

form and sufficient to convey successively the whole interest of these respective parties in the property.

In my opinion, the interest which is thus conveyed to the State of Ohio is an indefeasible fee simple in the property hereinbefore described, encumbered only by a lien in the amount of unpaid taxes for the years 1937 and 1938. The amount of such unpaid taxes is unknown to me.

The letter of authorization executed by the parties to the trust agreement, including the legal representative of the beneficiary of the trust, serves as an effective means of eliminating the outstanding equitable interest which The Boody Building Company held under the trust agreement with respect to this property.

Upon examination of contract encumbrance record No. 9, I find that the same has been properly executed and that there is shown therein a sufficient unencumbered balance to the credit of your department for the purchase of the property in question, the purchase price of which is \$75,000.00.

Except for the lien securing the unpaid taxes referred to, the title of The Toledo Trust Company to the property herein described meets with my approval, as does likewise the warranty deed and the contract encumbrance record submitted to me.

I am herewith enclosing the certificates of title, the warranty deed and the contract encumbrance record.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

2394.

APPROVAL—REVISED FORM OF AGREEMENT, STATE OF OHIO, THROUGH DIRECTOR OF HIGHWAYS, WITH THE PENNSYLVANIA RAILROAD COMPANY, DRAINAGE, ALONG RAILROAD TRACKS, MILFORD, HAMILTON COUNTY, OHIO.

COLUMBUS, OHIO, May 3, 1938.

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

DEAR SIR: You have submitted for my consideration a revised form of agreement by and between the State of Ohio and the Pennsylvania Railroad Company, the original form of which was submitted to me and

approved on April 8, 1938, which said agreement covers construction of drainage structures along the tracks of said railroad company in and near Milford in Hamilton County, Ohio.

After careful examination, it is my opinion that said revised form of agreement is in the proper legal form and when properly executed by the parties thereto will constitute a binding contract between the parties.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

2395.

APPROVAL--BONDS, CUYAHOGA COUNTY, OHIO, \$10,000.00,  
PART OF ISSUE DATED OCTOBER 1, 1931.

COLUMBUS, OHIO, May 4, 1938.

*The Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN:

RE: Bonds of Cuyahoga County,  
Ohio, \$10,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above county dated October 1, 1931. The transcript relative to this issue was approved by this office in an opinion rendered to the Teachers Retirement System under date of January 4, 1937, being Opinion No. 6596.

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

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*