

3167.

APPROVAL—AGREEMENT, JOHN JASTER, JR., DIRECTOR OF HIGHWAYS, STATE OF OHIO, WITH THE PENNSYLVANIA RAILROAD COMPANY, LESSEE OF THE PITTSBURG, CINCINNATI, CHICAGO AND ST. LOUIS RAILROAD, RECONSTRUCTION CERTAIN DESCRIBED CROSSING, STATE HIGHWAY No. 910, DUBLIN ROAD, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, October 31, 1938.

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

DEAR SIR: You have submitted for my consideration and formal approval a proposed agreement by and between John Jaster, Jr., Director of Highways of the State of Ohio and the Pennsylvania Railroad Company, lessee, of the Pittsburg, Cincinnati, Chicago and St. Louis Railroad providing for the reconstruction of the existing separated crossing under the tracks of the Pennsylvania Railroad Company on State Highway No. 910, located at a point in Franklin County, Ohio, west of Columbus on Dublin Road.

Upon careful examination, of said proposed agreement, I find the same in proper legal form and when said proposed agreement is executed by John Jaster, Jr., as Director of Highways for the State of Ohio, it will become a binding contract by and between the parties thereto for the purposes therein mentioned. I, therefore, hereby approve said proposed agreement as to legality and form and am returning the same herewith.

Respectfully,

HERBERT S. DUFFY

*Attorney General.*

3168.

APPROVAL—AMENDED CONTRACT, JOHN JASTER, JR., DIRECTOR OF HIGHWAYS, STATE OF OHIO, WITH BOARD OF COUNTY COMMISSIONERS, CUYAHOGA COUNTY, OHIO, STATE HIGHWAY CONSTRUCTION, NOS. 17 AND 460, CUYAHOGA HEIGHTS, INDEPENDENCE, VALLEYVIEW.

COLUMBUS, OHIO, October 31, 1938.

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

DEAR SIR: You have submitted for my consideration and approval

as to form and legality, an amended contract, in triplicate, between John Jaster, Jr., State Highway Director of Ohio, and the Board of County Commissioners of Cuyahoga County, Ohio, providing for the co-operation of said parties in the construction of portions of State Highways Nos. 17 and 460, Cuyahoga Heights (part) Independence (part) and Valleyview (part), as provided in Section 1200, General Code, of the State of Ohio.

Attached thereto is a certified copy of the resolution of the Board of County Commissioners of Cuyahoga County, Ohio, providing for the execution of said amended contract. There is also attached certificate of R. K. Connor, acting auditor of the department of highways, and M. Ray Allison, Director of Finance, certifying that the funds to pay the State's share of the cost of said construction, are in the appropriation to the Department of Highways and not otherwise obligated. There is also attached the certificate of the Auditor of Cuyahoga County, Ohio, certifying that the money required for the payment of the cost of the construction provided for in said amended contract, to be paid by Cuyahoga County, is in the treasury to the credit of, or in process of collection, and not appropriated for any other purpose, or is being obtained by sale of bonds of Cuyahoga County, issued on account of said improvement, which bonds are sold and in process of delivery.

After carefully examining said amended contract, it is my opinion that the same is in proper legal form and constitutes a binding contract by and between the parties thereto for the purposes therein stated.

I have, therefore, endorsed my approval as to legality and form pursuant to the requirements of the General Code of Ohio, and am returning the same herewith.

Respectfully,

HERBERT S. DUFFY

*Attorney General.*