

5597.

APPROVAL—CANAL LAND LEASE TO LAND IN WAYNE
TOWNSHIP, MONTGOMERY COUNTY, OHIO—C. L. ARM-
STRONG, DAYTON, OHIO.

COLUMBUS, OHIO, May 25, 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, acting for the state of Ohio, to one C. L. Armstrong of Dayton, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$18.00 payable in semiannual installments of \$9.00 each, there is leased and demised to the lessee above named the right to occupy and use for cottage and agricultural purposes only, that portion of the abandoned Miami and Erie Canal property, including the full width of the bed and embankments thereof, also the state lot at Lock 18, south of the Loramie Summit of said canal, located in Wayne Township, Montgomery County, Ohio, and described as follows:

Beginning at a line drawn through Station 9027 (north of the Chambers Road) of the H. E. Whitlock survey of said canal property, made in the fall of 1915, and running thence southerly with the lines of said canal property, twenty-four hundred (2400') feet, more or less, as measured along the transit line of the said Whitlock Survey, to the northerly line of the Fishburg Road, and containing six and forty-four hundredths (6.44) acres, more or less.

This lease is one executed by you under the authority of Amended Substitute Senate Bill No. 194, 114 O. L., 546, which was enacted by the 89th General Assembly under date of April 29, 1931, and which went into effect on the 6th day of August, 1931. Assuming that no part of the above described parcel of land has been designated by the Director of Highways as land necessary for highway purposes as provided for in section 6 of said act (sec. 14178-32, G. C.) and assuming further that no application for the lease of this parcel of land or of any part thereof for park purposes has been made by any municipal corporation, other political subdivision or municipal park board under the provisions of sec-

tion 13 of this act (sec. 14178-39, G. C.), I am of the opinion that you were authorized to execute this lease for the term and for the rental therein provided for, under the provisions of section 19 of the act (sec. 14178-45, G. C.).

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works and as Director of said Department, acting for the state of Ohio, and by C. L. Armstrong, the lessee therein named. I further find that the provisions of this lease and the conditions and restrictions therein contained are in conformity with the act of the legislature above referred to and with other statutory provisions 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 enclosed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5598.

APPROVAL—CANAL LAND LEASE TO LAND IN CONCORD TOWNSHIP, MIAMI COUNTY, OHIO—JOSEPH R. CROMES, TIPPECANOE CITY, OHIO.

COLUMBUS, OHIO, May 25, 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, acting for the state of Ohio, to one Joseph R. Cromes of Tippecanoe City, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$15.00 payable in semiannual installments of \$7.50 each, there is leased and demised to the lessee above named the right to occupy and use for agricultural and cottage purposes, that portion of the abandoned Miami and Erie Canal property, including the full width of the bed and banks thereof, located in Concord Township, Miami County, Ohio, and described as follows:

Beginning at a line drawn at right angles to the transit line of the H. E. Whitlock survey of said canal property through