

760.

APPROVAL—AGREEMENT BETWEEN THE STATE OF OHIO  
AND THE BALTIMORE AND OHIO R. R. FOR THE ELIMI-  
NATION OF GRADE CROSSING IN THE VILLAGE OF  
ENTERPRISE, HOCKING COUNTY, OHIO.

COLUMBUS, OHIO, June 21, 1937.

HON. JOHN J. JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted for my consideration a proposed agreement by and between the State of Ohio, acting by and through John Jaster, Jr., Director of Highways, and the Chesapeake and Ohio Railway Company concerning a separation of grades of the Chesapeake and Ohio Railway Company, State Highway No. 360 at a point approximately five hundred feet south of the present grade crossing in the incorporated village of Enterprise, Hocking County, Ohio.

After careful consideration, it is my opinion that this agreement is correct as to form and when legally executed, will be a binding contract by and between the parties. I, therefore, approve said contract as to form and am returning the same herewith.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

761.

APPROVAL—LEASE OF CANAL LANDS EXECUTED BY THE  
STATE OF OHIO TO R. W. BOWEN OF TROY, OHIO.

COLUMBUS, OHIO, June 21, 1937.

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

DEAR SIR: You have submitted for my examination and approval a canal land lease in triplicate executed by you as Superintendent of Public Works to one R. W. Bowen of Troy, Ohio. By this lease, which is one for a stated term of ninety-nine years, renewable forever, and which provides for an annual rental of \$21.00 during the first fifteen-year period of the term of the lease, there is leased and demised to the lessee above named the right to occupy and use for residence purposes

only, that portion of the abandoned Miami and Erie Canal property located in the city of Troy, Miami County, Ohio, and described as follows:

Commencing at a point one hundred twenty (120') feet southeasterly of the southeasterly line of Short Street, as now located, in said city, and running southerly and parallel with said Short Street, a distance of sixty-four (64') feet, more or less, to the northerly line of the Dye Mill Race property; thence northwesterly with the northerly line of said Mill Race, one hundred twenty-four (124') feet, more or less, to a point where said Mill Race property line intersects with the southerly line of Canal Street, as now located, in said city; thence southeasterly along said line, a distance of one hundred six and two-tenths (106.2') feet to the place of commencement, and containing thirty-three hundred ninety-eight (3398) square feet, more or less.

Upon examination of this lease, it appears that it is one which you are authorized to execute, under the terms and provisions therein contained, under the provisions of the DeArmond Act, 114 O. L., 546, and of the Farnsworth Act, 114 O. L., 518. And assuming that no part of the land covered by this lease has been designated for state highway purposes by the Director of Highways under the authority of the DeArmond Act, above referred to, and assuming that no applications have been made for the lease of this property for park purposes within the time and in the manner provided for by the DeArmond Act and the Farnsworth Act, I find that you are authorized to execute the lease here in question; and I further find that the provisions of this lease and of the conditions and restrictions therein contained are in conformity with the acts of the legislature above referred to and with other statutory provisions relating to leases of this kind.

In this view and inasmuch as I find upon examination of the lease that the same has been properly executed by you and by R. W. Bowen, the lessee above named, I am hereby approving said lease as to legality and form, as is evidenced by my signature endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*