

party of the second part, by which, for a term of five (5) years from May 1, 1930, and in consideration of an annual rental of one thousand five hundred thirty-six dollars (\$1,536.00) to be paid to the state by the City of Cleveland, there is granted to the city the right to insert into the Ohio Canal next above Lock No. 8, commonly known as the "Eight-Mile Lock," an eight (8") inch pipe for the purpose of securing water for condensing purposes in connection with The Cleveland Garbage Disposal Plant.

The lease here in question was executed by your predecessor under the authority of sections 431 and 14009 of the General Code. An examination of the provisions of said lease shows that said provisions and the conditions and restrictions therein contained are within the authority conferred upon the superintendent of public works with respect to leases of this kind; and finding further that this lease has been properly executed by the superintendent of public works and by the City of Cleveland, acting through the city manager pursuant to a resolution of the council of said city, said lease is accordingly hereby approved by me as to legality and form, and the same together with the duplicate and triplicate copies are herewith returned with my approval endorsed thereon.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3958.

APPROVAL, LEASE FOR RIGHT TO ENTER UPON AND USE FOR GENERAL MUNICIPAL AND PUBLIC PARK PURPOSES, OHIO CANAL LAND IN VILLAGE OF NAVARRE, STARK COUNTY, OHIO.

COLUMBUS, OHIO, January 16, 1932.

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

DEAR SIR:—This is to acknowledge the receipt of a recent communication from your office 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. Connor, by which instrument there is leased and demised to the village of Navarre, Stark County, Ohio, for a term of ninety-nine years, renewable forever, the right to enter upon and occupy and use for general municipal and public park purposes, a certain parcel of abandoned Ohio Canal lands in said village, which is more particularly described as follows:

Beginning at the north corporation line of said Village, said line crossing the transit line of the G. F. Silliman survey of the Ohio Canal through Stark County, at or near Station 347+60, and running thence southerly and easterly with the lines of said canal property, 8,440 feet, more or less, to Station 432 of said Silliman's survey of said canal, and containing nineteen and one-half (19½) acres, more or less; Subject, however to all existing leases, with the right of renewal thereof for those portions of said canal property that have heretofore been legally leased by the Superintendent of Public Works.

The lease here in question is executed under the authority of sections 14203-51,

et seq. of the General Code, as enacted by Amended Senate Bill No. 235, passed by the 88th General Assembly under date of April 6, 1929, which act is one providing for the abandonment for canal purposes of that portion of the Ohio Canal, and lateral canals connected therewith, lying within Stark County, Ohio, and to provide for the lease and sale thereof. By said act, the superintendent of public works is authorized to lease to any municipal corporation or other political subdivision such canal lands abandoned for canal purposes by the act as are located within such municipal corporation or other political subdivision or such of said canal lands as are adjacent to or extend from the boundaries of the municipal corporation or other political subdivision, provided that application for such lease is made by the municipal corporation or other political subdivision within one year from the effective date of said act; and in such case it is further provided that the annual rental to be paid by the municipality for such lease shall be 4% upon the appraisement fixed by the board of appraisers provided for in the act.

It appears that the village of Navarre made application for the lease here in question on June 17, 1930, within one year from the date when the act of the legislature, above referred to, went into effect; and conformable to the provisions of this act the annual rental to be paid by the village of Navarre for the first fifteen years of the term of the lease is 4% of the sum of four thousand four hundred sixty-seven dollars and thirty-five cents (\$4,467.35), the appraised value of the parcel of land covered by the lease and above described. The lease further provides, conformable to the provisions of this act, that the property leased shall be re-appraised at the end of each period of fifteen years during the term of the lease and that the subsequent annual rentals shall, for the ensuing period of fifteen years, be 4% of such respective appraised valuations.

Carrying out the further provisions of the act of the legislature, above referred to, this lease provides for the assignment by the state to the village of Navarre of the state's respective interests as lessor in several term leases theretofore executed by the superintendent of public works to certain individuals and corporations named in this lease.

I have carefully examined this lease and the various provisions and conditions therein contained and find that the same has been properly executed by the superintendent of public works, acting for and on behalf of the state of Ohio, and by the village of Navarre, acting through its mayor and clerk of council pursuant to the authority of an ordinance duly adopted by the council of said village. I am accordingly hereby approving said lease as to legality and form, and I herewith return the same, together with the duplicate and triplicate copies thereof, with my approval endorsed thereon.

Respectfully,

GILBERT BETTMAN,

Attorney General.

3959.

DISAPPROVAL, ARTICLES OF INCORPORATION OF THE OHIO GROCERY MUTUAL INSURANCE COMPANY.

COLUMBUS, OHIO, January 16, 1932.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and opinion as to their