

papers in reference to this purchase inasmuch as I do not now have them before me, they having been returned to you along with my previous opinion.

Enclosed please find said new abstract of title and the original and a copy of said affidavit made by said John H. Hawkins. Under separate cover, I am sending to you a sketch of the land in question made and furnished to me by said Mr. Hawkins.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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4746.

APPROVAL, LEASE TO CANAL LANDS IN ROSS COUNTY, OHIO.

COLUMBUS, OHIO, November 17, 1932.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication with which you enclose for my examination and approval a certain lease in triplicate by which there is leased and demised to one Arthur J. Jones, of Chillicothe, Ohio, a certain parcel of abandoned Ohio canal lands situated in Franklin Township, Ross County, Ohio, which parcel of land is more particularly described as follows:

“Being the full width of the bed and banks of said canal property beginning at the southerly line of Coon Creek, being the southerly end of a lease granted to John A. Poland of Chillicothe, Ohio, under date of November 16th, 1923, at or near station 414+40, of the W. O. Sanzenbacher survey of said canal property, and running thence southeasterly with the lines of said canal property five hundred thirty (530') feet, more or less, as measured along the transit line of said survey to Station 409+10 of said survey, being the northerly end of a lease granted to Russell McCorkhill, under date of September 16, 1924, and containing one (1) acre, more or less. Reserving therefrom any portion thereof that may be occupied by a state or county highway.”

The lease here in question is one for a term of fifteen years, and provides for an annual rental of Six Dollars, payable in semi-annual installments. This lease is executed under the authority of an Act of the General Assembly, approved by the Governor under date of June 7, 1911, (102 O. L. 293) which Act provided for the abandonment for canal purposes, of that part of the Ohio canal between Buckeye Lake and Portsmouth, Ohio; which Act provides for the sale or lease of such abandoned canal lands in conformity with general statutory provisions relating to the sale or lease of canal lands in this state.

Upon examination of this lease I find that the same has been properly executed by the Superintendent of Public Works as Director of said department and by the lessee above named. From an examination of the provisions of this lease and of the conditions and restrictions therein contained, I find that the

same are in conformity with the Act of the legislature above referred to, and with other statutes relating to leases of this kind.

In this connection I note that this lease is granted subject to the provisions of Amended Substitute Senate Bill 69 enacted as law by the 89th General Assembly (114 O. L. 518) which provides generally for the use of such canal lands for public park purposes if application therefor is made by a political subdivision of the kind mentioned in this act, within two years of the effective date thereof.

This lease is approved by me as to legality and form and I am herewith returning the same to you with my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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4747.

APPROVAL, LEASE TO ABANDONED OHIO CANAL LANDS IN TUSCARAWAS COUNTY, OHIO, FOR RIGHT TO USE FOR FISH HATCHERY PURPOSES.

COLUMBUS, OHIO, November 17, 1932.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a certain lease in triplicate executed by you, as Superintendent of Public Works and as Director of said department, by which lease there is leased and demised to the Division of Conservation of the Department of Agriculture, for a term of fifteen years, the right to occupy and use for the purposes of a fish hatchery, that portion of the abandoned Ohio canal, including the full width of the bed and banks thereof, situated in Lawrence Township, Tuscarawas County, Ohio, which parcel of canal land so leased, is more particularly described as follows:

“Beginning at the southerly right-of-way line produced across said canal property of The Wheeling and Lake Erie Railroad, said right-of-way crossing the transit line of the G. F. Silliman survey of said canal property, at or near Station 1023-86, and running thence southeasterly with the lines of said canal property, thirteen hundred and fourteen (1314') feet, more or less, as measured along said transit line to Station 1037, excepting therefrom any portion of said property now occupied by the State Highway.”

This lease, which provides for an annual rental of Twelve Dollars, during the term of the lease above noted, has been executed by you under the authority of Amended Substitute Senate Bill 72, which was enacted as law by the 89th General Assembly, April 9, 1931; and the lease is granted subject to the provisions of said act and of Amended Substitute Senate Bill 69, enacted by the 89th General Assembly under date of April 22, 1931, which provides generally for the use of abandoned canal lands for park purposes when application therefor is made in the manner and within the time provided for in said act.