

2720.

APPROVAL, PROCEEDINGS RELATING TO APPLICATION MADE BY
C. A. WEIANT, ELIZABETH WEIANT AND WARREN S. WEIANT,
JR., OF NEWARK, OHIO, FOR REDUCTION IN ANNUAL RENTAL
UPON LEASE OF OHIO AND ERIE CANAL LANDS IN LICKING
COUNTY, OHIO.

COLUMBUS, OHIO, May 23, 1934.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You recently submitted for my approval the report of your finding on an application made by C. A. Weiant, Elizabeth Weiant and Warren S. Weiant, Jr., of Newark, Ohio, for a reduction in the annual rental to be paid by said lessees upon the lease of Ohio and Erie Canal lands located in Licking County, Ohio, which canal lands said lessees are now occupying and using for agricultural and railway crossing purposes.

The lease here in question, which bears serial number O&E 164, was executed under date of May 3, 1929, for a term of fifteen years, expiring May 2, 1944, and the same provided for an annual rental of \$120.00.

The application for a reduction in the amount of the annual rental provided for in this lease was filed with you on or about November 24, 1933, pursuant to the provisions of House Bill No. 467, which was passed by the 90th General Assembly under date of June 8, 1933, and which became effective on the 11th day of October, 1933. 115 O. L. 512. By the provisions of this act, the Superintendent of Public Works, with the approval of the Governor and Attorney General, is authorized to make a rental adjustment on existing canal land leases for a period of one year in advance beginning with the next semi-annual rental payment date, provided for in such leases. Such rental readjustment can be made by the Superintendent of Public Works only upon an application therefor made by the lessee in the manner and form provided for in section 3 of said act, in and by which application, among other things, the lessee is required to set forth the reasons why the annual rental provided for in said lease should be revised. In the application filed by the lessee with you as Superintendent of Public Works, the reason assigned for the reduction in the annual rental provided for in this lease, requested by the lessees, is that this land is used entirely for pasturage with the exception of about one acre which is tillable and also that part occupied by a railroad track which runs directly across canal; and, with the above two exceptions, the land is of no value excepting for pasture and should carry a rental charge commensurate with the value of such usage.

Acting upon this application, you have made a finding in and by which you have granted to said lessees a reduction in the annual rental under said lease for the period of time between May 1, 1934, and May 1, 1935, and have fixed the annual rental to be paid by said lessees for this period at the sum of \$80.00.

Upon examination of the proceedings relating to this matter, including the application for the reduction in rental, above referred to, I am inclined to the view that they are in substantial conformity with the statutory provisions outlined in House Bill No. 467 and the same are accordingly hereby approved by me as to legality and form, as is evidenced by my approval endorsed in and upon the resolution of approval which is made a part of the proceedings relating to the reduction

of said rental, and upon the copies thereof, all of which, together with the duplicate copies of your finding and the application, are herewith returned.

Respectfully,

JOHN W. BRICKER,

Attorney General.

2721.

APPROVAL, PROCEEDINGS RELATING TO APPLICATION MADE BY THE OHIO POWER COMPANY OF THE STATE OF OHIO, FOR REDUCTION IN ANNUAL RENTAL UPON LEASE OF OHIO AND ERIE CANAL LANDS IN VILLAGES OF BASIL AND BALTIMORE IN FAIRFIELD COUNTY, OHIO.

COLUMBUS, OHIO, May 23, 1934.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You recently submitted for my approval the report of your finding on an application made by The Ohio Power Company of the State of Ohio, for a reduction in the annual rental to be paid by said company upon the lease of Ohio and Erie Canal lands between the Villages of Basil and Baltimore in Fairfield County, Ohio, which canal lands said company is now occupying and using for a pole line for electric transmission purposes.

The lease here in question, which bears serial number O&E 175, was executed under date of August 15, 1933, for a term of fifteen years, expiring August 14, 1948, and the same provided for an annual rental of \$24.00.

The application for a reduction in the amount of the annual rental provided for in this lease was filed with you on or about November 22, 1933, pursuant to the provisions of House Bill No. 467, which was passed by the 90th General Assembly under date of June 8, 1933, and which became effective on the 11th day of October, 1933. 115 O. L. 512. By the provisions of this act, the Superintendent of Public Works, with the approval of the Governor and Attorney General, is authorized to make a rental adjustment on existing canal land leases for a period of one year in advance beginning with the next semi-annual rental payment date, provided for in such leases. Such rental readjustment can be made by the Superintendent of Public Works only upon an application therefor made by the lessee in the manner and form provided for in section 3 of said act, in and by which application, among other things, the lessee is required to set forth the reasons why the annual rental provided for in said lease should be revised. In the application filed by the lessee with you as Superintendent of Public Works, the reason assigned for the reduction in the annual rental provided for in this lease, requested by the lessee, is that the original construction of the line occupied sixteen stations, there being eleven poles and five anchors on the premises. The line has been rebuilt and remodeled and now consists of seven poles and one anchor. The pole line does not supply any customers with electric service but is maintained merely as break-down service for the Fairfield Paper Company of Baltimore, Ohio. The line is not revenue producing as the paper company operates an electric plant of their own.