

been wrongfully discharged from his position as a public employee, or determining whether or not his position had been unlawfully abolished, does not relieve him from the necessity of filing a written application for exemption from membership with the retirement board within three months after the effective date of the act in case he desires to be exempted, nor does such fact extend the three months period fixed by the Legislature within which such written application for exemption must have been filed with the retirement board.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

833.

LEASE—CANAL LAND, STATE TO ROY ZELLER, DESIGNATED PORTION, ABANDONED MIAMI AND ERIE CANAL AND SIDNEY FEEDER CANAL, VILLAGE OF LOCKINGTON, SHELBY COUNTY.

COLUMBUS, OHIO, July 1, 1939.

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 executed by you as Superintendent of Public Works and as Director of said department, to one Roy Zeller, of Piqua, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$6.00, there is leased and demised to the lessee above named the right to occupy and use for lawn, garden and agricultural purposes that portion of the abandoned Sidney Feeder Canal, located in the Village of Lockington, Shelby County, Ohio, and described as follows:

“Beginning at the point of intersection of the southerly line of the said Sidney Feeder Canal and a line drawn at right angles to the transit line, through Station 3+10, of W. H. Gaffney’s Survey of said canal property, said right angle line being the westerly line of a lease granted to H. P. Bailey, under date of August 2nd, 1926, and running thence westerly parallel with said transit line one hundred and ten (110’) feet to a point opposite Station 2 of said Gaffney Survey; thence southwesterly with the southerly line of said feeder and canal property, fifty-two (52’) feet, more or less, to a point in the easterly line of Lot

No. 16 in said village, as shown by the records on file at the office of the Department of Public Works of Ohio; thence northerly with the said easterly line of the said Lot No. 16, ninety-six (96') feet, more or less, to the center line produced across said canal of the alley between Main Street and North Lane in said village; thence easterly with the said center line of said alley produced one hundred sixty (160') feet, more or less, to a point opposite said Station 3+10; thence southerly ninety-four (94') feet, more or less, to the place of beginning, and containing four-tenths (0.4) of an acre, more or less."

Upon examination of this lease, which is executed by you under the authority of an Act of the 89th General Assembly enacted April 9, 1931, 114 O. L., 546 et seq., I find that the same has been executed by you in your official capacity above stated and by Roy Zeller in the manner provided by law.

Assuming as I do, that this property has not been designated for state highway purposes and that no application for the lease of the same has been made by any of the corporations or persons having prior rights to the lease of this property under section 8 of this Act, I find that the terms and provisions of this lease and the conditions and restrictions therein contained are in conformity with the above mentioned Act of the legislature and with other related statutes. I am therefore 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,

THOMAS J. HERBERT,
Attorney General.

834.

LEASE—CANAL LAND, STATE TO W. P. WILKES, RIGHT TO OCCUPY AND USE FOR CONSTRUCTION AND MAINTENANCE, BRIDGE ACROSS OHIO CANAL, NEAR STATION 288-70, COVENTRY TOWNSHIP, SUMMIT COUNTY.

COLUMBUS, OHIO, July 1, 1939.

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

DEAR SIR: You have submitted to me for my examination and approval a canal land lease in triplicate executed by you as Superintendent of Public Works and as Director of said department for and in the name of the State of Ohio, to one W. P. Wilkes, of Akron, Ohio.