

2329.

APPROVAL—WRITTEN PERMIT, STATE OF OHIO, THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH NICHOLSON TRANSIT COMPANY, RIVER ROUGE, MICHIGAN, TO REMOVE SAND AND GRAVEL FROM BED LAKE ERIE, DESCRIBED AREAS, TERMS NOT LESS THAN ONE YEAR NOR MORE THAN TEN YEARS, EITHER UPON ROYALTY BASIS OR FIXED ANNUAL RENTAL.

COLUMBUS, OHIO, April 19, 1938.

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

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a certain written permit in triplicate in and by which you, acting as Superintendent of Public Works, give and grant to the Nicholson Transit Company of River Rouge, Michigan, permission to remove sand and gravel from the bed of Lake Erie within certain areas which are described in the permit as follows:

(1) Being an area of twelve square miles and commencing one and one-fourth ($1\frac{1}{4}$) miles northerly from Fairport, Ohio, and extending thence northwesterly a distance of six (6) miles.

(2) Being an area of approximately seventy-seven (77) square miles, the same commencing about four (4) miles offshore midway between Vermilion and Lorain, Ohio; thence southwesterly eleven (11) miles; thence northerly eleven (11) miles; thence northeasterly seven (7) miles; thence southeasterly seven (7) miles; thence southerly three (3) miles to the place of beginning.

This permit, which is one for the calendar year 1938 and which provides for the payment by the permittee above named of a royalty of five cents per cubic yard bulk measure for all sand and gravel removed under the permit, is executed under the authority of Substitute Senate Bill No. 236 enacted by the 91st General Assembly under date of May 21, 1935, 116 O. L., 244. This act in Section 5 thereof provides that subject to certain limitations noted in Section 6 of the act (not here material), the Superintendent of Public Work is authorized to issue permits, subject to the approval of the Governor and the Attorney General, to parties making application therefor, for permission to take and remove sand, gravel, stone, minerals and other substances from the bottom of Lake

Erie, either upon a royalty basis or for a fixed annual rental as may be deemed for the best interest of the state; and that such permits for sand, gravel, stone, mineral and other substances, shall be issued for terms of not less than one nor more than ten years, to be taken within certain fixed boundaries so as not to conflict with the rights of littoral owners.

Upon examination of this permit, I find that the same has been properly executed by you as Superintendent of Public Works, acting for and on behalf of the State of Ohio, and by the Nicholson Transit Company, the permittee therein named, acting by the hand of its Vice President pursuant to the authority of a resolution theretofore duly adopted by the Board of Directors of said company.

I further find, upon examination of this instrument, that the provisions thereof and the conditions and restrictions therein contained are in conformity with the statutory provisions above noted. I am accordingly approving this permit as to legality and form as is evidenced by my approval endorsed upon the instrument and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

2330.

APPROVAL.—CANAL LAND LEASE, STATE OF OHIO, THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH J. M. RANCK, GROVEPORT, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL \$15.00, RIGHT TO OCCUPY AND USE FOR AGRICULTURAL AND BUILDING PURPOSES, PORTION ABANDONED OHIO AND ERIE CANAL PROPERTY, HAMILTON TOWNSHIP, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, April 19, 1938.

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

DEAR SIR: You recently submitted for my examination and approval a certain canal land lease in triplicate executed by you as Superintendent of Public Works and as Director of said department to one J. M. Ranck of Groveport, Ohio.

By this lease, which is one for a stated term of fifteen years and