

6144.

APPROVAL—CANAL LAND LEASE TO LAND IN RUSH
TOWNSHIP, SCIOTO COUNTY, OHIO—ELMER MARTIN
COX, JR., PORTSMOUTH, OHIO.

COLUMBUS, OHIO, October 3, 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 the state of Ohio through you as Superintendent of Public Works and as Director of said Department to one Elmer Martin Cox, Jr., of Portsmouth, Ohio.

This lease is one for a term of fifteen years, provides for an annual rental of \$24.00, and by its terms leases and demises to the lessee above named the right to occupy and use for cottage site and agricultural purposes that portion of the abandoned Ohio Canal property, including the full width of the bed and banks thereof, located in Rush Township, Scioto County, Ohio, which is more particularly described as follows:

Beginning at a point in a line drawn across said canal property, at right angles thereto that is one hundred ninety-six (196') feet southerly from the southerly end of Lock No. 49, commonly known as powder-mill lock, said line crossing the transit line of the W. O. Sanzenbacher survey of said canal at Station 30+17, and being the northerly end of two leases as transferred to the grantee herein under date of June 18th, 1931, and running thence southerly with the lines of said canal property, two hundred and fifty (250') feet, as measured along said transit line to a line parallel with the above described line, drawn through Station 32+67, of said survey; also the right to the use of the bed of said canal as a roadway from the public highway to the above described property, passing under the Norfolk & Western Railroad bridge to the private road controlled by the applicant herein, reserving therefrom the rights of the said railroad company to that portion of the above described property occupied by the right-of-way of the said railroad company.

Upon examination of this lease, I find that the same has been properly executed in the name of the state of Ohio by you as Superintendent of Public Works and as Director of said Department and by Elmer Mar-

tin Cox, Jr., the lessee named in this lease. Upon examination of the provisions of this lease and of the conditions and restrictions therein contained, I find that the same are in conformity with House Bill No. 584, enacted by the 79th General Assembly under date of May 31, 1911, 102 O. L., 293, and other statutory enactments relating to leases of this kind. I am, accordingly, 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 enclosed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

6145.

APPROVAL—LEASE TO M. & E. CANAL LANDS IN CONCORD
TOWNSHIP, MIAMI COUNTY, OHIO—BERT PEMBERTON,
TROY, OHIO, JACOB MARTIN, PIQUA, OHIO.

COLUMBUS, OHIO, October 3, 1936.

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

DEAR SIR: You have submitted for my examination and approval two canal land leases in triplicate, executed by you as Superintendent of Public Works and as Director of said Department, to Bert Pemberton of Troy, Ohio, and to Jacob Martin of Piqua, Ohio, respectively. By these leases which are each for a term of fifteen years and which provide for the payment of annual rentals in the sum of six dollars and ten dollars, there are leased and demised to the lessees above named parcels of Miami and Erie Canal lands in Concord Township, Miami County, Ohio, and containing as to the first lease above referred to one acre of land as to the other lease 1.90 acres of land, more or less.

The leases here in question have been executed by you under the authority conferred upon you for this purpose and by the DeArmond Act, so-called, 114 O. L., 546, providing for the abandonment of the Miami and Erie Canal between the points therein named, and for the sale or the lease of the same. Assuming, as I do, that no part of the parcels of Miami and Erie Canal lands covered by these leases has been designated for highway purposes or taken over for park purposes as authorized by this act and by the Farnsworth Act, 114 O. L., 518, I find that you are authorized to execute these respective leases to the persons therein named for cottage site and agricultural purposes, as therein stated.

Finding that these leases have been properly executed by you as