

the easterly line of said alley eighty-three (83') feet, more or less, to the place of beginning.

This lease is one executed by you under the authority of Amended Substitute Senate Bill No. 72, 114 O. L., 541, 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. 14203-95, G. C.) and assuming further that no application for the lease of this parcel of land or of any part thereof has been made by the village of Newcomerstown or by any other person or corporation entitled to priority with respect to the lease of this property, under the provisions of section 8 of said act (Sec. 14203-97, 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 paragraph 5 of the section of the act last above referred to.

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 J. M. Kaden, 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.*

5610.

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APPROVAL — CANAL LAND LEASE TO LAND IN DOVER TOWNSHIP, TUSCARAWAS COUNTY, OHIO — OHIO POWER COMPANY OF NEWARK, OHIO.

COLUMBUS, OHIO, May 26, 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 The Ohio Power Company of Newark, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$29.00 payable in semi-annual installments of \$14.50 each, there is leased and demised to the lessee above named the right to occupy and use for high tension pole line right of way purposes that portion of the abandoned Ohio Canal property in Dover Township, Tuscarawas County, Ohio, and described as follows:

Beginning at a point in the berm bank of said canal opposite station 1479 of the G. F. Silliman survey of said canal property, and running thence westerly across the channel of said canal to a point in the towing-path embankment to a point near station 1480 + 80, of the said survey; thence continuing westerly along and over said towing-path embankment to Station 1439 + 31.5, of the said Silliman Survey.

This lease is one executed by you under the authority of Amended Substitute Senate Bill No. 72, 114 O. L., 541, 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. 14203-95, G. C.) and assuming further that no application for the lease of this parcel of land or of any part thereof has been made by any municipal corporation or other political subdivision or by any other person or corporation entitled to priority with respect to the lease of this property, under the provisions of Section 8 of said act (Sec. 14203-97, 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 paragraph 5 of the section of the act last above referred to.

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 The Ohio Power Company, by the hand of J. B. Hill, Vice President of said company, pursuant to the authority of a resolution of the Board of Directors of the company duly adopted under date of April 2, 1935. 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.*

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5611.

APPROVAL—CANAL LAND LEASE TO LAND IN NEWCOMERSTOWN, TUSCARAWAS COUNTY, OHIO—CARL D. PORTZ, NEWCOMERSTOWN, OHIO.

COLUMBUS, OHIO, May 26, 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 Carl D. Portz of Newcomerstown, 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 semi-annual installments of \$7.50 each, there is leased and demised to the lessee above named the right to occupy and use for residence and lawn purposes that portion of the abandoned Ohio Canal property located in the village of Newcomerstown, Tuscarawas County, Ohio, and described as follows:

Beginning at a point in the southerly line of said canal property, opposite Station 2866 + 32.5, of the G. F. Silliman Survey of said canal property, and running thence westerly with the said southerly line sixty-seven and five-tenths (67.5') feet, to a point opposite Station 2867, of said survey; thence northerly at right angles with the transit line of said survey, eighty-nine (89') feet, more or less, to the northerly line of said canal property; thence easterly with said northerly line sixty-seven and five-tenths (67.5') feet; thence southerly eighty-nine (89') feet, more or less, to the place of beginning, and containing six thousand and seven (6,007) square feet, more or less.

This lease is one executed by you under the authority of Amended Substitute Senate Bill No. 72, 114 O. L., 541, which was enacted by the