

title, together with the warranty deed and contract encumbrance record No. 34, both of which are hereby duly approved.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2287.

APPROVAL—WATER LEASE, STATE OF OHIO, THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH THE BABCOCK & WILCOX COMPANY, BARBERTON, OHIO, TERM FIVE YEARS, RIGHT TO USE WATERS OHIO AND ERIE CANAL, NEXT ABOVE LOCK NO. 1, SOUTH OF PORTAGE SUMMIT AT BARBERTON, OHIO, FOR MANUFACTURING AND FIRE PROTECTION, ANNUAL RENTAL \$564.00.

COLUMBUS, OHIO, April 13, 1938.

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

DEAR SIR: This is to acknowledge the receipt of a recent communication with which you submit for my examination and approval a water lease in triplicate executed by you as Superintendent of Public Works to The Babcock & Wilcox Company of Barberton, Ohio, by the terms of which said company is granted the right to insert into the level of the Ohio and Erie Canal next above Lock No. 1, south of Portage Summit at Barberton, Ohio, one six-inch pipe and to take therefrom water for manufacturing and fire protection purposes.

By the terms of this lease, which is one for a stated term of five years from the first day of May, 1938, the payment of an annual rental by said lessee is provided for; this rental being based on an estimated annual consumption of 58,000,000 gallons of water at the rate of eight mills per thousand gallons with the provision that said lessee shall pay an additional sum of \$100.00 annually for such water as is used for fire protection purposes—making in all an annual rental of \$564.00 to be paid by said lessee, which annual rental is to be paid in semi-annual instalments of \$282.00 each.

This lease is one executed by you for and in the name of the State of Ohio under the authority of Section 14009, General Code.

Upon examination of this instrument, I find that the same and the conditions and restrictions therein contained are in conformity with this section of the General Code and with other statutory provisions relating to leases of this kind. And inasmuch as I find that the lease has been properly executed by you as Superintendent of Public Works and by The Babcock & Wilcox Company, the lessee therein named, by the hand of its President, acting pursuant to the authority of a resolution of the Board of Directors of said company, I am hereby approving this lease instrument as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2288.

APPROVAL—BONDS, CITY OF CLEVELAND, CUYAHOGA COUNTY, OHIO, \$20,000.00, PART OF ISSUE DATED SEPTEMBER 1, 1936.

COLUMBUS, OHIO, April 13, 1938.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of City of Cleveland, Cuyahoga County, Ohio, \$20,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated September 1, 1936. The transcript relative to this issue was approved by this office in an opinion rendered to your commission under date of August 7, 1937, being Opinion No. 984.

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

Respectfully,

HERBERT S. DUFFY,
Attorney General.