

389.

LEASE—CANAL LAND, STATE TO L. H. EAGON, ABANDONED OHIO CANAL PROPERTY, NEWCOMERSTOWN, TUSCARAWAS COUNTY.

COLUMBUS, OHIO, April 5, 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 executed by you as Superintendent of Public Works and as Director of said department to one L. H. Eagon of Newcomerstown, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$18.00, there is leased and demised to the lessee above named the right to occupy and use for gardening purposes that portion of the abandoned Ohio Canal property located in the village of Newcomerstown, Tuscarawas County, Ohio, described as follows:

Beginning at the westerly end of Lock No. 21, same being at or near station 2906+00, of G. F. Silliman's Survey of said canal property and running thence westerly two hundred (200') feet, more or less, to Station 2908+00, of said survey, and being all the Ohio Canal property extending northerly from the southerly property lines of said canal to the public highway along the northerly line of the above described property, and being a portion of the lands deeded to the state of Ohio by William Gardner and H. G. Clark, and containing eighty-seven hundredths (0.87) acres, more or less.

Upon examination of this lease, which is executed by you under the authority of an Act of the 89th General Assembly enacted April 29, 1931, 114 O. L., 541, I find that the same has been executed by you in your official capacity above stated and by L. H. Eagon in the manner provided by law.

Assuming, as I do, that this property has not been designated for state highway purposes and that no application for the lease of the same has been made by any of the corporations or persons having prior rights to the lease of this property under section 8 of said Act, I find that the terms and provisions of this lease and the conditions and restrictions therein contained are in conformity with the above mentioned Act of the legislature and with other related statutes. I am, therefore, 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,

THOMAS J. HERBERT,
Attorney General.