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APPROVAL—CANAL LAND LEASE, STATE, THROUGH DIRECTOR OF PUBLIC WORKS, TO THE GAS PRODUCING COMPANY OF OHIO, DESIGNATED PORTION OHIO AND ERIE CANAL PROPERTY, NEWARK TOWNSHIP, LICKING COUNTY, OHIO, FOR GAS MAIN PURPOSES.

COLUMBUS, OHIO, February, 10, 1939.

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 the Gas Producing Company of Ohio of Newark, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$12.00, payable in semi-annual installments of \$6.00 each, there is leased and demised to the lessee above named the right to occupy and use the outer margin of the towing-path embankment of the Ohio and Erie Canal property located in Newark Township, Licking County, Ohio, between station 194+60 and 204+50 of W. C. Row's Survey of said canal, for gas main purposes.

I am advised on information received from your office that the parcel of land covered by this lease is a part of that section of the Ohio and Erie Canal between the aqueduct over Raccoon Creek in West Newark, Ohio, and the village of Hebron, Ohio, which was abandoned for canal and hydraulic purposes by an Act of the 82nd General Assembly passed under date of March 21, 1917, 107 O. L., 741. And your authority to execute this lease is found in the general provisions of section 13965, General Code, relating to the lease of canal lands generally, and in the more special provisions of section 4 of the Act of the 82nd General Assembly above referred to, which section, so far as the same is pertinent, provides as follows:

“As soon as surveys and plats of said abandoned canal lands have been completed, the superintendent of public works shall proceed to appraise, sell or lease said lands, subject to the approval of the governor and attorney general, in strict conformity with the various provisions of the General Code relating to the selling and leasing of state canal lands, except that the term of such leases shall not be for less than fifteen, nor more than twenty-five years, and that the bed and banks of such canal may be included in any lease of such abandoned canal lands, and in case of a sale of such land, the fee simple title thereto shall be conveyed.”

Upon examination of this lease, I find that the same has been properly executed by you as Superintendent of Public Works, acting for and on behalf of the State of Ohio, and by the Gas Producing Company of Ohio, acting by the hand of one H. H. Ross, Vice President, acting pursuant to the authority of a resolution of the Board of Directors of said company duly adopted under date of January 23, 1939. I further find that the provisions of this lease and the conditions and restrictions therein contained are in conformity with the above noted and other statutory provisions relating to leases of this kind. I am accordingly 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 returned.

Respectfully,

THOMAS J. HERBERT,
Attorney General.