

38.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO, THROUGH DIRECTOR OF PUBLIC WORKS, WITH JOHN ROBINETT, DESIGNATED OHIO AND ERIE CANAL PROPERTY, MADISON TOWNSHIP, FRANKLIN COUNTY, OHIO, RIGHT TO OCCUPY AND USE FOR AGRICULTURAL AND RESIDENTIAL PURPOSES.

COLUMBUS, OHIO, January 25, 1939.

HON. CARL G. WAHL, *Director, Department 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 as Superintendent of Public Works and as Director of said department to one John Robinett of Columbus, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$12.00, there is leased and demised to the lessee above named the right to occupy and use for agricultural and residential purposes that portion of the abandoned Ohio and Erie Canal property located in Madison Township, Franklin County, Ohio, which is described as follows:

Beginning at the easterly line of the property now owned by Fred Stambaugh, same being at or near Station 2255+41, of A. Albright's Survey of said canal property, and extending thence westerly with the lines of said canal property, fourteen hundred sixty-seven (1467') feet, more or less, to the westerly line of the property owned by said Fred Stambaugh, same being at or near Station 2270+08 of said survey and containing two and eight-tenths (2.8) acres, more or less; excepting therefrom any of the above described property that may be occupied by a county highway.

This lease is executed under the general authority conferred upon you by section 13965, General Code, and under the more special provisions of the Act of June 7, 1911, 102 O. L., 293, as amended by the later act of the 88th General Assembly passed April 5, 1929, 113 O. L., 524. By this later act, municipalities and owners of abutting property, in the order named are given prior rights with respect to the lease of canal lands abandoned by said act which are located in the municipality. In this situation, I assume, with respect to the lease here in question, that no owner of abutting property other than the lessee above named has now

pending any application for the lease of this property which would make this lease to John Robinett in any respect illegal.

With this assumption I find, upon examination of the provisions of this lease and of the conditions and restrictions therein contained, that the same are in conformity with the statutory provisions above referred to and with other statutes relating to leases of this kind. And since it appears that this lease has been executed by you as Superintendent of Public Works and as Director of said department, and by John Robinett, the lessee therein named, in the manner provided by law, I am approving this lease 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.