

6196.

APPROVAL—PROPOSED AGREEMENT COVERING SEPARATION OF GRADES OF TRACKS OF BALTIMORE AND OHIO RAILROAD COMPANY IN HARRISON COUNTY, OHIO.

COLUMBUS, OHIO, October 16, 1936.

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

DEAR SIR: You have submitted for my consideration a proposed agreement by and between the Director of Highways and The Baltimore and Ohio Railroad Company, covering the separation of grades of the tracks of said company and State Highway No. 26 at a point in Harrison County, Ohio.

After examination, it is my opinion that said proposed agreement is in proper legal form and when the same is properly executed it will constitute a valid and binding contract.

Said proposed contract is being returned herewith.

Respectfully,

JOHN W. BRICKER,
Attorney General.

6197.

APPROVAL—FINDINGS FOR REDUCED ANNUAL RENTALS ON TWENTY-TWO OHIO AND ERIE CANAL LAND LEASES.

COLUMBUS, OHIO, October 16, 1936.

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

DEAR SIR: You have submitted for examination and approval certain findings made by you as Superintendent of Public Works continuing for the year from and after November 1, 1936, the reduced annual rentals which upon applications therefor under House Bill No. 467, 115 O. L., 512, were originally fixed by your predecessor as to certain leases of Ohio and Erie Canal lands and which as to some of these leases have been in effect for the year from November 1, 1935, to November 1, 1936, and as to other leases have been in effect for the year from November 1, 1934, to November 1, 1935, as well as the year from, November 1, 1935 to November 1, 1936.

As above noted, the findings now made by you continue the reduced annual rentals on these leases for the year from November 1, 1936, to November 1, 1937. The leases here in question designated with respect to their several serial numbers, the names of the lessees and the respective amounts of the reduced annual rentals payable on these several leases for the following year are:

<i>Number</i>	<i>Lessee</i>	<i>Reduced Annual Rental</i>
O&E 1	The City of Akron.....	\$ 3.00
O&E 2	The City of Akron.....	693.00
O&E 3	The City of Akron.....	120.00
O&E 80	C. E. and H. J. Ortt.....	128.80
O&E 81	C. E. and H. J. Ortt.....	64.40
O&E 82	C. E. and H. J. Ortt.....	10.50
O&E 118	C. E. Arbaugh.....	57.60
O&E 197	Sarah E. Benadum Horn.....	16.00
O&E 249	The Williams Building Co.....	786.00
O&E 250	Albert Rowe	9.00
O&E 256	Canal Building Co.....	1661.31
O&E 271	The City of Akron.....	394.66
O&E 287	E. D. Besst.....	18.00
O&E 324	G. L. Schupp.....	8.10
O&E 384	C. E. and H. J. Ortt.....	189.00
O&E 422	Dwight Vansickle	14.00
O&E 478	Ruth Doll, et al.....	6.00
O&E 479	City View Storage Co.....	480.00
O&E 480	Emma E. Doll.....	6.00
O&E 510	Glenn G. Morris.....	40.00
O&E 573	The City of Akron.....	37.50
O&E 629	The Thomas Phillips Co.....	500.00

The several findings made by you continuing during the year from November 1, 1936, to November 1, 1937, the reduced annual rentals heretofore fixed by the Superintendent of Public Works as to the canal land leases hereinabove designated, were made by you under the authority of Section 2 of the act above referred to which provides that "on or before the first day of November of each year, said superintendent shall notify such lessee of the state who obtained an adjustment of rentals within the preceding year, of his intention, either to continue, for another year, such reduced rental, as had been determined upon by reason of his prior application filed with said superintendent in the preceding year or of his intention to restore all or a part of such reduction of rental, and a statement of such finding shall be presented to the governor and attor-

ney general for their approval, advising them as to the amount of rental to be collected upon each of such leases, and when so approved, a duplicate copy thereof shall be filed with the treasurer of state and rental bills for the ensuing year rendered accordingly.”

Obviously, the question as to whether the reduced rental fixed by the Superintendent of Public Works on an application therefor under the act above referred to, shall be continued for a subsequent year, depends largely upon considerations which actuated the Superintendent of Public Works in fixing a reduced rental under the lease in the first instance. In other words, the Superintendent of Public Works acts with the same responsibility in continuing a reduced rental under a lease for a subsequent year as that under which he acted in granting the reduction in the first instance. In this connection, I assume that you as Superintendent of Public Works have made an investigation of the facts relating to the question whether the reductions in rental heretofore granted with respect to these several leases, justify your findings continuing these reduced rentals for another year. In this view, I see no reason why the findings made by you with respect to the annual rentals to be paid under these several leases for the following year should not be approved. I am accordingly approving these findings as is evidenced by my approval endorsed thereon and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

6198.

APPROVAL—FINDINGS FOR REDUCED ANNUAL RENTALS
ON SIX MIAMI AND ERIE CANAL LAND LEASES.

COLUMBUS, OHIO, October 16, 1936.

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

DEAR SIR: You have submitted for my examination and approval certain findings made by you as Superintendent of Public Works continuing for the year from and after November 1, 1936, the reduced annual rentals which upon applications therefor under House Bill No. 467, 115 O. L., 512, were originally fixed by your predecessor as to certain leases of Miami and Erie Canal lands and which as to some of these leases have been in effect for the year from November 1, 1935, to November 1,