

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works and by the Village of Celina, acting by the hands of its Mayor and Village Clerk pursuant to a resolution of the Council of the Village of Celina duly adopted under date of March 8, 1938.

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 returned to you.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2328.

APPROVAL — CANAL LAND LEASE, STATE OF OHIO, THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH A. C. COSTLOW, LOCKBOURNE, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL, \$12.00, RIGHT TO OCCUPY AND USE FOR RESIDENTIAL AND AGRICULTURAL PURPOSES, PORTION ABANDONED OHIO AND ERIE CANAL PROPERTY, AS DESCRIBED, HAMILTON TOWNSHIP, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, April 19, 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 A. C. Costlow of Lockbourne, 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 only, that portion of the abandoned Ohio and Erie Canal property, including the full width of the bed and banks thereof, located in Hamilton Township, Franklin County, Ohio, and described as follows:

Beginning at Station 2382+50 of A. Albright's survey of said property, same being the northerly end of Lock No.

23 and extending thence southwesterly with the lines of said canal property, 1156 feet, more or less, to the northerly end of Lock No. 24, which is at or near Station 2394+06, and containing two and forty-six hundredths (2.46) acres, more or less; excepting therefrom any portion of the above described property that may be occupied by a Public Highway.

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 A. C. Costlow 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 A. C. Costlow, 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 enclosed.

Respectfully,

HERBERT S. DUFFY,

Attorney General.