

1387.

LEASE—CANAL LAND, STATE TO DAVE OSBORN, DESIGNATED PORTION, OHIO AND LAKE ERIE CANAL LAND, MADISON TOWNSHIP, FRANKLIN COUNTY, USE, RESIDENTIAL AND AGRICULTURAL PURPOSES.

COLUMBUS, OHIO, November 6, 1939.

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 Dave Osborn of Groveport, 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 residential and agricultural purposes that portion of the abandoned Ohio and Lake Erie Canal property located in Madison Township, Franklin County, Ohio, and described as follows:

“Beginning at station 2022+87, of W. J. Slavin’s Survey of said canal property and extending thence westerly with the lines of said canal property, five hundred (500’) feet, more or less, to station 2027+87, of said survey, and containing one and seven-tenths (1.7) acres, more or less.”

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 Ohio Laws, 293, as amended by the later Act of the 88th General Assembly, passed April 5, 1929, 113 Ohio Laws 524. By this later Act, municipalities and owners of abutting property, in the order named are given 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 the lease to Dave Osborn 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 Dave

Osborn, 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 returned.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

---

1388.

SALE—STATE TO MARK FISHER, DESIGNATED OHIO CANAL LANDS, VILLAGE OF FRAZEYSBURG, MUSKINGUM COUNTY.

COLUMBUS, OHIO, November 6, 1939.

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

DEAR SIR: You recently submitted for my examination and approval a transcript of your proceedings relating to the sale to one Mark Fisher of Frazeyburg, Ohio, for the sum of \$60.00, a portion of the Ohio Canal lands in the Village of Frazeyburg, Ohio, which was vacated and abandoned for canal purposes by Act of June 7, 1911, 102 Ohio Laws 293, and which land is more particularly described as follows:

“Beginning at the intersection of the northerly property line of the abandoned Ohio Canal and the west line of West Street in said village; thence southwesterly along said canal property line, two hundred thirty-two (232') feet, more or less, to a point, same being at the intersection of the west line of an alley running north and south and parallel to West Street; thence southerly along the west line of said alley one hundred forty (140') feet, more or less, to a point, same being at the intersection of the west line of said alley and the southerly line of said canal property; thence northeasterly along said canal property line two hundred thirty-two (232') feet, more or less, to a point, same being at the intersection of the canal property line and the west line of West Street; thence north along the west line of West Street one hundred thirty-eight (138') feet, more or less, to the point of beginning and containing twenty thousand, five hundred forty-two (20,542) square feet, more or less, and excepting therefrom any of the above described property that may be occupied by a public highway.”