

3143.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO, THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH THE FAIRFIELD PAPER COMPANY, BALTIMORE, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL, \$30.00, RIGHT TO OCCUPY AND USE FOR BUSINESS PURPOSES, DESCRIBED PORTION, ABANDONED OHIO CANAL PROPERTY, VILLAGE OF BALTIMORE, FAIRFIELD COUNTY, OHIO.

COLUMBUS, OHIO, October 26, 1938.

HON. CARL G. WATIL, *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 The Fairfield Paper Company of Baltimore, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$30.00, there is leased and demised to the lessee above named the right to occupy and use for business purposes that portion of the abandoned Ohio Canal property in the village of Baltimore, Fairfield County, Ohio, including the full width of the bed and embankments thereof, as owned by the State of Ohio, commencing at the westerly line of Main Street in said village and extending thence southwesterly eleven hundred and twenty-two (1122') feet, more or less to the foot of Lock No. 6, numbering south from Licking Summit Reservoir, and containing four and five-tenths (4.5) acres, more or less.

This lease is executed under the general authority conferred upon you by Section 13965, General Code, and under the more special provisions of the Act of June 7, 1911, 102 O. L., 293, as amended by the later act of the 88th General Assembly passed April 5, 1929, 113 O. L., 524. By this later act, municipalities and owners of abutting property, in the order named, are given prior rights with respect to the lease of canal lands abandoned by said act which are located in the municipality. In this situation, I assume, with respect to the lease here in question, that the village of Baltimore made no application for the lease of this property within the time limited by this act and that, likewise, no owner of abutting property other than the lessee above named has now pending any application for the lease of this property which would make this lease to The Fairfield Paper Company in any respect illegal.

With these assumptions, I find, upon examination of the provisions

of this lease and of the conditions and restrictions therein contained, that the same are in conformity with the statutory provisions above referred to and with other statutes relating to leases of this kind. And since it appears that this lease has been executed by you as Superintendent of Public Works and as Director of said department, and by The Fairfield Paper Company, by the hands of its President and Secretary pursuant to the authority of a resolution duly adopted by the Board of Directors of said company under date of August 14, 1938, I am 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.*

3144.

DISAPPROVAL—BONDS, SHARPSBURG RURAL SCHOOL DISTRICT, MERCER COUNTY, OHIO, \$11,000.00.

COLUMBUS, OHIO, October 27, 1938.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*  
GENTLEMEN :

RE: Bonds of Sharpsburg Rural School Dist., Mercer  
County, Ohio, \$11,000.00.

I am in receipt of the transcript relative to the above bond issue and will be unable to approve the same for the following reasons:

In certain parts of the transcript, this school district is styled as the Sharpsburg Special School District and in other parts of the transcript is properly styled Sharpsburg Rural School District. Section 4679 of the General Code classifies the school districts of this state into five classes, namely, city school districts, exempted village school districts, village school districts, rural school districts, and county school districts. For this reason, there is an apparent discrepancy throughout the entire transcript. There are likewise other omissions from the transcript, but without further mention of the same, I will go to the pertinent defect upon which I am basing my disapproving opinion.

The notice of election was published in the Ft. Recovery Journal commencing on October 8, 1937, and for that reason the first insertion was not a full twenty-eight days prior to the date of election, namely November 2, 1937. Section 2293-21, General Code, provides in part as follows: "Notice of the election shall be published in one or more news-