

Lot No. 288. The term of the lease is for five years commencing on the first day of December, 1927, and ending on the first day of December, 1932, and said lease calls for a rental of \$50.00 per month payable in one installment of \$600.00 on the first day of December, in advance, during each year of the term of said lease.

I have carefully examined said lease and, finding it in proper legal form, I herewith return the same.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1639.

APPROVAL, LEASES TO CANAL LANDS IN THE CITY OF DAYTON.

COLUMBUS, OHIO, January 30, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—Receipt is acknowledged of certain ninety-nine year leases, as hereinafter set forth, which are being assigned to the city of Dayton, Ohio, pursuant to the provisions of Sections 9 and 10 of House Bill No. 162, as passed by the 86th General Assembly on the 25th day of March, 1925, and found in 111 Ohio Laws, at pages 208 to 214, both inclusive, as follows:

THEODORE FLUHART, Dayton Ohio, lease for lands at East Fifth Street in the city of Dayton, at a valuation of \$24,750.00, annual rental \$1,485.00, being a renewal of a former lease held by the above lessee.

THE DURST MILLING COMPANY, Dayton, Ohio, lease dated November 9, 1927, for lands over the Mad River Feeder Canal, lying between the lower end of Lock 21 and the north line of Fifth Street in the city of Dayton, at a valuation of \$18,693.00, annual rental \$1,121.58, being a renewal of a former lease held by the above lessee.

THE EAST DAYTON REALTY COMPANY, Dayton, Ohio, lease for 700 feet of the berme embankment of the Miami and Erie Canal, lying between the Cooper Hydraulic raceway and the northerly line of East Second Street in the city of Dayton, with the right to maintain a railway switch over and across the Mad River Feeder Canal at a point 50 feet south of the north line of Front Street in the city of Dayton, the crossing being about 175 feet in length, at a valuation of \$3,334.00, annual rental being \$200.00.

THE MIDDLE WEST SUPPLY COMPANY, lease of Mad River Feeder Canal lands in the city of Dayton, containing 1810 square feet, to be used for railway switch track crossing over said Feeder canal, at a valuation of \$1,800.00, annual rental \$108.00.

THE LOWE BROTHERS COMPANY, Dayton, Ohio, lease of Mad River Feeder Canal lands for railway switch track and general business purposes, containing 4870 square feet, more or less, at a valuation of \$1,666.67, annual rental \$100.00.

MRS. E. F. WOLLASTON, 411 S. Jefferson Street, Dayton, Ohio, lease for building and yard purposes, being for the berme embankment of the

Miami and Erie Canal approximately 46 feet on Jefferson Street and lying in the rear of that part of Lot No. 84, that is now owned by Mrs. E. F. Wollaston; valuation of \$521.00, annual rental \$31.26.

INDIANA, COLUMBUS AND EASTERN TRACTION COMPANY, Dayton, Ohio, lease for railway track purposes, on that portion of the berme embankment of the Miami and Erie Canal, being a strip of land 12.12 feet in width by 450.5 feet in length, on the westerly side of the canal that lies between East Third Street and East Fourth Street in the city of Dayton; valuation \$16,666.67, annual rental \$1,000.00.

M. J. GONDERT AND T. H. LIENESCH, Dayton, Ohio, lease dated December 30, 1926, for portion of the Mad River Feeder Canal lands in the city of Dayton, being a strip of ground 14 feet in width and extending from the southerly line of Wayne Avenue a distance of 1614 feet, more or less, to a point opposite the head of Lock 21 of the Miami and Erie Canal, and containing 8,596 square feet, more or less; valuation \$3,666.67, annual rental \$220.00.

M. J. GONDERT AND T. H. LIENESCH, Dayton, Ohio, lease dated November 18, 1926, for business building purposes, being lot No. 424, as shown on the revised plat of the city of Dayton; valuation \$4,200.00, annual rental \$252.00.

WM. T. S. YOCUM, Dayton, Ohio, lease of Miami and Erie Canal lands, for building and lawn purposes, being the berme embankment of said canal in the city of Dayton, Ohio, beginning at the point of intersection of the easterly line of said canal property and the southerly line produced of Lot 8263 in said city, and running thence westerly with the south line produced of Lot No. 8263, 19.8 feet, more or less, containing 1,969 square feet, more or less; valuation \$2,500.00, annual rental \$150.00.

MARY L. KINSLER, Dayton, Ohio, lease of Mad River Feeder Canal lands, for general business building purposes, being that portion of said feeder canal in the city of Dayton, fronting 53 feet on the south line of Fifth Street, and extending southerly, including the bed and banks of said feeder, a distance of 100 feet, and containing 124/1000 of an acre; valuation \$6,666.67, annual rental \$400.00.

The following fifteen (15) year leases also were assigned to the city of Dayton under date of November 1st, 1927:

THE DAYTON POWER AND LIGHT COMPANY, Dayton, Ohio, lease for pole line right-of-way for the distribution of electric energy across the abandoned Miami and Erie Canal property beginning at Station 9521 of S. A. Buchanan's survey of the Miami and Erie Canal through Dayton, and running thence southwesterly across said canal property 230 feet to a point opposite Station 9523 of Buchanan's survey; thence continuing southwesterly over the towing path embankment 6540 feet to a point in the southwesterly line of said canal property which is opposite Station 9588-180, making a total length of the right-of-way 6,810 feet; valuation \$2,000.00, annual rental \$120.00.

