

Exception No. 2. O & E Lease No. 798 granted to John E. Ankrom for cottage site and garden purposes for a period of fifteen years from July 26, 1934, and being that portion of the abandoned Ohio Canal property, including the full width of the bed and banks thereof, and beginning at a line drawn at right angles to the transit line of W. H. Heiby's survey of said canal property through Station 3528 of said survey and running thence southwesterly with the lines of said canal property two hundred (200') feet as measured along said transit line to a line drawn through Station 3530, and containing thirty-four thousand (34,000) square feet, more or less.

Upon examination of this lease, which is executed by you under your general authority as successor to the power, authority and duties of the Board of Public Works and under the more special authority conferred by an Act of the 79th General Assembly enacted June 7, 1911, 102 O. L., 293, I find that the lease has been properly executed by you in your official capacity above stated and by the Department of Agriculture, Division of Conservation, by the hand of L. Wooddell, Conservation Commissioner. I further find upon examination of this lease that the terms and provisions thereof and the conditions and restrictions therein contained are in conformity with said Act and with other statutory provisions relating to leases of this kind. I am accordingly approving this lease, 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,

HERBERT S. DUFFY,
Attorney General.

2910.

APPROVAL—LEASE, DEPARTMENT OF PUBLIC WORKS WITH CLAY BRIGHT, FIFTEEN YEARS, ANNUAL RENTAL \$12.00, OCCUPY AND USE FOR RESIDENTAL AND AGRICULTURAL PURPOSES, PORTION CANAL LAND KNOWN AS "SPOIL BANK ALLOTMENT" OF OHIO CANAL, VILLAGE OF MILLERSPORT, FAIRFIELD COUNTY, OHIO.

COLUMBUS, OHIO, September 2, 1938.

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 Clay Bright of Millersport, 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 state canal land known as the state's "Spoil Bank Allotment" on the westerly side of the Ohio Canal south of the village of Millersport, Fairfield County, Ohio, and described as follows:

Beginning fifty (50') feet south of the north line of Lot No. 7, in said allotment and running thence south two hundred (200') feet, to a point, same being fifty (50') feet north of the south line of Lot No. 9; thence east to the top water line of said canal; thence north along said top water line to a point fifty (50') feet south of the north line of Lot No. 7; thence west to the point of beginning.

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 Clay Bright 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 Clay Bright, the lessee therein named, in the manner provided by law, I am approving this lease 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,

HERBERT S. DUFFY,

Attorney General.