

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 Chalmer C. Brown, 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.

1732.

APPROVAL—LEASE SUPERINTENDENT OF PUBLIC WORKS TO C. W. MURPHEY, COLUMBUS, OHIO, FIFTEEN YEARS, ANNUAL RENTAL \$6.00, SPOIL EMBANKMENT, OHIO CANAL, SECTION 4, TOWN 16, RANGE 18, FAIRFIELD COUNTY, OHIO, AND SOUTH ONE-HALF OF LOT No. 5, STATE'S SPOIL BANK ALLOTMENT, RIGHT TO OCCUPY AND USE FOR COTTAGE SITE AND BOAT LANDING.

COLUMBUS, OHIO, January 7, 1938.

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

DEAR SIR: You recently submitted 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 C. W. Murphey of Columbus, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$6.00, there is leased and demised

to the lessee above named the right to occupy and use for cottage site and boat landing purposes that portion of the state land known as the "Spoil Embankment" of the Ohio Canal in Section 4, Town 16, Range 18, Fairfield County, Ohio, lying between what is commonly known as the County Road leading to Baltimore, Ohio, and the Ohio Canal that is included in the south one-half of Lot No. 5, of the State's Spoil Bank Allotment, and having a frontage of fifty (50') feet, measured along the east line of the county road.

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 June 7, 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 C. W. Murphey in any respect illegal.

With this assumption, 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 C. W. Murphey, 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.