

bonds issued under these proceedings constitute valid and legal obligations of said village school district.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1442.

LEASE—CANAL LAND, STATE TO JOHN F. SPRAGUE, OHIO CANAL LAND, SPOIL EMBANKMENT PROXIMITY LOT 5, FAIRFIELD COUNTY, USE, COTTAGE SITE AND BOAT LANDING PURPOSES.

COLUMBUS, OHIO, November 17, 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 as Superintendent of Public Works and as Director of said Department, to John F. Sprague of Columbus Ohio.

By this lease, which is one for a stated period of fifteen years, and which provides for an annual rental of \$6.00, there is leased and demised to the lessee above named the right to use and occupy for cottage site and boat-landing purposes a portion of the Ohio Canal land in Fairfield County, Ohio, and more particularly described as follows:

“that portion of the state land known as the ‘Spoil Embankment’ of the Ohio Canal in Section 4, Town 16, Range 18, Fairfield County, Ohio, lying between what is commonly known as the County Road leading to Baltimore, Ohio, and the Ohio Canal, that is included in the north one-half of Lot No. 5 of the State’s Spoil Bank Allotment, and having a frontage of fifty (50’) feet, measured along the east line of the county road.”

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 O. L., 293, as amended by the later act of the 88th General Assembly passed April 5, 1929, 113 O. L., 524. By this later act, municipalities and owners of abutting property, in the order named, are given prior 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 this lease to John F. Sprague 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 John F. Sprague, 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.

1443.

LEASE—CANAL LAND, STATE TO CHARLES M. DRAKE AND ANNA B. DRAKE, MIAMI AND ERIE CANAL, PROXIMITY LOT 888, TROY, MIAMI COUNTY.

COLUMBUS, OHIO, November 17, 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 as Superintendent of Public Works and as Director of said Department, to Charles M. Drake and Anna B. Drake, of Troy, Ohio.

By this lease, which is one for a stated period of fifteen years, and which provides for an annual rental of \$15.00, there is leased and demised to the lessees above named, the right to use and occupy and use for lawn and garage purposes that portion of the abandoned Miami and Erie Canal property, located in the City of Troy, Miami County, Ohio, and described as follows:

“Beginning at the point of intersection of the northerly line of said canal property and the easterly line of that part of Lot No. 888, in said city as now owned by the grantees herein, said point being 278 feet, more or less, westerly, as measured parallel to Canal Street, from the westerly line of Market Street, and running thence southerly with the said easterly line produced, forty-four (44') feet; thence westerly parallel with Canal Street, fifty-six and one-half (56½') feet to the westerly line produced of the said part of Lot No. 888; thence northerly with the said