

3147.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO, THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH RUSSELL P. ZARBAUGH, GROVEPORT, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL \$7.50, RIGHT TO OCCUPY AND USE FOR COTTAGE SITE AND AGRICULTURAL PURPOSES, DESCRIBED PORTION, ABANDONED OHIO CANAL PROPERTY, GROVEPORT, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, October 27, 1938.

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

DEAR SIR: You recently 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 Russell P. Zarbaugh of Groveport, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$7.50, there is leased and demised to the lessee above named the right to occupy and use for cottage site and agricultural purposes that portion of the abandoned Ohio Canal property, including the full width of the bed and banks thereof, located in the village of Groveport, Franklin County, Ohio, and described as follows:

Beginning at a point where the northerly line of the Ohio Canal intersects with the easterly line of Sugar Alley, as shown by Alfred Albright's Survey through the village of Groveport, said point being at or near Station 2114+69; thence northeasterly along the said canal property line, a distance of one hundred forty-one (141') feet, more or less, to a point where the said canal property line intersects with the southerly line of Cherry Street; thence easterly a distance of one hundred twenty (120') feet, more or less, being at or near Station 2111+24; thence southwesterly a distance of two hundred eighty (280') feet, more or less, being at or near Station 2114+02; thence northerly a distance of seventy (70') feet, more or less, to the place of beginning, and containing 14,070 square feet, more or less, reserving therefrom any portion of the above described property that may be occupied by a public 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 the 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 the village of Groveport made no application for the lease of this property within the time limited by this act and that, likewise, 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 Russell P. Zarbaugh in any respect illegal.

With these assumptions 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 Russell P. Zarbaugh, 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,

HERBERT S. DUFFY

*Attorney General.*

3148.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO,  
THROUGH SUPERINTENDENT OF PUBLIC WORKS,  
WITH THE EAST OHIO GAS COMPANY, CLEVELAND,  
OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL,  
\$12.00, CERTAIN PIPE LINE GRANTS AS DESCRIBED,  
PORTAGE TOWNSHIP, SUMMIT COUNTY, OHIO.

COLUMBUS, OHIO, October 28, 1938.

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

DEAR SIR: You recently submitted for my examination and approval a certain canal land lease in triplicate executed by the State of Ohio,