

Upon examination of this lease, which is executed by you under your general authority as successor to the power, authority and duties of the Board of Public Works and under the more special authority conferred by an Act of the 79th General Assembly enacted June 7, 1911, 102 O.L., 293, I find that the lease has been properly executed by you in your official capacity above stated and by M. R. Reid, the lessee therein named. I further find upon examination of this lease that the terms and provisions thereof and the conditions and restrictions therein contained are in conformity with said Act and with 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 enclosed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

903.

APPROVAL—CANAL LAND LEASE EXECUTED BY THE
STATE OF OHIO TO J. SAMUEL SMITH OF GROVEPORT,
OHIO.

COLUMBUS, OHIO, July 23, 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 and as Director of said department to one J. Samuel Smith of Groveport, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$19.00, there is leased and demised to the lessee above named the right to occupy and use for agricultural purposes that portion of the abandoned Ohio and Erie Canal property, including the full width of the bed and embankments thereof, located in Madison Township, Franklin County, Ohio, which is described as follows:

Commencing on a line drawn at right angles to Station 2138+00, of A. Albright's Survey of said canal property, and

extending thence southwesterly with the canal property lines, a distance of thirty hundred and eighty-nine (3089') feet, more or less, to a line drawn at right angles to station 2168+89, and containing six and three-tenths (6.3) acres, more or less, excepting and reserving so much of the above described property that may be occupied by the public highway.

Although there is no recital in this lease as to the statutory authority under which the same is executed, I assume that the above described property is included in that section of the Ohio Canal which is abandoned for canal purposes by an Act of the 88th General Assembly enacted April 19, 1929, 113 O.L., 524. This Act in and by Section 4 thereof grants to any municipality in which such abandoned canal lands are located a prior right with respect to the lease of the same if application is made therefor within one year from the effective date of said Act. Although this lease does not contain any recital of the fact that no application for the lease of the above described property was made by the village of Groveport within the time limited by the statute, I assume that such is the fact and that you are, therefore, authorized to execute this lease to the lessee above named.

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 and by J. Samuel Smith, the lessee therein named. I further find, upon examination of the lease, that the terms and provisions thereof and the conditions and restrictions therein contained are in conformity with said Act and with 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 enclosed

Respectfully,

HERBERT S. DUFFY,
Attorney General.