

for its acceptability upon the talent of the individual, the present contract did not have to be let after competitive bidding, and the detailed provisions of sections 2314 to 2332, General Code, did not have to be followed. See Opinion No. 3796, rendered December 1, 1931.

It is noted that the Governor of Ohio has approved the contract herein, as required by Section 1 of the act of the legislature passed March 14, 1929 (113 O. L. 59).

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

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

3951.

APPROVAL, NOTES OF NEWARK CITY SCHOOL DISTRICT, LICKING COUNTY, OHIO—\$50,000.00.

COLUMBUS, OHIO, January 13, 1932.

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

3952.

APPROVAL, LEASE TO CANAL LANDS IN LUCAS AND HENRY COUNTIES, OHIO—THE TOLEDO METROPOLITAN PARK BOARD.

COLUMBUS, OHIO, January 13, 1932.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication submitting for my examination and approval a certain canal land lease in triplicate, executed on behalf of the State of Ohio by your predecessor, Hon. A. T. Connar, by which there is leased and demised to The Toledo Metropolitan Park Board certain abandoned Miami and Erie Canal lands and property in Lucas and Henry Counties, Ohio.

The several parcels of canal lands and other property leased are more particularly described in said lease as follows:

“TRACT ONE—That portion of the abandoned Miami and Erie Canal property, including the full width of the towing path embankment thereof, in Lucas and Henry counties, Ohio, commencing at the intersection of said Miami and Erie Canal in Providence township, Lucas county, Ohio, with the slack-water pool above the Providence dam in the Maumee river, and extending thence westerly, including the full width of said towing path embankment, a distance of seven thousand, nine hundred and forty-one (7,941) feet, more or less, to the west end

(upper end) of Lock No. 11, of said canal, numbering south from the outlet lock of said canal into the Maumee river, at Toledo, Ohio, including the slack-water pool in the Maumee River, between Providence and Grand Rapids dams and Lock No. 10 of the Miami and Erie canal locks numbering south from the outlet Lock of said canal, at its intersection with Swan Creek in the City of Toledo, Ohio, with the right to enter upon, occupy and use said slack-water pool for the purpose of constructing, maintaining and operating docklandings, boating courses, bathing beaches, bath-houses, athletic and aquatic equipment, walks, drives and devices of all kinds for the use and convenience of the public, together with all state lands, contiguous thereto, subject, however, to all existing leases, rights, and privileges heretofore granted by the State of Ohio for either lands or water that were in force at the date of the passage of the act known as Amended Senate Bill No. 46, as passed by the 89th General Assembly of Ohio, but reserving to the State of Ohio, the sole right to lease water or the privilege of taking sand and gravel from the bed of said slack-water pool, but said party of the second part hereto, its successors and assigns, shall have the right to take and use, without payment therefor, sand and gravel from the bed of said slack-water pool for the purpose of making improvements upon any of the abandoned Miami and Erie Canal lands herein leased.

TRACT TWO—All of what is known as the "Maumee Side-cut Canal" to the Miami and Erie Canal, in Maumee, Monclova Township, Lucas County, Ohio, commencing at the intersection of said Side-cut Canal, with the main line of the Miami and Erie Canal at the head of Lock No. 1 of said Side-cut, and extending thence easterly over and along said canal, including the full width of the bed and banks thereof, a distance of nine thousand and seventy-five (9,075) feet, measured along S. A. Buchanan's transit line of his survey of said Side-cut Canal, to a line drawn parallel to and thirty-five (35) feet east of the foot of Lock No. 6 of said Side-cut, being the intersection of said side-cut with the Maumee River."

The lease here under investigation is executed under the authority of sections 14178-13, General Code, enacted as Amended Senate Bill No. 46, passed by the 89th General Assembly, under date of March 9, 1931, and which went into effect on the 19th day of June, 1931. This act is for the stated purpose of abandoning for canal and hydraulic purposes certain portions of the Miami and Erie Canal and likewise the Maumee Side-cut Canal to said Miami and Erie Canal in Lucas and Henry Counties, Ohio, and to provide for leasing of same for public park and recreational purposes.

This lease, which is one for a term of ninety-nine (99) years, renewable forever, and which, as provided for in section 11 of said act (sec. 14178-23, General Code), has evidently been prepared with great care so as to carry into said lease all of the essential requirements of said act, the declared purpose of which is to authorize the lease of said above described lands and property to the park board, above named, to the end that this property may be improved by the park board and used for a public park, amusement and recreational purposes.

Upon careful examination of said lease and of the provisions thereof, I am of the opinion that said lease has been lawfully executed and that the same is in all respects in accordance with the provisions of the act of the legislature above mentioned. I am accordingly approving said lease as to legality and form, and

I am herewith returning same together with the duplicate and triplicate copies thereof with my approval endorsed thereon.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

3953.

APPROVAL, BONDS OF FRAZEYSBURG VILLAGE SCHOOL DISTRICT,  
MUSKINGUM COUNTY, OHIO—\$700.00.

COLUMBUS, OHIO, January 14, 1932.

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

3954.

APPROVAL, BONDS OF VILLAGE OF SYLVANIA, LUCAS COUNTY,  
OHIO—\$32,156.92.

COLUMBUS, OHIO, January 14, 1932.

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

3955.

APPROVAL, ABSTRACT OF TITLE TO LAND IN THE VILLAGE OF  
WOODSFIELD, MONROE COUNTY, OHIO.

COLUMBUS, OHIO, January 14, 1932.

HON. O. W. MERRELL, *Director, Department of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval an abstract of title, warranty deed, encumbrance record No. 1369, and board of control release relating to the purchase of a certain parcel of land situated in the Village of Woodsfield, Monroe County, Ohio, the same being a part of the southeast quarter of section 36, township 4, range 5, and more particularly described as follows:

“Beginning at a point in the property line between H. H. Fleahman and the Grantor, said point being 50.03 feet measured along said property line from Station 16+ 22.7 in the center line of survey made by the Department of Highways, said point being some 47.73 feet measured along the said property line from the center of the present county road leading from Woodsfield to Louisville; thence South 2° West 102.27 feet to a point of intersection with the Northerly right of way line of