

Finding said contract and bond in the proper legal form I am returning the same herewith to you with my approval noted thereon, together with the other papers submitted in this connection.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

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APPROVAL—CANAL LAND LEASE TO LAND IN DEFIANCE,
OHIO.

COLUMBUS, OHIO, February 11, 1937.

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 land lease in triplicate executed by you as Superintendent of Public Works and as Director of said Department in the name and on behalf of the State of Ohio to one S. Harris of Fort Wayne, Indiana.

By this lease, which is one for a term of fifteen years and which provides for an annual rental of \$18.00, there is leased and demised to the lessee above named for park and lawn purposes the right to occupy and use that portion of the abandoned Miami and Erie Canal lands located in the city of Defiance, Ohio, and more particularly described as follows:

Beginning at a point that is ninety-four (94') feet westerly, as measured parallel with the northerly line of Fourth Street produced across said canal property, from the easterly line of said canal property, and twenty (20') feet southerly from the said northerly line of Fourth Street, and running thence northerly parallel with the said easterly line of said canal property, one hundred forty-seven (147') feet, more or less, to the northerly line produced of that portion of said canal property now under lease to S. Harris, being the southerly one-half of a certain lease granted to The Defiance Machine Works, under date of October 6th, 1920, as transferred to S. Harris, 729 Court Street, Fort Wayne, Indiana, under date of May 23, 1932; thence westerly at right angles eighteen (18') feet, more or less, to the

northeasterly corner of the said S. Harris lease; thence southerly with the easterly line of the said Harris lease, one hundred forty-seven (147') feet, more or less, to the southeasterly corner thereof; thence easterly eighteen (18') feet, more or less, to the place of beginning, and containing 2,647 square feet, more or less.

This lease is one executed by you in your official capacity as Superintendent of Public Works and on behalf of the State of Ohio, under the authority of Amended Substitute Senate Bill No. 194, enacted by the 89th General Assembly, 114 O.L., 546. And, assuming as I do that no part of the above described parcel of Miami and Erie Canal lands has been designated for highway purposes as provided for in said act and that no application has been made for the lease of this parcel of land or of any part thereof by the City of Defiance or other political subdivision for park purposes, as likewise provided for in this act, I find that you are authorized to execute this lease under section 19 of the act above referred to.

The lease has been properly executed by you as Superintendent of Public Works and as Director of said Department for and on behalf of the State of Ohio and by the lessee, S. Harris, acting by the hand of one R. B. Harris pursuant to the authority of a power of attorney duly executed by said S. Harris as provided for by the law of the State of Indiana where said S. Harris now resides. Upon examination of the provisions of the lease and of the conditions and restrictions therein contained, I find that the same are in conformity with the act of the 89th General Assembly under the authority of which the lease is executed, and with other statutory provisions 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,

HERBERT S. DUFFY,

Attorney General.