THE DAYTON POWER AND LIGHT COMPANY, Dayton, Ohio, being a lease for a right-of-way for a 6" gas main along the outer slope of the towing path embankment of the Miami and Erie Canal in the city of Dayton, commencing at the southerly line of Apple Street produced in said city and extending thence southerly along said outer slope 5,010 feet, more or less, to

the southerly corporation line of the city of Dayton. This lease was granted with the understanding that said gas main will be removed at any time after 60 days' notice when the ground occupied by the main is required for canal purposes; valuation \$1,000.00, annual rental \$60.00. Said lease was originally granted to The Dayton Gas Company, but transferred by said Company to The Dayton Power and Light Company under date of June 1, 1926.

THE MEAD PULP AND PAPER COMPANY, Dayton, Ohio, lease dated June 1, 1925, for manufacturing and general business purposes, that portion of the Miami and Erie Canal property in the city of Dayton, beginning at Station 9387 of S. A. Buchanan's survey of the Miami and Erie Canal through Dayton, and extending thence easterly including the full width of the bed and embankments of said canal to the center line produced of Webster Street and containing 22,250 square feet, more or less; valuation \$15,833.34, annual rental \$950.00.

THE OHIO STATE TELEPHONE COMPANY, Dayton, Ohio, lease for telephone pole line right-of-way along the outer margin of the berme embankment of the Miami and Erie Canal in the city of Dayton, Ohio, as follows:

FIRST TRACT: Commencing at a point in the outer slope of the berme embankment that is 10 feet east of the east line of Keowee Street in said city and running thence southwesterly along the foot of said embankment to a point in the outer slope that is 240 feet west of the east line of Sears Street.

SECOND TRACT: That portion of the outer margin of said berme embankment extending from the north line of Monument Avenue to the south line of East Fourth Street.

THIRD TRACT: That portion of the outer margin of said berme embankment from East Fourth Street to the east line of Main Street in said city.

FOURTH TRACT: That portion of said berme embankment from Fifth Street to a point 285 feet north of the north line of Wayne Avenue in said city, as shown on the blue print attached to said lease; valuation \$1,666.67, annual rental \$100.00.

THE DAYTON BREWERIES COMPANY, Dayton Ohio, for driveway purposes only, that portion of the berme embankment of the Mad River Feeder Canal in the city of Dayton, that lies between the south line of First Street and the intersection of the east line of Lowell Street with said berme embankment, being 290 feet in length, more or less; valuation \$1,800, annual rental \$108.00.

THE LOGAN NATURAL GAS AND FUEL COMPANY, Columbus, Ohio, lease for gas main right-of-way purposes for a 16" gas main across under the Miami and Erie Canal in Section 25, Mad River Township, Montgomery County, Ohio, which crossing is at or near Station 9465-171 of W. H. Gaffney's survey of the Miami and Erie Canal in Montgomery County; valuation \$200.00, annual rental \$12.00.

THE TROY-PEARL LAUNDRY COMPANY, Dayton, Ohio, lease for yard and storage purposes only, that portion of the old towing path embankment of the Miami and Erie Canal lying between Ziegler and Bayard Streets in the city of Dayton, and containing 6,460 square feet, more or less; valuation \$1,666.67, annual rental \$100.00.

A. NEWSALT, Dayton Ohio, lease dated May 25, 1920, originally granted John and Henry Klingert, for Miami and Erie Canal property in the city of Dayton, for building and general business purposes, 858 square feet; more or less; valuation \$1,250.00, annual rental \$75.00.

A. NEWSALT, Dayton, Ohio, lease dated October 27, 1925, for building and business purposes, being a strip of ground 115 feet in length by 13 feet in width, being the berme bank of the Miami and Erie Canal in rear of that part of Lot 242 numbered on the revised plat of said city of Dayton, as is owned by A. Newsalt; valuation \$2,525.00, annual rental \$151.50.

BERNARD H. ZIEHLER, 30 E. 5th Street, Dayton, Ohio, lease dated November 30, 1914, originally granted M. J. Schwab, for that portion of the berme embankment of the Miami and Erie Canal in the city of Dayton, that lies in the rear of that portion of Out Lot No. 85, as shown upon the recorded plat of Dayton, formerly owned by M. J. Schwab, and by him transferred to Bernard H. Ziehler; valuation \$400.00, annual rental \$24.00.

BARNEY COMMUNITY CENTER, Dayton, Ohio, lease dated October 2, 1922, for Miami and Erie Canal lands for recreation and educational purposes, north of Dayton, Ohio, commencing at the southeasterly line of Valley Street in said city of Dayton, and running thence in a southeasterly direction, including the bed and embankments of said canal, a distance of 1,050 feet, and containing 2.8 acres, more or less; valuation \$100.00, annual rental \$6.00.

C. S. EBY, Dayton, Ohio, lease dated August 13, 1925, for Miami and Erie Canal lands, for agricultural purposes, containing 2/10 of an acre, more or less, and extending northeast 200 feet, more or less, from Springboro Road, south of Dayton, Ohio; valuation, \$100.00, annual rental \$6.00.

The forms of assignment were heretofore drafted by this department and sent to you on the 22nd day of December, 1927, and approved in Opinion No. 1414, addressed to the Director of Highways and Public Works on that date.

I have carefully examined said assignments and finding the same in proper legal form, I have endorsed my approval on the original and triplicate copies thereof and am returning the same to you.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1640.

APPROVAL, BONDS OF TUSCARAWAS COUNTY, STATE OF OHIO—
I. C. H. IMPROVEMENT—\$120,701.53.

COLUMBUS, OHIO, January 31, 1928.

Industrial Commission of Ohio, Columbus, Ohio.