

as such, subject to the approval of the Governor and the Attorney General, you are authorized to execute the lease here in question.

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works and by Alva Boyer, the lessee therein named.

Upon examination of the provisions of the lease and of the conditions and restrictions therein contained, I find the same to be in conformity with the provisions of the act of the legislature above referred to and with 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 upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5631.

APPROVAL—CANAL LAND LEASE TO LAND IN MILLERS-
PORT, WALNUT TOWNSHIP, FAIRFIELD COUNTY, OHIO
—PURE OIL COMPANY OF COLUMBUS, OHIO.

COLUMBUS, OHIO, May 28, 1936.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a canal land lease in triplicate executed by you as Superintendent of Public Works to The Pure Oil Company of Columbus, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$90.00 payable in semiannual installments, there is leased and demised to the lessee above named the right to occupy and use for business and agricultural purposes a portion of the berm embankment of the abandoned Ohio Canal situated in the southeast quarter of Section 28, Town 17, Range 18, in the village of Millersport, Walnut Township, Fairfield County, Ohio, and more particularly described as follows:

Being a portion of the berm embankment on the north side of said canal, beginning at the east line of Lancaster (Canal) Street, and being State Highway No. 407, and running thence easterly with the lines of said berm embankment to a line running northwesterly from Station 834 + 80, of the W. H. Heiby Sur-

vey of said canal property. Excepting therefrom a small tract of land out of the southwest corner of the above described property, granted to the Department of Highways of Ohio, for approach to the improved canal bridge, now over said canal, also the right to use by the State of Ohio and its lessees, of a ten (10') foot roadway, along the southerly side of said property, and containing, exclusive of said exceptions forty-seven thousand, one hundred (47,100) square feet, more or less, and being a renewal of a lease granted to G. A. Bouic and G. L. Fryman, under date of April 19, 1920, and by various transfers owned and occupied by the grantee herein.

From the location of the parcel of canal land covered by this lease, I assume that the same is in that section of the Ohio Canal which was abandoned for canal purposes by an act of the 79th General Assembly, enacted under date of June 7, 1911, 102 O. L., 293, which was later amended in some particulars with respect to that part of the Ohio Canal between Buckeye Lake and the Little Walnut Creek in Pickaway County, Ohio, by an act passed by the 88th General Assembly under date of April 19, 1929, 113 O. L., 524. By the former act, that part of the Ohio Canal between the west end of Buckeye Lake and the point where the canal joins the Ohio River near Portsmouth, Ohio, was abandoned for canal purposes and provision was made therein for the sale or lease of the canal lands so abandoned. By Section 3 of said act the State Board of Public Works and the Chief Engineer of Public Works, acting as a joint board, were authorized to sell such abandoned canal lands or to lease the same for a term of not less than fifteen years or of not more than twenty-five years. By the later act above referred to, authority was conferred upon the Superintendent of Public Works to lease portions of the Ohio Canal between the points mentioned in the act; and the act provided for prior rights with respect to such leases to any municipality in which the land was located and to the owners of property abutting upon such land, respectively, in the order named.

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works and by The Pure Oil Company, by the hand of one of its Vice-Presidents pursuant to the authority of a resolution of the Board of Directors of the company duly adopted under date of June 21, 1935.

Upon examination of the provisions of this lease and of the conditions and restrictions therein contained, I find that the same are in conformity with the acts of the legislature above referred to and with other statutory provisions relating to leases of this kind, if, as I assume the fact to be, no application was made for the lease of this land by the vil-

lage of Millersport within a period of one year from the effective date of the act of the legislature last above mentioned and if no prior application for the lease of the land has been made by any owner of abutting property entitled under this act to prior rights with respect to the lease of this property. I am accordingly approving this lease as to legality and form, 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,

JOHN W. BRICKER,
Attorney General.

5632.

APPROVAL—CANAL LAND LEASE TO LAND IN CIRCLEVILLE, PICKAWAY COUNTY, OHIO—PICKAWAY FARM BUREAU OF CIRCLEVILLE, OHIO.

COLUMBUS, OHIO, May 28, 1936.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a canal land lease in triplicate executed by you as Superintendent of Public Works to The Pickaway Farm Bureau of Circleville, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$45.00, payable in semiannual installments, there is leased and demised to the lessee above named the right to occupy and use for driveway and building purposes, a portion of the abandoned Ohio Canal property located in the city of Circleville, Pickaway County, Ohio, and described as follows:

Beginning at the southerly line of Main Street in said city, and running thence southwesterly with the lines of said canal property, one hundred sixteen (116') feet, more or less, to the southerly line of the alley between lots 323-24 and 325, and being the northerly line of a lease granted to the Pickaway Grain Company, under date of July 26, 1927.

From the location of the parcel of canal land covered by this lease, I assume that the same is in that section of the Ohio Canal which was abandoned for canal purposes by an act of the 79th General Assembly, enacted