

1608.

LEASE—CANAL LAND, STATE WITH FRANKLIN L. SHIPMAN, DESIGNATED PORTION, MIAMI AND ERIE CANAL, CITY OF TROY, MIAMI COUNTY, USE, GARAGE PURPOSES.

COLUMBUS, OHIO, December 28, 1939.

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

DEAR SIR: You recently submitted 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 Franklin L. Shipman of Troy, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$9.00, there are leased and demised to the lessee above named the right to occupy and use for garage purposes that portion of the abandoned Miami and Erie Canal lands located in the City of Troy, Miami County, Ohio, and described as follows:

“Beginning at the point of intersection of the easterly line of Oxford Street in said city and the northerly line of the Miami and Erie Canal property and running thence southeasterly with the northerly line of said canal property, sixty-six (66') feet, more or less, to the center line produced of Lot No. 157, in said city; thence southwesterly with the said center line produced twenty-eight (28') feet, more or less, to the northerly line of a lease granted to H. B. Carver, under date of March 14th, 1927, and assigned to the grantee herein, under date of December 19, 1932; thence northwesterly along the northerly line of said lease, sixty-six (66') feet, more or less, to the easterly line of Oxford Street; thence northwesterly along the easterly line of Oxford Street, twenty-eight (28') feet, more or less, to the point of beginning and containing eighteen hundred and forty-eight (1848) square feet, more or less.”

Upon examination of this lease, which is one executed by you under authority of the DeArmand Act, so-called, 114 O. L., 546, I find that the same has been executed by you in your official capacity above stated, and by Franklin L. Shipman, the lessee therein named, in the manner provided by law.

Accompanying said lease is a release of said lands to the Director of Public Works by the Director of the Department of Highways as provided for in Section 14178-6, General Code, by reason of the fact that said lands will not be needed for future highway development.

Assuming that no application for the lease of this property for park purposes has been made by any political subdivision entitled to the lease of the property for such purposes, I find that the provisions of this lease and the conditions and restrictions are in conformity with 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, and am herewith returning the same with my approval endorsed thereon and upon the duplicate and triplicate copies thereof which are likewise herewith enclosed.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1609.

LEASE—CANAL LAND, STATE WITH LAURA T. McCANN, DESIGNATED PORTION, MIAMI AND ERIE CANAL, MAD RIVER TOWNSHIP, MONTGOMERY COUNTY, USE, RESIDENCE, FARM BUILDINGS, AGRICULTURAL AND PASTURAGE PURPOSES.

COLUMBUS, OHIO, December 28, 1939.

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

DEAR SIR: You have submitted for my examination and approval a certain canal land lease in triplicate executed by the State of Ohio, acting through you as Superintendent of Public Works and as Director of said department, to Laura T. McCann, of 315 N. Robert Boulevard, Dayton, Ohio. By this lease, which is one for a stated term of ninety-nine years, renewable forever, with a provision for revaluation of the property leased for rental purposes at the end of each fifteen year period during the term of the lease, and which during the first fifteen year period provides for an annual rental of \$48.00, there are leased and demised to the lessee above named, the right to occupy and use for residence, farm buildings, agricultural and pasturage purposes a parcel of abandoned Miami and Erie Canal lands located in Mad River Township, Montgomery County, Ohio, and described as follows:

“Beginning at the west line of the southwest quarter of section 26, town 2, range 8, M. R. S., said west line of the said southwest quarter crossing the transit line of the H. E. Whitlock Survey of said canal property of or near Station 9139 + 48, and running thence southeasterly with the lines of said canal prop-