

1372.

BONDS—CITY OF EUCLID, CUYAHOGA COUNTY, \$5,000.00.

COLUMBUS, OHIO, November 2, 1939.

Retirement Board, State Teachers' Retirement System, Columbus, Ohio.

GENTLEMEN :

RE: Bonds of the City of Euclid, Cuyahoga County,
Ohio, \$5,000.

The above purchase of bonds appears to be part of a \$248,000 issue of street improvement bonds of the above city dated February 1, 1932. The transcript relative to this issue was approved by this office in an opinion rendered to your Board under date of August 13, 1937, being Opinion No. 1010.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1373.

LEASE—CANAL LAND, STATE TO MILLARD WAMPLER,
DESIGNATED OHIO AND ERIE CANAL LAND, MADISON
TOWNSHIP, FRANKLIN COUNTY, USE, RESIDENTIAL
AND AGRICULTURAL PURPOSES.

COLUMBUS, OHIO, November 2, 1939.

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 canal land lease in triplicate executed by you as Superintendent of Public Works and as Director of said Department, to one Millard Wampler of Route 2, Groveport, Ohio.

By this lease, which is one for a stated term of fifteen years, and which provides for an annual rental of \$24.00, payable in semi-annual installments of \$12.00 each, 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 Ohio and Erie Canal in

Madison Township, Franklin County, Ohio, which is bounded and described as follows:

“Beginning at Station 2011+90, of W. J. Slavin’s Survey of said canal property, same being the westerly line of a lease granted to Lester Wernert under date of November 16, 1938, and extending thence westerly with the lines of said canal property, a distance of ten hundred and ninety-seven (1097’) feet, more or less to Station 2022+87, of said survey and containing four (4) 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 May 31, 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 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 Millard Wampler 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 Millard Wampler, the lessee therein named, in the manner provided by law, 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 returned.

Respectfully,

THOMAS J. HERBERT,
Attorney General.