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APPROVAL—CANAL LAND LEASE TO LAND IN OXFORD TOWNSHIP, COSHOCTON COUNTY, OHIO—EARL R. AMES OF NEWCOMERSTOWN, OHIO.

COLUMBUS, OHIO, August 13, 1936.

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

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a canal land lease in triplicate, executed by you as Superintendent of Public Works and as Director of said Department, to one Earl R. Ames of Newcomerstown, Ohio.

This lease is one for a stated term of fifteen years, provides for an annual rental of \$6.00 and by its terms leases and demises to the lessee above named the right to occupy and use for cottage site purposes that portion of the abandoned Ohio Canal, including the full width of the bed and banks thereof, located in Oxford Township, Coshocton County, Ohio, which is more particularly described as beginning at a line drawn at right angles to the transit line of the G. F. Silliman Survey of said canal property through Station 3093 of said survey, and running thence westerly 100 feet, as measured along said transit line to a line drawn through Station 3094 as shown by Plat No. 101 of said survey, containing .43 acres, more or less.

The lease here in question is one executed by you under the authority conferred upon you as Superintendent of Public Works by Amended Substitute Senate Bill No. 72 enacted by the 89th General Assembly under date of April 29, 1931, 114 O. L., 541, 544. This act in and by Section 8 thereof, Section 14203-97, G. C., establishes certain priorities with respect to certain corporations and classes of persons who are entitled to apply for and take leases of canal lands abandoned for canal purposes by this act. It does not appear from the provisions of this lease whether the lessee above named is the owner and holder of an existing lease upon the parcel of land covered by the lease in question or is the owner of other land which abuts upon the land covered by this lease. Since, however, it does not appear that any application for the lease of the parcel of land here in question was filed within the time which limits the prior rights of persons in the classes above noted, I am of the opinion that you are authorized to execute this lease to the lessee above named, by the fifth paragraph of Section 14203-97, General Code, which provides that all tracts of said abandoned canal property lying within a municipality,

but not included in the application of any person entitled to priority, and likewise abandoned canal property lying outside the corporate limits of any municipality, may be leased by the Superintendent of Public Works, who shall appraise such tracts at their true value in money for any purpose for which they can be used, and that the annual rental shall be six per cent of such appraisement.

Upon examination of this lease, I find that the same has been properly executed by you as Superintendent of Public Works and by Earl R. Ames, the lessee therein named. And, finding further that the provisions of this lease and the conditions and restrictions therein contained are in conformity with the above noted and other statutory provisions relating to leases of this kind, I am 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.

5957.

APPROVAL—CANAL LAND LEASE TO LANDS IN STARR TOWNSHIP, HOCKING COUNTY, OHIO—EUGENE C. CHESHER, NELSONVILLE, OHIO.

COLUMBUS, OHIO, August 13, 1936.

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

DEAR SIR: You have submitted for my examination and approval a canal land lease in triplicate, executed by you as Superintendent of Public Works and as Director of said Department, to one Eugene C. Cheshier of Nelsonville, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$9.00, there is leased and demised to the lessee above named certain tracts of abandoned Hocking Canal lands in Starr Township, Hocking County, Ohio, which are more particularly described in said lease and which aggregate 2.7 acres.

The lease is executed under the authority conferred upon you as Superintendent of Public Works by House Bill No. 417 enacted by the 88th General Assembly, April 19, 1929, 113 O. L., 521. The lease appears to have been executed in conformity to the provisions of this act and of Sections 13965, et seq., of the General Code, which are referred to in said