

89th General Assembly under date of April 29, 1931, and which went into effect on the 6th day of August, 1931. Assuming that no part of the above described parcel of land has been designated by the Director of Highways as land necessary for highway purposes as provided for in Section 6 of said act (Sec. 14203-95, G. C.) and assuming further that no application for the lease of this parcel of land or of any part thereof has been made by the village of Newcomerstown or by any other person or corporation entitled to priority with respect to the lease of this property, under the provisions of Section 8 of said act (Sec. 14203-97, G. C.), I am of the opinion that you were authorized to execute this lease for the term and for the rental therein provided for, under the provisions of paragraph 5 of the section of the act last above referred to.

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works and as Director of said Department, acting for the state of Ohio, and by Carl D. Portz, the lessee therein named. I further 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 as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully

JOHN W. BRICKER,
Attorney General.

5612.

APPROVAL—CANAL LAND LEASE TO LAND IN CLAY TOWNSHIP, TUSCARAWAS COUNTY, OHIO — FRED LINARD, PORT WASHINGTON, OHIO.

COLUMBUS, OHIO, May 26, 1936.

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 canal land lease in triplicate executed by you as Superintendent of Public Works and as Director of said Department, acting for the state of Ohio, to one Fred Linard, of Port Washington, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual

rental of \$12.00 payable in semiannual installments of \$6.00 each, there is leased and demised to the lessee above named the right to occupy and use for agricultural purposes that portion of the Ohio Canal property located in Clay Township, Tuscarawas County, Ohio, and described as follows:

Beginning at Station 2397+30, and running thence westerly with the lines of said canal property three hundred thirty (330') feet to Station 2400+60, as shown by plat No. 91, of G. F. Silliman's survey of the Ohio Canal through Tuscarawas County.

This lease is one executed by you under the authority of Amended Substitute Senate Bill No. 72, 114 O. L., 541, which was enacted by the 89th General Assembly under date of April 29, 1931, and which went into effect on the 6th day of August, 1931. Assuming that no part of the above described parcel of land has been designated by the Director of Highways as land necessary for highway purposes as provided for in section 6 of said act (Section 14203-95, G. C.) and assuming further that no application for the lease of this parcel of land or of any part thereof has been made by any municipal corporation or other political subdivision or by any other person or corporation entitled to priority with respect to the lease of this property, under the provisions of section 8 of said act (Section 14203-97, G. C.), I am of the opinion that you were authorized to execute this lease for the term and for the rental therein provided for, under the provisions of paragraph 5 of the section of the act last above referred to.

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works and as Director of said Department, acting for the state of Ohio, and by Fred Linard, the lessee therein named. I further 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 as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

JOHN W. BRICKER,
Attorney General.