

Adjutant General and Director of State Armories, for the construction and completion of an Ohio State Warehouse to be erected at Camp Perry, Ohio, which contract calls for the total expenditure of three thousand, nine hundred and seventy-two dollars (\$3,972.00).

You have also submitted the following papers in this connection: Encumbrance record, dated March 9, 1938, proof of publication, workmen's compensation certificate showing the contractor having complied with the laws of Ohio relating to compensation, Controlling Board Release, certificate of the Auditor of State that the necessary papers are on file in that office, tabulation of bids, division of contract, form of proposal properly executed with the Glens Falls Indemnity Company as surety, the power of attorney for its signer, its financial statement and certificate to do business in the State of Ohio.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other papers submitted in this connection.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

2128.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO, THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH THE CRYSTAL TISSUE COMPANY, MIDDLETOWN, OHIO, TERM NINETY YEARS, ANNUAL RENTAL \$30.00, RIGHT TO OCCUPY AND USE FOR BUILDING AND GENERAL BUSINESS PURPOSES, DESCRIBED PORTION, ABANDONED MIAMI AND ERIE CANAL LANDS, LEMON TOWNSHIP, BUTLER COUNTY, OHIO.

COLUMBUS, OHIO, March 21, 1938.

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

DEAR SIR: This is to acknowledge receipt of your recent communication with which you submit for my examination and approval a canal land lease in triplicate executed by you as Superintendent of Public Works to The Crystal Tissue Company of Middletown, Ohio.

By this lease, which is one for a stated term of ninety years and which provides for an annual rental of \$30.00 during the first fifteen-year period of the term of the lease, there is leased and demised to the lessee above named the right to occupy and use for building and general business purposes that portion of the abandoned Miami and Erie Canal lands, situated in Section 26, Lemon Township, Butler County, Ohio, and which is more particularly described as follows:

Beginning at a point in the easterly property line of said canal lands, said point being south $76^{\circ} 56\frac{1}{2}'$ east, seventy-six (76') feet from station 9452+33.4, in the transit line made by Bert Beucler, as shown by plans dated July 8, 1933; thence south $18^{\circ} 46' 19''$ west, to a point south $70^{\circ} 54' 30''$ east, seventy-five (75') feet from station 9454+21, in said transit line; thence south $19^{\circ} 43'$ west, seventy-five (75') feet to the left of and parallel with said transit line to a point in the easterly line of said canal lands, said point being seventy-five (75') feet to the left of and at right angles to said transit line at station 9460+04.7; thence in a northeasterly direction to a point, same being at right angles to and ninety-four (94') feet to the left of station 9459+33.7 in said transit line; thence continuing in a northeasterly direction to a point, same being at right angles to and one hundred thirty-one (131') feet to the left of station 9459+04.7 in said transit line; thence continuing in a northeasterly direction to a point same being at right angles to and one hundred forty-eight and seven-tenths (148.7') feet to the left of station 9458+83.4 in said transit line; thence continuing in a northeasterly direction to a point same being at right angles to and one hundred fifty-five (155') feet to the left of station 9458+47, in said transit line; thence south $70^{\circ} 54' 30''$ east, one hundred thirty-nine (139') feet from station 9454+21 in said transit line; thence continuing in a northerly direction to a point, same being at right angles to and eighty-nine (89') feet to the left of station 9453+04.6 in said transit line; thence continuing in a northerly direction to the point of beginning and containing forty-one thousand, six hundred fifty-one (41,651) square feet, more or less.

This lease is one executed by you under the authority of Sections 14153-5, et seq., General Code, as these sections are amended in the Act of May 6, 1935, 116 O. L., 155, 158. By these sections of the General Code as thus amended, it is provided that such portions

of the Miami and Erie Canal situated between a point five hundred feet north of the State Dam near the corporation line of the city of Middletown to St. Bernard in the city of Cincinnati, as are not designated as lands needed or desired by the Director of Highways for highway purposes, shall be returned to the jurisdiction and control of the Superintendent of Public Works who is authorized to lease such lands for a period of fifteen years and multiples thereof up to ninety years, or for a term of ninety-nine years, renewable forever, upon a rental equal to six per cent per annum upon the appraised value of such lands; and that at the end of each fifteen-year period during the term of the lease such lands shall be re-appraised for rental purposes. And in this connection, it is noted that the lease here under consideration provides that at the end of each fifteen-year period during the continuance of said lease, the canal property therein described shall be re-appraised by proper state authority and the annual rental for each of the subsequent periods during the term of the lease shall be six per cent of such respective appraisements.

Upon examination of this lease and of the conditions and restrictions therein contained, I find that the same are in substantial conformity with the provisions above noted and with others relating to leases of this kind. And since it appears, further, that this lease has been executed by you as Superintendent of Public Works in the manner provided by law and by The Crystal Tissue Company, the lessee therein named, by the hand of its Vice President, acting pursuant to the authority of a resolution of the Board of Directors duly adopted by said Company, I am approving this lease 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,

HERBERT S. DUFFY,

Attorney General.