

Westlake View allotment of State lands situated in and being a part of the south-half of Section 27, Township 17, Range 18, Walnut Township, Fairfield County, Ohio.

Upon examination of this lease, I find that the same has been properly executed by you as Conservation Commissioner and by said lessee. I further find, upon consideration of the provisions of this lease and of the conditions and restrictions therein contained, that the same are in conformity with Section 471, General Code, under the authority of which this lease is executed, and with other statutory enactments relating to leases of this kind.

I am accordingly 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,

THOMAS J. HERBERT,  
*Attorney General.*

846.

LEASE—CANAL LAND, STATE TO HOBART BROTHERS CO.,  
DESIGNATED PORTION, MIAMI AND ERIE CANAL,  
TROY, MIAMI COUNTY.

COLUMBUS, OHIO, July 6, 1939.

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 in your official capacity as Superintendent of Public Works, to the Hobart Brothers Co. of Troy, Ohio.

By this lease, which is one for a stated term of fifteen years, and which provides for an annual rental of \$60.00, payable in semi-annual installments of \$30.00 each, there is leased and demised to the lessee above named the right to occupy and use for business purposes that portion of the Miami and Erie Canal property located in the City of Troy, Miami County, Ohio, that is described as follows:

Commencing at a point in the northerly line of said out-lot No. 64, where the same is intersected by the northerly line of Main Street in said city and running thence north 79 degrees 13' east along the northerly line of said lot No. 64, one hundred and twenty (120') feet to the westerly line of the raceway on the westerly side of Lock No. 12, south of the Loramie Summit of the Miami and Erie Canal; thence southerly along the westerly

margin of said raceway one hundred and twenty (120') feet, more or less to the northerly line of Main Street; thence northwesterly one hundred and ninety-five (195') feet, to the place of beginning and containing seventy-eight hundred (7800) square feet, more or less.

This parcel of abandoned Miami and Erie Canal land is in that section of the Miami and Erie Canal which was abandoned for canal and hydraulic purposes by the Act of April 9, 1931, 114 O. L., 546; by which act the canal lands in this section, including the parcel here under consideration, were transferred to the jurisdiction and control of the Director of Highways for highway and other purposes. As to this, it appears, however, that the present Director of Highways, acting under the authority conferred upon him by sections 14153-5, et seq., General Code, as amended in 116 O. L. 157-159, has transferred the above described parcel of canal land back to the jurisdiction and control of the Superintendent of Public Works, and that the City of Troy has released the within described portion as evidenced by a certified copy of the resolution of Council of the City of Troy, Ohio.

In this situation, it would appear that you are authorized to lease this parcel of canal land under the authority of section 14153-8, General Code, as amended by the act last above referred to.

And inasmuch as it appears that this lease has been properly executed by you as Superintendent of Public Works for and on behalf of the State of Ohio and by the Hobart Brothers Co., by authority of resolution of the Board of Directors, and since it further appears that the provisions of this lease and the conditions and restrictions therein contained are in conformity with the statutory provisions relating to leases of this kind, 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.*