SIR: You have submitted for approval, a contract between the State of Ohio, acting through you as Director of the Department of Public Works for the Board of Trustees of Kent State University, Kent, Ohio, and the Marvin Electric Company, a partnership composed of H. L. Marvin and E. D. Marvin, of New Castle, Pennsylvania, for the construction and completion of Contract for Electrical Work for a project known as P.W.A. Docket No. OH-1720-F, Senate Bill No. 457, Heating Plant Addition, Kent State University, Kent, Ohio—1938 as set forth in Item No. 21, Electrical Work and Fixtures for the Heating Plant Addition as specified and shown on the drawings for base bid of the Form of Proposal dated December 14, 1938. This contract calls for an expenditure of \$2,945.00.

You have submitted the following papers and documents in this connection; Form of Proposal dated December 14, 1938 containing the contract bond signed by The Aetna Casualty and Surety Company of Hartford, Connecticut, as surety; its power of attorney for the signer; the certificate of compliance from the Division of Insurance, showing a compliance with the laws of Ohio relating to surety companies; estimate of cost; notice to bidders; proof of publication; division of contract; Workmen's Compensation Certificate, showing a compliance with the laws of Ohio relating to Workmen's Compensation; Controlling Board's release; P.W.A. approval; contract encumbrance record No. 2271; Copy of resolution of the Building Committee of the Board of Trustees of Kent State