

2911.

## APPROVAL—SALE MARGINAL TRACT No. 28, PARCEL HOCKING CANAL LAND TO CITY OF LANCASTER, OHIO, TO LAY OUT AND MAINTAIN CERTAIN STREET.

COLUMBUS, OHIO, September 2, 1938.

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

DEAR SIR: You recently submitted for my examination and approval a transcript of your proceedings relating to the sale of Marginal Tract No. 28, so designated, the same being a parcel of that section of the Hocking Canal in the city of Lancaster, Ohio, which was vacated and abandoned for canal purposes by the Act of May 4, 1931, 114 O. L., 536. Said Marginal Tract No. 28 is more particularly described as follows:

“Beginning at the point of intersection of the southerly line of Lincoln Avenue in said city of Lancaster and the westerly line of Front Street as established by the city of Lancaster under authority of said House Bill No. 417, and running thence southerly with the said westerly line of Front Street, one hundred ninety and seven-tenths (190.7') feet to an iron pin; thence westerly with the southerly line produced of the easterly part of the lands of the Eagle Machine Company, thirty-three and one-tenth (33.1') feet to the south-east corner of the said easterly part of the lands of said company; thence northerly with the easterly line of the lands of said company, one hundred ninety (190') feet, more or less, to the southerly line of Lincoln Avenue; thence easterly with the southerly line of Lincoln Avenue, twenty-nine and two-tenths (29.2') feet to the place of beginning and containing fifty-nine hundred forty (5940) square feet, more or less.”

The act above referred to provided, among other things, that the city of Lancaster might enter upon, and improve and occupy for street, sewerage, drainage and other municipal purposes so much of the abandoned Hocking Canal in Lancaster, Ohio, as is necessary to lay out, improve and maintain a public street sixty feet in width over and along said abandoned canal property from the north line of Main Street in said city to the intersection of the south line of South Maple Street in said city, with the Hocking Canal, a distance of 5144 feet, more or less.

Marginal Tract No. 28, is, I assume, a part of that particular section of the Hocking Canal in the city of Lancaster, Ohio, above described. And from the transcript of your proceedings, it appears that this tract of land is being sold to the city of Lancaster, Ohio, which city is at present a lessee of said lands and is the owner of lands abutting upon this particular tract. And from the transcript it further appears that this marginal tract of land is being sold to said city for the appraised value thereof, which is the sum of \$525.00.

Upon the facts above stated it quite clearly appears that you are authorized to sell this tract of land to the city of Lancaster as the purchaser thereof for the appraised value thereof above stated. And finding, as I do, that your proceedings relating to the sale of this property are in all respects regular and in conformity with the provisions of the act of the General Assembly above noted, I am approving this transcript and the sale of this tract of land evidenced thereby as appears by my approval endorsed upon the transcript and upon the duplicate copy thereof, both of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

2912.

APPROVAL—LEASE, CANAL LAND, SUPERINTENDENT OF PUBLIC WORKS WITH AUGUST A. NICKELS, FIFTEEN YEARS, ANNUAL RENTAL \$102.00, RIGHT TO OCCUPY AND USE FOR BUSINESS AND BUILDING PURPOSES, PORTION OF MIAMI AND ERIE CANAL, DEFIANCE, DEFIANCE COUNTY, OHIO.

COLUMBUS, OHIO, September 2, 1938.

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 and as Director of said department to one August A. Nickels of Defiance, Ohio. By this lease, which is one for a stated term of ninety years and which provides for an annual rental during the first fifteen-year period of the term of the lease of \$102.00, payable in semiannual installments of \$51.00 each, there is leased and