

of Ohio Canal land by the village of Newcomerstown or by any other person or corporation having prior rights with respect to the lease of this property, I find that the provisions of this lease are in conformity with said act and with other statutory provisions relating to leases of this kind.

An examination of the lease shows that the same has been properly executed by you as Superintendent of Public Works and by the lessees therein named. I am, accordingly, approving the lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5966.

APPROVAL—CANAL LAND LEASE TO LAND IN TEXAS,
HENRY COUNTY, OHIO—CHARLES F. SALHOFF, TEXAS,
OHIO.

COLUMBUS, OHIO, August 15, 1936.

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 to one Charles F. Salhoff of Texas, Ohio.

This lease is one for a term of ninety-nine years, renewable forever, and by its terms leases and demises to the lessee above named a parcel of abandoned Miami and Erie Canal land in the village of Texas, Henry County, Ohio, which parcel is bounded and described as follows:

Commencing at a point in the center line of Broad Street, produced, in the village of Texas, Henry County, Ohio, which point is forty-three and thirty-three hundredths (43.33') feet, northerly from the northwest corner of Lot No. 1, of what is known as the park addition to said village, and running thence easterly with a curve to the left, having a radius of forty-three hundred and sixty-seven and eighteen hundredths (4367.18') feet, a distance of one hundred eleven and seventy-nine hundredths (111.79') feet, more or less, to the easterly line, produced, of Lot No. 2, of said park addition to said village of Texas; thence south 2° 05' west, thirty-four and forty-four hun-

dredths (34.44') feet, more or less, to the southerly line of the state canal property; thence westerly, along the southerly line of the state canal property, one hundred ten and twenty-eight hundredths (110.28') feet, more or less, to the center line of Broad Street, produced; thence north 2° 05' east, a distance of forty-three and thirty-three hundredths (43.33') feet, more or less, to the point of beginning, and containing .098 acres, more or less.

It is noted that the lease provides for an annual rental of fifteen dollars during the first fifteen-year period of the term of the lease with the further provision that the property shall be appraised at the end of each fifteen-year period for the purpose of determining the appraised valuation of the property which shall be the basis for the rental of the property for the succeeding fifteen-year period. I do not find any provision in the DeArmond Act, 114 O. L., 546, which authorizes or requires such successive appraisals of the property covered by this lease. However, the provisions of the Farnsworth Act, 114 O. L., 518, which contains general authority with respect to the lease of all canal lands which have been abandoned for canal purposes, require such successive appraisals on long-term leases. Reading the provisions of the Farnsworth Act in connection with the DeArmond Act which provides for the abandonment for canal purposes of the canal lands here in question, I am inclined to the view that a provision of this kind was not only authorized but required in the lease here in question.

Upon examination of this lease, I find that the same has been properly executed by you and by Charles F. Salhoff, the lessee therein named. And inasmuch as the provisions of the lease and the conditions and restrictions therein contained seem to be in conformity with the statutory provisions above noted and with other statutory enactments relating to leases of this kind, I am approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.