

doubt, I am of the opinion that the sale or lease of the abandoned canal lands in the city of Nelsonville, here in question, under the authority of said act of the Legislature, would be an effective assertion of the rights of the state in and upon said lands for the purpose of again vesting title to the same in the state of Ohio.

And by way of answer to the question presented in your communication, I am of the opinion that the state may assert its rights under the condition subsequent by which this property was vested in the city of Nelsonville, and again invest itself with the title to the same by procuring in a court of competent jurisdiction a judgment or decree forfeiting the rights of the city of Nelsonville by reason of its violation of the provisions of said condition subsequent, by an act of the Legislature itself declaring such forfeiture, or by selling or leasing the property here in question under the authority of the act of the Legislature above referred to.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1416.

APPROVAL, LEASE TO ABANDONED MIAMI AND ERIE CANAL LAND
IN CONCORD TOWNSHIP, MIAMI COUNTY—TOLEDO AND CINCINNATI
RAILROAD COMPANY.

COLUMBUS, OHIO, January 15, 1930.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—Some time ago your predecessor, Hon. R. T. Wisda, submitted for my examination and approval a certain lease in triplicate, executed by the State of Ohio, through the Superintendent of Public Works, by which there is leased and demised to The Toledo and Cincinnati Railroad Company for a term of ninety (90) years a certain parcel of abandoned Miami and Erie Canal land, located in Concord Township, Miami County, Ohio, which parcel is more particularly described as follows:

Beginning at a point in the westerly line of the lands of the Miami and Erie Canal, south 79 Deg. 34' west 77.0 feet from an iron pin at Station 8495+60.7 in the base line for said canal survey, and south 23 Deg. 29' east 89.5 feet from Station 3994+03.1 of The Toledo and Cincinnati Railroad; thence with said westerly line of said canal lands, the following thirteen courses:—North 3 Deg. 42' west 203.0 feet, North 0 Deg. 24' west 382.1 feet; North 8 Deg. 14' west 165.2 feet; North 11 Deg. 48' west 591.0 feet; North 12 Deg. 03' west 194.9 feet, North 17 Deg. 13' west, 393.5 feet, North 25 Deg. 28' west 310.6 feet, North 34 Deg. 05' west 269.6 feet, North 41 Deg. 49' west 340.2 feet; North 46 Deg. 47' west 820.4 feet, North 44 Deg. 24' west 373.1 feet, North 33 Deg. 47' west 264.4 feet, and North 27 Deg. 24' west 264.3 feet to a point which is North 81 Deg. 38' west, 75.9 feet from Station 4034+14.0 of said railroad and south 67 Deg. 52' west, 86.0 feet from an iron pin at Station 8449+67.4 in said base line; thence, intersecting said base line at Station 8451+64.8, south 47 Deg. 19' east 278.7 feet to the easterly line of said canal lands; thence with said easterly line of said canal lands, the following twelve courses:—South 33 Deg. 19' east, 247.4 feet, South 45 Deg. 15' east, 362.2 feet, south 47 Deg. 12' east 823.4 feet, South 40 Deg. 49' east, 351.2 feet, South 33 Deg. 28' east, 283.4 feet, South 25 Deg. 07' east, 323.3 feet, South 19 Deg. 33' east, 402.1 feet, South 13 Deg. 52' east, 201.4 feet, South 12

Deg. 04' east, 601.4 feet, South 6 Deg. 04' east, 179.0 feet, South 2 Deg. 26' west, 383.6 feet, and South 3 Deg. 49' east, 187.9 feet; thence intersecting said base line at Station 8495+75.2, south 34 Deg. 31' west, 111.2 feet to the westerly line of said canal lands; thence with said westerly line of said canal lands, North 20 Deg. 50' west, 80.0 feet to the point of beginning, containing 10.48 acres.

The lease here in question is executed under the authority of House Bill No. 162, enacted by the 86th General Assembly, March 25, 1925, 111 Ohio Laws, 208, and the annual rent reserved in said lease is six percent (6%) upon the appraised value of the property covered by the lease, with a provision for the reappraisal of said property at the end of each fifteen year period during the term of the lease.

An examination of the provisions of said lease shows that the lease here in question has been executed in strict conformity to the provisions of the act of the Legislature above referred to and with all other statutory provisions relating to the execution of leases of this kind. Said lease is accordingly approved by me as to legality and form as is evidenced by my approval endorsed upon said lease and upon the duplicate and triplicate copies thereof, all of which are forthwith returned.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1417.

APPROVAL, LEASE TO ABANDONED MIAMI AND ERIE CANAL LAND
IN MONROE TOWNSHIP, MIAMI COUNTY—TOLEDO AND CINCINNATI
RAILROAD COMPANY.

COLUMBUS, OHIO, January 15, 1930.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of a communication from your predecessor, Hon. R. T. Wisda, submitting for my examination and approval a certain lease executed by the State of Ohio through the Superintendent of Public Works, by which there is leased and demised to the Toledo and Cincinnati Railroad Company for a term of ninety (90) years a certain parcel of abandoned Miami and Erie Canal lands, located in Monroe Township, Miami County, Ohio, and which is more particularly described as follows:

“Beginning at a point, corner in the division line between the lands of the Miami and Erie Canal and the right-of-way of The Toledo and Cincinnati Railroad, north 41 Deg. 39' west 36.3 feet from the southerly boundary of the northwest quarter of Section 3, Township 4, North, Range 6 East, measured along said division line; thence with said division line the following seven courses: North 35 Deg. 56' west 100.5 feet; North 29 Deg. 45' west 99.0 feet; North 7 Deg. 31' west 143.5 feet; North 7 Deg. 52' west 500.0 feet; North 6 Deg. 39' west 200.0 feet; North 7 Deg. 09' west 1000.9 feet; and North 6 Deg. 48' west 2000.0 feet; thence south 13 Deg. 53' east 302.3 feet; thence south 9 Deg. 05' east 500.2 feet; thence south 6 Deg. 48' east 2500.6 feet; thence south 7 Deg. 31' east 499.7 feet; thence south 17 deg. 15' east 226.8 feet to the point of beginning, containing 4.56 acres.”