

an opinion rendered to the State Teachers Retirement Board under date of September 7, 1939, being Opinion No. 1146.

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

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

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1361.

AGREEMENT — STATE WITH THE NEW YORK CENTRAL RAILROAD COMPANY, LESSEE OF THE TOLEDO AND OHIO CENTRAL RAILWAY COMPANY, DITCH IMPROVEMENTS, BUCKEYE LAKE TO JONATHAN CREEK, AND UNDER TRACKS OF RAILROAD COMPANY NEAR THORNVILLE, PERRY COUNTY.

COLUMBUS, OHIO, October 31, 1939.

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

DEAR SIR: You have submitted for my examination and approval a proposed agreement to be entered into by and between the State of Ohio acting through you as Director of the Department of Public Works, and The New York Central Railroad Company, lessee of The Toledo and Ohio Central Railway Company, for the construction of an outlet ditch from the east end of Buckeye Lake to Jonathan Creek, crossing the right-of-way and under the tracks of the railroad company at chainage station 493+03, near Thornville, Ohio, and also provide a concrete spillway and head gate in said ditch. This agreement calls for an expenditure of approximately \$7,500.00.

You have submitted the following papers in this connection: Certificate of availability of funds; contract encumbrance record No. 44; tabulation of bids; estimated cost; copies of plans; photostatic copies of bids.

Finding said agreement in proper legal form, I have endorsed my approval thereon and same is returned herewith, together with all other papers submitted in this connection.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*