

838.

LEASE—CANAL LAND, STATE TO LEO M. FLESH, DESIGNATED PORTION, MIAMI AND ERIE CANAL, CITY OF TROY, MIAMI COUNTY.

COLUMBUS, OHIO, July 1, 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 Leo M. Flesh of Piqua, Ohio.

By this lease, which is one for a stated term of fifteen years, and which provides for an annual rental of \$180.00, payable in semi-annual installments of \$90.00 each, there is leased and demised to the lessee above named the right to occupy and use for restaurant and general business purposes that portion of the Miami and Erie Canal property located in the City of Troy, Miami County, Ohio, that is described as follows:

“Beginning at a point in the westerly line of Market Street in said city that is ninety-three (93') feet south of the southwest corner of Canal and Market Streets in said city, which point is at the southeast corner of a tract of land leased by the State of Ohio to H. F. Douglas by lease dated April 8th, 1902, and by him transferred to the Dayton and Troy Railway Company, and running thence southerly along the westerly line of Market Street, produced, forty-three (43') feet; thence westerly at right angles, one hundred thirty-three (133') feet, more or less, to the easterly line produced of a tract of land owned by The Montgomery Printing Company; thence northerly at right angles, forty-three (43') feet; thence easterly parallel to and ninety-three (93') feet southerly from the southerly line of Canal Street, one hundred thirty-three (133') feet, more or less, to the place of beginning and containing five thousand, seven hundred and nineteen (5,719) square feet, more or less.”

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.

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 Mr. Leo M. Flesh, 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.

839.

PETITION—TO AMEND CONSTITUTION OF OHIO, ARTICLE III, SECTIONS 1, 2, 15, 16, 17 AND 18—BY ADDING FOUR NEW SECTIONS 2a, 2b, 2c, 2d—BY ADDING TO ARTICLE X, FOURTEEN NEW SECTIONS, 5-18 INCLUSIVE—BY AMENDING ARTICLE XV, SECTION 4; BY AMENDING ARTICLE II, SECTION 2 AND BY AMENDING ARTICLE XVII, SECTIONS 1 AND 2—IN RE: ELECTIVE STATE OFFICES, EXECUTIVES, ELECTIVE COUNTY OFFICES—TIME OF ELECTION, VACANCY, ETC.—SECTION 4785-175 G. C.

COLUMBUS, OHIO, July 1, 1939.

MR. CHARLES H. HUBBELL, *Attorney-at-Law, 1924 West Boulevard, Cleveland, Ohio.*

DEAR SIR: You have submitted for my examination a written petition bearing over one hundred names, containing a proposed constitutional amendment and summary of the same under section 4785-175, General Code. It is proposed to amend sections 1, 2, 15, 16, 17 and 18 of Article III of the Constitution of the State of Ohio, by adopting and adding thereto four new sections (i. e., Sections 2a, 2b, 2c and 2d); by adopting and adding to Article X fourteen new sections (i. e., Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18); by amending section 4 of Article XV; by amending section 2 of Article II; and by amending sections 1 and 2 of Article XVII. Copies of said proposed constitutional amendment and summary thereof are hereto attached.