

388.

LEASE — CANAL LAND, STATE TO THE EAST OHIO GAS COMPANY, CLEVELAND, OHIO, AND ERIE CANAL, MUD RUN CULVERT, BARBERTON, SUMMIT COUNTY.

COLUMBUS, OHIO, April 5, 1939.

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 for and on behalf of the State of Ohio to The East Ohio Gas Company of Cleveland, Ohio.

By this lease, which provides for the payment by the lessee of an annual rental of \$36.00, payable in semiannual installments of \$18.00 each,

and which is for a stated term of fifteen years, there is leased and demised to said lessee the right to operate and maintain one twelve-inch and two eighteen-inch gas mains across and under the Ohio and Erie Canal property at Mud Run Culvert in the City of Barberton, Summit County, Ohio.

Upon examination of this lease instrument, which is one executed by you as Superintendent of Public Works under the authority conferred upon you for this purpose by the provisions of sections 13965, et seq., General Code, and of section 464, General Code, I find that the same has been properly executed by you in your official capacity above stated for and on behalf of the State of Ohio and by The East Ohio Gas Company, the lessee therein named, acting by the hand of its President pursuant to the authority of a resolution duly adopted by the Board of Directors of said company under date of March 28, 1939.

Upon consideration of the provisions of this lease and of the conditions and restrictions therein contained, I find that the same are in conformity with the statutory provisions above noted and with other statutory enactments relating to leases of this kind. I am, accordingly, approving this lease instrument, as is evidenced by my approval endorsed thereon and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

THOMAS J. HERBERT,
Attorney General.