

sum of \$85.00. Upon consideration of this contract encumbrance record and of the certificate above referred to, I am of the opinion that there is available for the use of your department this sum of \$85.00 which can be covered by voucher and warrant in payment of the purchase price of the property. In this connection, it is noted that the purchase of this property as a matter included in the acquisition of other lands in connection with this project has been approved by the Controlling Board as is evidenced by recital to this effect set out in the contract encumbrance record.

Subject only to the exceptions above noted, the title of Albert A. Wise and Mary L. Wise in and to this property is approved, as are likewise the warranty deed and other files submitted to me in connection with the proposed purchase of this property.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

544.

CONTRACT—STATE WITH THE SMITH AND OBY COMPANY,
PLUMBING WORK, HEATING PLANT ADDITION, KENT
STATE UNIVERSITY, KENT, OHIO.

COLUMBUS, OHIO, May 6, 1939

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

DEAR SIR: You have submitted for my approval, the contract by and 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 Smith and Oby Company, an Ohio corporation, for the construction and completion of contract for plumbing work for a project known as P. W. A. Docket No. OH-1720-F, Senate Bill No. 456, Heating Plant Addition, Kent State University, Kent, Ohio—1938, as set forth in item No. 20, Plumbing Work 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 \$2,253.00.

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 Saint Paul Mercury Indemnity Company of Saint Paul; its power of attorney for the signer; certificate of compliance issued by the Division of Insurance, indicating a compliance with the laws of Ohio relating to surety companies; Contract encumbrance record No. 2270;

Recommendation of State Architect; Controlling Board's Release; Copy of the resolution of the Building Committee of the Board of Trustees of Kent State University, authorizing the awarding of the contract: Approval of P. W. A.; Notice to bidders; Proof of publication; Estimate of cost, Division of contract; Tabulation of bids; Workmen's Compensation Certificate showing a compliance with the laws of Ohio relating to Workmen's Compensation; Letter from the Auditor of State, showing that all necessary papers are on file in his office.

Finding said contract in proper legal form, I have noted my approval thereon, and same is transmitted herewith to you, together with all papers submitted in this connection.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

545.

BONDS—CITY OF CLEVELAND, CUYAHOGA COUNTY, \$5,000.

COLUMBUS, OHIO, May 8, 1939.

Retirement Board, Public Employes' Retirement System, Columbus, Ohio.

GENTLEMEN :

RE: Bonds of the City of Cleveland, Cuyahoga County,
Ohio, \$5,000.00 (Limited).

The above purchase of bonds appears to be part of a \$1,000,000.00 issue of Public Hall Bonds of the above city dated May 1, 1916. The transcript relative to this issue was approved by this office in an opinion rendered to the State Teachers Retirement System under date of October 29, 1935, being Opinion No. 4843.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

THOMAS J. HERBERT,
Attorney General.