

thereof, located in Tuscarawas Township, Coshocton County, Ohio, and described as follows:

Beginning at Station 3816+00 of G. F. Silliman's Survey of said canal property and running thence southerly with the lines of said canal property, five hundred (500') feet, more or less, as measured along the transit line of said survey to station 3821+00, and containing one and five-tenths (1.5) acres, more or less, excepting therefrom any part of the above described property that may be occupied by a public highway.

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 Clyde Johnston 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,

HERBERT S. DUFFY,  
*Attorney General.*

---

1109.

APPROVAL—LEASE EXECUTED BY THE STATE OF OHIO  
FOR CANAL LANDS TO ONE CARL H. BAUER OF DAY-  
TON, OHIO.

COLUMBUS, OHIO, September 9, 1937.

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 in triplicate executed by you as Superin-

tendent of Public Works and as Director of said department to one Carl H. Bauer of Dayton, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$12.00, there is leased and demised to the lessee above named the right to occupy and use for agricultural and recreational purposes that portion of the abandoned Miami and Erie Canal property, including the full width of the bed and banks thereof, located in Montgomery County, Mad River Township, and described as follows:

Beginning at station 9190+18, of H. E. Whitlock's Survey of said canal property, said station being the south line of Laura T. McCann's lease of said canal property, thence southwesterly with the canal property lines to station 9200+97.74, said station being the south line of Lot No. 2 of the Morningside Plat, and containing two and seven-tenths (2.7) acres, more or less.

Upon examination of this lease, which is one executed by you under the authority of the DeArmond Act, so-called, 114 O. L., 546, I find that the same has been executed by you in your official capacity above stated and by Carl H. Bauer, the lessee therein named, in the manner provided by law. Assuming, as I do, that the parcel of canal land above described has not been designated by the Director of the Department of Highways for state highway purposes, and that no application for the lease of this property for park purposes has been made by any political subdivision entitled to the lease of the property for such purposes, I find that the provisions of this lease and the conditions and restrictions therein contained are in conformity with the act of the legislature above referred to and with other statutory provisions relating to leases of this kind. I am, accordingly, approving this lease and I am herewith returning the same with my approval endorsed thereon and upon the duplicate and triplicate copies which are likewise herewith enclosed.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*