

863.

BONDS—TOLEDO CITY SCHOOL DISTRICT, LUCAS
COUNTY, \$12,000.00.

COLUMBUS, OHIO, July 7, 1939.

Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of Toledo City School District, Lucas County,
Ohio, \$12,000.00.

The above purchase of bonds appears to be part of a \$145,000 issue of refunding bonds, series "A", of the above city school district dated April 1, 1939. The transcript relative to this issue was approved by this office in an opinion rendered to your Commission under date of April 13, 1939, being Opinion No. 418.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city school district.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

864.

LEASE—CANAL LAND, STATE TO THE LOGAN-LONG COM-
PANY, DESIGNATED PORTION, ABANDONED MIAMI
AND ERIE CANAL, FRANKLIN TOWNSHIP, WARREN
COUNTY.

COLUMBUS, OHIO, July 7, 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 one The Logan-Long Company, of Franklin, Warren County, Ohio.

By this lease, which is one for a stated term of ninety-nine years, renewable forever, and which provides for an annual rental of \$48.00, payable in semi-annual installments of \$24.00 each, there is leased and demised to the lessee above named by virtue of Section 14178-39, General Code, the right to occupy and use for storage and manufacturing

purposes that portion of the abandoned Miami and Erie Canal located in Franklin Township, Warren County, Ohio described as follows:

Being all of the canal property, including the full width of the bed and banks thereof and all canal property lying adjacent thereto between Station 10374+88 and Station 10385+71.8, in the transit line of H. C. Baldwin's Survey of said canal property, excepting therefrom any of the above described property, that is occupied by Lease No. M&E-117, Lease No. M&E-262 and Lease No. M&E-320.

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, 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.

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.

By entering into this lease, The Logan-Long Company, lessee, ratifies and approves certain Articles of Agreements entered into with the Department of Highways, State of Ohio, and the Village of Franklin, Ohio, and this is evidenced by a certification by the Secretary of the Logan-Long Company, of the resolution of the Board of Directors of said company.

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 Logan-Long Company, the lessee above named, 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.