

Erie Canal in the city of Toledo, Ohio, which was abandoned for canal and hydraulic purposes by an Act of the 83rd General Assembly under date of January 22, 1920, 108 O. L., Pt. 2, page 1138, and which under the provisions of this Act was later sold by the State of Ohio to the city of Toledo for street purposes.

In this situation, the parcel of land above described cannot, as originally intended, be leased and demised as a part of a lease for hydraulic purposes of water out of the Miami and Erie Canal at this point, as originally provided for by the Act of March 23, 1840, 38 O. L., 87, 92; and your sole authority to now lease this property is that conferred upon you generally with respect to the lease of canal and other contiguous state lands. And in this view, I am of the opinion that you are authorized to execute the lease here in question for the term above stated.

Upon examination of this lease instrument, I find that the same has been properly executed by you as Superintendent of Public Works and as Director of said department and by the Delta Fuel and Supply Company, the lessee therein named, by the hands of its President and its Secretary pursuant to the authority conferred upon them by a resolution of the Board of Directors of said company. I further find, upon my examination of this lease instrument, that the provisions thereof and the conditions and restrictions therein contained are in conformity with all of the statutory enactments of this State relating to leases of this kind. I am accordingly approving this lease as is evidenced by my approval endorsed thereon and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

1215.

APPROVAL -- CANAL LAND LEASE EXECUTED BY THE
STATE OF OHIO TO ONE WILLIAM HAWTHORN OF
DAYTON, OHIO.

COLUMBUS, OHIO, September 22, 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 Superintendent of Public Works and as Director of said department to one William Hawthorn 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 cottage site and agricultural purposes that portion of the abandoned Miami and Erie Canal property, including the full width of the bed and embankments thereof, located in Mad River Township, Montgomery County, Ohio, that is described as follows:

Tract No. 1. Commencing on the northerly line produced of Lot No. 23, of Edward F. Lipp's Morningside Plat, said line intersecting the transit line of H. E. Whitlock's survey of said canal property at Station 9209 plus 98.7; thence southwesterly with the canal property lines a distance of one hundred thirty-five and one-tenth (135.1') feet, as measured along said transit line, to Station 8211+33.8, which station intersects the southerly boundary line produced of Lot No. 25, of said plat, and being all of the canal property in the rear of Lots Nos. 23, 24 and 25.

Tract No. 2. Commencing on the northerly line of Lot No. 28, of Edward F. Lipp's Morningside Plat, said line intersecting the transit line of H. E. Whitlock's Survey of said canal property at station 8212+68.5; thence southwesterly with the canal property line a distance of 84.73 feet, as measured along said transit line to station 9213+53.23, and containing ten thousand four hundred eighteen (10,418) square feet, 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 William Hawthorn, 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 the 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.

1216.

APPROVAL — CANAL LAND LEASE EXECUTED BY THE
STATE OF OHIO TO WALTER R. GAULT OF DAYTON,
OHIO.

, COLUMBUS, OHIO, September 22, 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 Superintendent of Public Works and as Director of said department to one Walter R. Gault of Dayton, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$6.00, there is leased and demised to the lessee above named the right to occupy and use for residential and agricultural 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, Ohio, and described as follows:

Beginning at Station 9691+20, of H. C. Baldwin's Survey of said canal property, thence running southerly with the lines of said canal property, a distance of three hundred (300') feet to Station 9694+20 of said survey, and containing seventy-six hundredths (0.76) acres, more or less.

Upon examination of this lease, which is one executed by you under the authority of the DeArmond Act, co-called, 114 O. L., 546, I find that the same has been executed by you in your official capacity above stated and by Walter R. Gault, 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