

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 W. H. Hightower, 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 enclosed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3470.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO, THROUGH DIRECTOR OF PUBLIC WORKS, TO CARL SCHLAGETTER, SIDNEY, OHIO, ABANDONED MIAMI AND ERIE CANAL PROPERTY KNOWN AS "SIDNEY FEEDER", SIDNEY, SHELBY COUNTY, OHIO, FOR GARAGE AND GARDENING PURPOSES, ANNUAL RENTAL, \$12.00.

COLUMBUS, OHIO, December 28, 1938.

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

DEAR SIR: You recently submitted 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 to one Carl Schlagetter of Sidney, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$12.00, there is leased and demised to the lessee above named the right to occupy and use for garage and gardening purposes that portion of the abandoned Miami and Erie Canal property known as the "Sidney Feeder" located in the city of Sidney, Shelby County, Ohio, and described as follows:

Beginning at a point in the easterly line of said canal property, same being the intersection of said easterly canal property and the southerly line of Lot No. 2145, of Martin Lacy's Subdivision in said city and being opposite to Station 376+86, of

S. A. Buchanan's Survey of said canal property, and running thence northerly along the easterly canal property line, one hundred twenty-three and seventy-five hundredths (123.75') feet to a point, same being the intersection of the easterly canal property line and the northerly line of Lot No. 2143 of said subdivision; thence westerly with the northerly line of Lot No. 2143 produced fifty-two (52') feet, more or less; thence southerly at right angles to the northerly line of Lot No. 2143 produced one hundred twenty-three and seventy-five hundredths (123.75') feet to a point, same being the southerly line of Lot No. 2145 produced; thence easterly along the southerly line of Lot No. 2145 fifty-two (52') feet, more or less, to the point of beginning.

Upon examination of this lease, which is one executed by you under the authority of the DeArmond Act, so-called, 114 O. L., 546, I find that the same has been executed by you in your official capacity above stated and by Carl Schlagetter, the lessee therein named, in the manner provided by law. Assuming, as I do, that the parcel of canal land above described has not been designated by the Director of the Department of Highways for state highway purposes, and that no application for the lease of this property for park purposes has been made by any political subdivision entitled to the lease of the property for such purposes, I 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 and I am herewith returning the same with my approval endorsed thereon and upon the duplicate and triplicate copies which are likewise herewith enclosed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.