

a certain water lease, so-called, executed by you as Superintendent of Public Works and as Director of said department to The New York, Chicago and St. Louis Railroad Company.

By the provisions of this lease instrument, said railroad company in consideration of the payment by it of an annual rental of \$216.00, is granted the right to insert a three-inch pipe into the level of Lake St. Marys at Celina, Ohio, and to draw through this pipe such amount of water as may be necessary for supplying the locomotive water tanks of the railroad company.

This lease, which is one for a term of five years from May 1, 1937, is a renewal of a like lease which has been held by said railroad company for some time as the successor to the Lake Erie and Western Railroad Company.

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works and as Director of said department, acting for and in the name of the State of Ohio, and by The New York, Chicago and St. Louis Railroad Company, by the hand of its Executive Vice President acting pursuant to the authority of a resolution of the Board of Directors of said company duly adopted under date of May 18, 1937, authorizing and directing the execution of the lease by the Executive Vice President of the company. The lease is one executed under the authority of an act of the legislature, the provisions of which are now found in Section 14009, General Code. The lease is in conformity with the provisions of this section; and I am accordingly approving the 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.

815.

APPROVAL — TRANSCRIPT OF PROCEEDINGS RELATING TO SALE AND CONVEYANCE OF OHIO CANAL LANDS TO ROBERT A. YOUNG OF BALTIMORE, OHIO, FAIRFIELD COUNTY.

COLUMBUS, OHIO, July 2, 1937.

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

DEAR SIR: You have submitted for my examination and approval a transcript of your proceedings relating to the proposed sale and conveyance of a certain parcel of abandoned Ohio Canal lands to one Robert A. Young of Baltimore, Fairfield County, Ohio, for the sum of \$120.00, which is the appraised value of the land as the same has been determined by you.

The tract of land here referred to is located in Walnut Township, Fairfield County, Ohio, and is more particularly described as follows:

Commencing at a line drawn at right angles across said canal property through station 1057÷36, of W. H. Heiby's survey of said canal property, and extending thence southwesterly eleven hundred and eighty-five (1185') feet, more or less, as measured along the transit line of said survey, to a line drawn at right angles across the canal and through station 1069÷21, including the full width of the bed and embankments thereof, and containing two and four-tenths (2.4) acres, more or less; reserving and excepting therefrom any portion of the same now occupied by public highway; and also reserving any existing pipe line or pole line leases.

From recitals appearing in this transcript, as well as from the location of the property, it appears that this property is included in that section of the Ohio Canal which was abandoned for canal purposes by an Act of the 88th General Assembly enacted under date of April 19, 1929, 113 O.L., 524, the provisions of which have been carried into the General Code as Sections 14203-79, et seq. Assuming, as I do, that this tract of land is located outside of the limits of any municipality, it appears that abutting landowners have prior rights with respect to the purchase of the canal lands abandoned by this Act, if such abutting landowner files his application therefor within one year from the effective date of the Act. It does not appear whether the purchaser of the property here in question is the owner of land abutting upon the tract here in question or not. In this situation, I further assume that no application for the purchase of this property was made by any other person as the owner of abutting lands within the time prescribed by said Act and that you are now free to sell this property to any responsible person who makes application for the purchase of the same and pays the appraised value of the property.

Upon examination of this transcript, I find that the same otherwise contains all the findings of fact necessary to authorize you to sell this property. I am accordingly approving the sale of this property and your proceedings relating to such sale, as is evidenced by my approval

endorsed upon the transcript of such proceedings and upon the duplicate copy thereof, both of which are herewith enclosed to the end that a proper deed may be prepared for execution by the Governor in the manner provided by Section 8523, General Code.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

816.

APPROVAL—CANAL LAND LEASE EXECUTED BY THE
STATE OF OHIO TO ONE C. A. SHUPE OF CANTON,
OHIO.

COLUMBUS, OHIO, July 2, 1937.

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 C. A. Shupe of Canton, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$15.00, there is leased and demised to the lessee above named the right to occupy and use for cottage site and agricultural purposes that portion of the abandoned Ohio and Erie Canal, including the full width of the bed and embankments thereof, located in Adams Mills, Muskingum County, Ohio, which is more particularly described as follows:

Beginning at a line drawn at right angles to Station 4303+00 of G. F. Silliman's Survey of said canal, said station being three hundred (300') feet northeasterly from the lower end of Lock No. 28, north of the Licking Summit; thence in a southwesterly direction with the canal property lines, a distance of three hundred (300') feet to Station 4307+00, which is at or near the lower end of said Lock No. 28, and containing thirty-six thousand eight hundred (36,800) square feet, more or less.

Upon examination of this lease, which is executed by you under