

37.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO, THROUGH DIRECTOR PUBLIC WORKS, TO JOHN H. NEAL, DESIGNATED OHIO CANAL PROPERTY, MADISON TOWNSHIP, FRANKLIN COUNTY, OHIO, RIGHT TO OCCUPY AND USE FOR RESIDENTIAL PURPOSES.

COLUMBUS, OHIO, January 25, 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 you as Superintendent of Public Works and as Director of said department to one John H. Neal of Groveport, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$6.00, there is leased and demised to the lessee above named the right to occupy and use for residential pur-

poses that portion of the abandoned Ohio Canal property located in Madison Township, Franklin County, Ohio, which is described as follows:

Beginning at Station 2192+75, in the transit line of A. Albright's Survey of said canal property and extending westerly with the lines of said canal property, one hundred twenty-five (125') feet, more or less to Station 2194+00, of said survey, excepting therefrom any portion of the above described property that may be occupied by a county highway.

This lease is executed under the general authority conferred upon you by section 13965, General Code, and under the more special provisions of the Act of June 7, 1911, 102 O. L., 293, as amended by the later act of the 88th General Assembly passed April 5, 1929, 113 O. L., 524. By this later act, municipalities and owners of abutting property, in the order named are given prior rights with respect to the lease of canal lands abandoned by said act which are located in the municipality. In this situation, I assume, with respect to the lease here in question, that no owner of abutting property other than the lessee above named has now pending any application for the lease of this property which would make this lease to John H. Neal in any respect illegal.

With this assumption I find, upon examination of the provisions of this lease and of the conditions and restrictions therein contained, that the same are in conformity with the statutory provisions above referred to and with other statutes relating to leases of this kind. And since it appears that this lease has been executed by you as Superintendent of Public Works and as Director of said department, and by John H. Neal, the lessee therein named, in the manner provided by law, I am approving this lease as is evidenced by my approval endorsed thereon and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

THOMAS J. HERBERT,
Attorney General.