

1713.

APPROVAL, LEASE TO OFFICE SPACE IN CLEVELAND, OHIO, FOR USE OF BEVERAGE TAX DIVISION OF THE TAX COMMISSION OF OHIO.

COLUMBUS, OHIO, October 10, 1933.

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

DEAR SIR:—You have submitted for my consideration a form of lease in quintuplicate, whereby The Brotherhood of Locomotive Engineers Building Association of Cleveland, Ohio, grants to the State of Ohio, for the use of the Beverage Tax Division of the Tax Commission of Ohio, Rooms Nos. 220 and 222 on the second floor of the building known as the Brotherhood of Locomotive Engineers Building situated at the southeast corner of Ontario Street and St. Clair Avenue in the City of Cleveland, Ohio, for the term of fifteen months (15), beginning October 1, 1933.

Under the terms of the lease, the state is required to pay six hundred and eighty dollars (\$680.00) per annum, payable in equal monthly installments of fifty-six dollars and sixty-six cents (\$56.66.)

It is believed that said lease is in proper form.

A certificate of the Director of Finance shows that there is a sufficient balance in a proper appropriation account to pay the first two months' rent which is believed to be sufficient under the circumstances.

A certificate shows that Frank W. Chopp has authority to bind the Brotherhood of Locomotive Engineers Building Association in leases of this nature.

Finding said lease in proper legal form, I hereby approve the same, and return it to you herewith, together with all other data submitted.

Respectfully,

JOHN W. BRICKER,
Attorney General.

1714.

APPROVAL, LEASE TO CANAL LAND IN COSHOCTON COUNTY, OHIO, FOR RIGHT TO OCCUPY AND USE FOR TWO RAILWAY CROSSINGS.

COLUMBUS, OHIO, October 10, 1933.

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

DEAR SIR:—You have submitted for my examination and approval a certain canal land lease in triplicate, executed by you in your official capacity to The Pennsylvania Railroad Company.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of thirty dollars (\$30.00), payable semi-annually, there is leased and demised to said railroad company the right to occupy and use for two railway crossings a certain parcel of abandoned canal land situated in Franklin Township, Coshocton County, Ohio, and more particularly described as follows:

"Beginning at a line drawn at right angles to the transit line of the G. F. Silliman survey of said canal property through station 4111 plus 00, of said survey, and running thence southerly with the lines of said canal property five hundred and sixty (560') feet, as measured along said transit line to a line drawn at right angles thereto through Station 4116 plus 60, and containing one and fifty-hundredths (1.50) acres, more or less, as shown by the blue print provided by the applicant hereto and to be attached to the lease, with the privileges of filling the bed of said canal with an opening through the fill near the center of the canal, of sufficient capacity to provide ample drainage through the same."

This lease is one executed by you under the authority of an act of the 89th General Assembly, under date of April 29, 1931, and which went into effect on the 5th day of August of that year.

It appears that the Pennsylvania Railroad Company now occupies the above described parcel of canal land for the purpose of their right-of-way crossings. And, in this connection, it is noted that by the provisions of section 8 of said act railroads occupying such abandoned canal lands as a part of their right-of-way across such lands have a prior right to the lease of the canal lands thus occupied and used by them.

It quite clearly appears, therefore, that you are authorized to execute this lease here in question. And, upon examination of the lease, I find that the same has been properly executed by you and by The Pennsylvania Railroad Company, acting by the hand of its Vice President and Secretary, pursuant with the authority conferred upon them by proper resolutions of the Board of Directors of such company. I also find upon examination of the provisions of the lease, and of the conditions and restrictions therein contained, that the same are in conformity with the provisions of this act and other statutory enactments applicable in a consideration of leases of this kind.

I am accordingly approving this lease as to legality and form as is evidenced by my approval endorsed upon the lease, and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

JOHN W. BRICKER,

Attorney General.

1715.

APPROVAL, LEASE TO CANAL LAND IN VAN WERT COUNTY, FOR THE RIGHT TO OCCUPY AND USE FOR THE PURPOSE OF A GASOLINE FILLING STATION.

COLUMBUS, OHIO, October 10, 1933.

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

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting for my examination and approval a certain canal land lease in triplicate, executed by you to one Clarence E. Swick of Delphos, Ohio.

By this lease, which is one for a stated term of fifteen years and which