

5497.

APPROVAL—APPLICATION FOR ADJUSTMENT OF CURRENT RENTALS ON M. & E. CANAL LAND LEASE TO PENNSYLVANIA RAILROAD COMPANY.

COLUMBUS, OHIO, May 11, 1936.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval a finding made by you with respect to the adjustment of current rentals on a lease of Miami and Erie Canal lands now owned and held by the Pennsylvania Railroad Company. The adjustment of the rentals under this lease was made by your immediate predecessor in office as Superintendent of Public Works, pursuant to an application therefor filed by the Pennsylvania Railroad Company in which the reason assigned for the adjustment of these rentals and the reduction thereof is as follows:

“Economic conditions which have existed for the past four years have resulted in the reduction of cars handled and consequent reduction of railroad revenues. This is evidenced by the fact that the number of freight cars handled in and out of the city of Cincinnati as a whole has fallen off approximately 30% since 1926, and the decrease or reduction in cars handled over the tracks in Eggleston Avenue covered by the lease amounts to between 35% and 40%.”

By the finding made by the then Superintendent of Public Works upon this application, the current rental under this lease, which lease covers so much of the surface of Eggleston Avenue in the city of Cincinnati between the easterly line of Broadway and the southerly line of Pearl Street in said city as is now occupied by said railroad company, was reduced for the period between November 1, 1935, and November 1, 1936, from the sum of Twelve Thousand Dollars (\$12,000) to the sum of Ten Thousand Dollars (\$10,000).

Upon examination of the proceedings of the Superintendent of Public Works relating to the adjustment of the rentals here in question and of the application therefor, which was filed by the railroad company under the authority of House Bill No. 467, 115 O. L., 512, I find same to be in substantial conformity with the provisions of said act; and assuming as I must that the Superintendent of Public Works then in office made the investigation required of him under this act, the finding made by

him with respect to the reduction of the current rentals under this lease is approved by me as is evidenced by my approval endorsed upon the resolution which is attached to said finding, and upon the copies thereof, all of which together with your finding and the application filed by the railroad company, are herewith enclosed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5498.

APPROVAL—APPLICATION FOR REDUCTION OF DELINQUENT RENTALS ON MIAMI AND ERIE CANAL LAND LEASE OF TOLEDO GRAIN AND MILLING COMPANY OF TOLEDO, OHIO.

COLUMBUS, OHIO, May 11, 1936.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval a finding made by your immediate predecessor in office with respect to adjustments of current and delinquent rentals on certain Miami and Erie Canal lands now held under lease by the Toledo Grain and Milling Company of Toledo, Ohio. By the finding made by the then Superintendent of Public Works, the delinquent rentals under this lease, which covered the period of time between May 1, 1933, to November 1, 1935, were reduced from the sum of Thirty-seven Hundred Fifty Dollars (\$3750) to the sum of Three Thousand Dollars (\$3000), and the current rental under the lease for the period of time between November 1, 1935, and November 1, 1936, was reduced from the sum of Fifteen Hundred Dollars (\$1500) to the sum of Twelve Hundred Dollars (\$1200).

The adjustment and reduction in the amounts of the delinquent and current rentals under this lease made by the then Superintendent of Public Works were so made by him pursuant to an application therefor filed by the Toledo Grain and Milling Company under the authority of House Bill No. 467, 115 O. L., 512, and the reason assigned by the lessee for the adjustment and reduction of said rentals is stated in the application as follows:

“By reason of the abandonment of the canal, the State of Ohio is unable to perform the terms of said lease of December 30, 1912, on its part to be kept and performed in this, that it is unable and has been unable continuously since January 1, 1930,