

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said city.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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3066.

APPROVAL—LEASE, CANAL LAND, STATE OF OHIO THROUGH SUPERINTENDENT OF PUBLIC WORKS, TO CHARLES F. DUFFY, TERM FIFTEEN YEARS, ANNUAL RENTAL \$480.00, CERTAIN DESCRIBED PROPERTY IN TROY, MIAMI COUNTY, OHIO, THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE AN OIL AND GASOLINE FILLING STATION.

COLUMBUS, OHIO, October 8, 1938.

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

DEAR SIR: You have recently submitted for my examination and approval a canal land lease in triplicate executed by you as Superintendent of Public Works and as Director of said department to one Charles F. Duffy of Troy, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$480.00, there is leased and demised to the lessee above named the right to construct, maintain and operate an oil and gasoline filling station upon the following described state canal property in the city of Troy, Miami County, Ohio, commencing at a point in the easterly line of Market Street in said city that is one hundred (100') feet southwest of the southeast corner of Canal and Market Streets, measured along the southeasterly line of Market Street; thence southwesterly along the easterly line of Market Street, seventy-three (73') feet, more or less, to the northwest corner of a tract of state land now under lease to Warren J. Pearson; thence southeasterly parallel to the southerly line of Canal Street and one hundred seventy-three (173') feet southerly therefrom, one hundred twenty (120') feet; thence northerly, at right angles, seventy-three (73') feet; thence northwesterly one hundred twenty (120') feet, to the place of beginning and containing eight thousand, seven hundred and sixty (8,760) square feet, more or less.

Upon examination of this lease, which is one executed by you under the authority of the DeArmond Act, so-called, 114 O. L., 546, I find that the same has been executed by you in your official capacity above stated and by Charles F. Duffy, the lessee therein named, in the manner provided by law. Assuming, as I do, that the parcel of canal land above described has not been designated by the Director of the Department of Highways for state highway purposes, and that no application of the lease of this property for park purposes has been made by any political subdivision entitled to the lease of the property for such purposes, I find that the provisions of this lease and the conditions and restrictions therein contained are in conformity with the act of the legislature above referred to and with other statutory provisions relating to leases of this kind. I am, accordingly, approving this lease and I am herewith returning the same with my approval endorsed thereon and upon the duplicate and triplicate copies which are likewise herewith enclosed.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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3067.

APPROPRIATION—HOUSE BILL 837—FEDERAL FUNDS—  
OLD AGE PENSION—SEPARATE AND ADDITIONAL  
TO APPROPRIATION OF STATE FUNDS—ADMINI-  
STRATION COST.

*SYLLABUS:*

*The appropriation contained in House Bill No. 837 of federal funds for the purpose of administering the old age pension law is separate from and additional to the appropriation of the state funds contained in such act for such administration cost.*

COLUMBUS, OHIO, October 10, 1938.

HON. WRAY BEVENS, *Chief, Division of Aid for the Aged, Columbus, Ohio.*

DEAR SIR: Your letter of recent date is as follows:

“We request your formal written opinion in interpretation of House Bill No. 1, as amended by H. B. No. 837.

What we desire to know is whether or not the funds stipulated in numerical amounts as provided in Paragraph b of H. B. No. 1 and Paragraph c of Amended H. B. No. 837