

3366.

APPROVAL, LEASE FOR RIGHT TO TAKE WATER FROM THE
WALHONDING CANAL—THE LEE MILLING COMPANY.

COLUMBUS, OHIO, June 27, 1931.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a communication from you with which you enclose a certain lease, in triplicate, executed by the State of Ohio, through you as Superintendent of Public Works. By said lease there is granted to The Lee Milling Company of Coshocton, Ohio, subject to the restrictions, limitations and conditions therein contained, the right to take water to the extent of 2500 cubic feet per minute out of the level of the Walhonding Canal next above Lock No. 3, which water is to be conveyed and used in the mills or other hydraulic works of The Lee Milling Company, its successors or assigns; such water to be taken over a regulating weir, to be constructed and maintained at the expense of The Lee Milling Company.

The term of said lease is twenty-five years, the same being the maximum term provided for by section 14009, General Code.

The rental reserved for the use of the water to be taken under said lease is \$800.00 per year for the first five years of said lease, \$900.00 per year for the second five year period of the lease, \$1100.00 for the third five year period of the lease, \$1400.00 per year for the fourth five year period of the lease and \$1800.00 per year for the fifth five year period of the lease.

It is further provided by said lease that the water from said canal to be taken and used under its provisions shall be so used by said lessee on land which is stated to be now under lease to The Lee Milling Company, and which is likewise described in the lease here under investigation.

Upon examination of said lease, I find that the same has been properly executed by you as Superintendent of Public Works on behalf of the State of Ohio, and by The Lee Milling Company by and through Edwin S. Lee, the president of said company, acting by and under the authority of a resolution of the board of directors of said company. On consideration of the terms and provisions of this lease, I find the same to be in conformity with sections 431 and 14009, General Code, relating to the execution of leases of this kind. And finding further that the conditions of said lease are such as may under the law be properly provided for in leases of this kind, said lease is accordingly hereby approved by me as to legality and form; and my approval is endorsed on said lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

GILBERT BETTMAN,

Attorney General.

3367.

APPROVAL, LEASE FOR RIGHT TO INSERT PIPE INTO LEVEL OF
MIAMI AND ERIE CANAL NORTH OF THE LORAMIE SUMMIT—
JEFF MOSER.

COLUMBUS, OHIO, June 27, 1931.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication with which you enclose for my examination and approval a certain water pipe

lease, so-called, in triplicate which has been executed by you as superintendent of public works on behalf of the State of Ohio, and by the terms and provisions of which there is leased and demised to one Jeff Moser of Spencerville, Ohio, the right to insert a one (1") inch pipe into the level of the Miami and Erie Canal at a point above lot No. 16, north of the Loramie Summit, and to take from the canal at this point water for the purpose of generating steam for the operation of a sawmill by said lessee.

The lease here in question is one for a term of five years, and the same calls for the payment of an annual rental of \$24.00 payable annually in advance on the first day of November of each and every year.

Upon examination of said lease I find that the same has been properly executed by you in your official capacity as superintendent of public works, and as director of said department on behalf of the state of Ohio, and by the lessee above named. I further find upon examination of said lease that the same and terms and conditions thereof are in conformity with provisions of sections 431 and 14009, General Code, relating to the execution of leases of this kind, and the same is accordingly hereby approved by me as to legality and form; and my approval is endorsed upon said lease and upon the duplicate and triplicate copies thereof, all of which you will find enclosed herewith.

Respectfully,

GILBERT BETTMAN,

Attorney General.

3368.

APPROVAL, LEASE FOR RIGHT TO INSERT GAS PIPE INTO LEVEL OF MIAMI AND ERIE CANAL AT ST. MARYS, OHIO—THE NEW YORK, CHICAGO & ST. LOUIS RAILROAD COMPANY.

COLUMBUS, OHIO, June 27, 1931.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have this day submitted for my examination and approval a certain water pipe lease in triplicate which has been executed by you as superintendent of public works on behalf of the State of Ohio, by which lease there is leased and granted to The New York, Chicago & St. Louis Railroad Company the right for a term of five years to insert into the level of the Miami & Erie Canal at St. Marys, Ohio, one three (3") inch pipe and thereby take from the canal at this point water for the purpose of supplying locomotives used for operating by said above named lessee.

The lease here in question which calls for the payment of an annual rental of \$216.00 payable semi-annually on the first days of May and November in each year during the term of said lease, has been properly executed by you in your official capacity as superintendent of public works, and as director of said department on behalf of the State of Ohio, and likewise by The New York, Chicago & St. Louis Railroad Company by the hands of its vice president and assistant secretary acting under the authority of a resolution of the board of directors of said company authorizing the execution of said lease upon the terms and conditions therein provided.

Upon examination of said lease I further find that the same is in conformity with provisions of sections 431 and 14009, General Code, relating to the execution