

1840.

APPROVAL—BONDS CITY OF TOLEDO, LUCAS COUNTY, OHIO, \$25,000.00, PART OF ISSUE DATED SEPTEMBER 1, 1929.

COLUMBUS, OHIO, January 31, 1938.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

GENTLEMEN :

RE: Bonds of City of Toledo, Lucas County, Ohio,
\$25,000.00.

The above purchase of bonds appears to be part of an issue of bonds of above city dated September 1, 1929. The transcript relative to this issue was approved by this office in an opinion rendered to your board under date of July 12, 1935, being Opinion No. 4413.

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

Respectfully,

HERBERT S. DUFFY,

Attorney General.

1841.

APPROVAL—CANAL LAND LEASE, DEPARTMENT OF PUBLIC WORKS WITH THE SHELL PETROLEUM CORPORATION, A VIRGINIA CORPORATION OF ST. LOUIS, MISSOURI, TERM FIFTEEN YEARS, ANNUAL RENTAL \$12.00, MIAMI AND ERIE CANAL PROPERTY, VILLAGE OF KOS-SUTH, AUGLAIZE COUNTY, OHIO, RIGHT TO LAY, CONSTRUCT AND MAINTAIN PIPE LINES AS DESCRIBED.

COLUMBUS, OHIO, January 31, 1938.

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

DEAR SIR: You recently submitted for my examination and approval certain canal land lease in triplicate executed by you as Superintendent

of Public Works and as Director of said department to The Shell Petroleum Corporation, a Virginia corporation, of St. Louis, Missouri.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$12.00, there is leased and demised to the lessee above named the right to lay, construct and maintain a cast iron, wrought iron or steel pipe, not to exceed sixteen inches in diameter, across under the bed and embankments of the Miami and Erie Canal ten thousand eight hundred sixty-eight feet south of the center line of Main Street in the village of Kossuth, Ohio, being highway No. 197, located in Section 1, Town 5 South, Range 4 East, in Auglaize County, Ohio, at Station 5574+68, of F. W. Turner's Survey of said canal through Auglaize County, Ohio, in accordance with plans to be approved by the Superintendent of Public Works, prior to the commencement of construction work thereon.

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 the Shell Petroleum Corporation, the lessor, by the hands of its vice-president and assistant secretary, duly authorized in the premises. 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 for 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.