

1365.

APPROVAL, BONDS OF MILTON TOWNSHIP RURAL SCHOOL DISTRICT, MAHONING COUNTY, OHIO—\$2,100.00.

COLUMBUS, OHIO, August 10, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

1366.

APPROVAL, LEASE TO CANAL LAND IN WASHINGTON TOWNSHIP, MIAMI COUNTY, OHIO, FOR THE RIGHT TO OCCUPY AND USE FOR FISH PROPAGATION PURPOSES.

COLUMBUS, OHIO, August 10, 1933.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a certain Canal Land Lease in triplicate executed by you in your official capacity on behalf of the State of Ohio to the Division of Conservation of the Department of Agriculture. By this lease which is one for a stated term of fifteen years and which provides for an annual rental of \$24, there is demised and granted to the Division of Conservation the right to occupy and use for the propagation of fish that portion of the abandoned Miami and Erie Canal property, including the full width of the bed and banks thereof, located in Washington Township, Miami County, Ohio and described as follows:

Beginning at the south line of the flood gates of said canal at Station 7741 plus 86, of the H. E. Whitlock survey of said canal property, and running thence southerly with the lines of said canal property, three thousand seven hundred and seventy-eight (3,778') feet, more or less, as measured along the transit lines of the said Whitlock survey and the S. A. Buchanan Survey of said canal property, through the city of Piqua, to the north corporation line of the city of Piqua, and containing eleven (11) acres, more or less.

It appears that no application or applications have been made for the lease of this property or any part thereof for park purposes, either under the Farnsworth Act, 114 O. L., 518, or the DeArmond Act, 114 O. L., 546, 549, and that you are authorized therefore, to execute the lease in question under Section 19 of the Act of the 89th General Assembly, last above mentioned.

Upon examination of the lease, I find that the same has been legally and properly executed by you, in your official capacity and by the Division of Conservation, acting by and through the Conservation Commissioner pursuant to the authority granted to him for the purpose, by the Conservation Council. I likewise 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

DeArmond Act, above referred to, and to 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 on the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

1367.

APPROVAL, LEASE OF CANAL LAND IN PIQUA, MIAMI COUNTY,
OHIO, FOR THE RIGHT TO OCCUPY AND USE FOR FISH PROPAGATION PURPOSES.

COLUMBUS, OHIO, August 10, 1933.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting, among others, a certain Canal Land Lease in triplicate, executed by you, in your official capacity as Superintendent of Public Works, and as Director of said Department, to the Division of Conservation of the Department of Agriculture. This lease which is one executed by you under the authority of Section 19 of the DeArmond Act, 114 O. L., 546, 552, is for a stated term of 15 years, and the same provides for the payment of an annual rental of \$12, payable in semi-annual installments. By this lease the Division of Conservation is given the right to occupy and use for and during the term above stated, the abandoned Miami and Erie Canal Land, located in the city of Piqua, Miami County, Ohio, and known as the "Old Borrow Pit", for fish propagation purposes.

In the consideration of this lease, both as to its execution and its provisions, I note that in your communication, submitting this lease, for my approval, you state that no application for a lease of the Canal Land here in question has been made under Senate Bill No. 69, known as the Farnsworth Act, passed by the 89th General Assembly, 114 O. L., page 518; in this connection I likewise assume that no application for the lease of this property for public park purposes has been made to you, under Section 13 of the DeArmond Act, and that no part of the same has been reserved for highway purposes by the Director of Highways, under the authority of said act.

Upon examination of this lease, in the light of the assumptions of facts above made, I find that this lease has been properly executed by you, in your official capacity on behalf of the State of Ohio and by the Division of Conservation acting by the hand of the Conservation Commissioner pursuant to the authority of a resolution of the Conservation Council. Upon examination of the provisions of this lease and of the conditions and restrictions therein contained, I am of the opinion that the same are in conformity with the provisions of the DeArmond Act, under the authority of which it is executed, and with other statutory provisions relating to leases of this kind. I am accordingly approving