

6388.

APPROVAL—CONTRACT FOR HIGHWAY IMPROVEMENT IN
SUMMIT COUNTY, OHIO.

COLUMBUS, OHIO, November 21, 1936.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

6389.

APPROVAL—CANAL LAND LEASE TO LAND IN CIRCLE-
VILLE, PICKAWAY COUNTY, OHIO— CONER LEACH.

COLUMBUS, OHIO, November 21, 1936.

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 canal land lease in triplicate executed by you as Superintendent of Public Works and as Director of said Department to one Coner Leach of Circleville, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$50.00, there is leased and demised to the lessee therein named the right to occupy and use for agricultural, residence and business purposes a part of the abandoned Ohio Canal property in the city of Circleville, Pickaway County, Ohio, which is more particularly described as follows:

Being that portion of said abandoned Ohio Canal property, including the full width of the bed and towing path embankments of said canal, as now owned by the State of Ohio (the berme embankment thereof, having heretofore been sold to The Norfolk and Western Railway Company), commencing at the northerly line of High Street in said city, produced westerly across the canal, and extending thence northeasterly a distance of three hundred sixty (360') feet, more or less, to the southerly line of a private driveway, produced, measured along the transit line of W. O. Sanzenbacher's survey of said Ohio Canal, made under the direction of the State Board of Public Works in 1912, and containing nineteen thousand eighty (19080) square feet,

more or less. A plat of said survey is recorded on Plat No. 161, of Volume 8 of Ohio Canal plats on file in the Department of Public Works, at Columbus, Ohio. The northerly line of the parcel of land herein described is a line drawn across the canal parallel to High Street in said City of Circleville, Ohio.

Aside from the general power conferred upon you as Superintendent of Public Works with respect to the execution of canal land leases, the execution of the lease here in question is authorized by an act of the General Assembly enacted in the year 1911, 102 O. L., 293, which act has been carried into the General Code as sections 14203-12 to 14203-19, inclusive. This act provided, among other things, for the abandonment of the Ohio Canal from the west end of Buckeye Lake in Fairfield County to the junction of said canal with the Ohio River near Portsmouth and for the sale or lease of such canal lands by the Board of Public Works subject to the approval of the Governor and the Attorney General; and it was further provided therein that the term of any such lease or leases should be for not less than fifteen years nor more than twenty-five years, and that the bed and banks of the canal property may be included in any lease of such canal lands. Inasmuch as under the provisions of section 464, General Code, the Superintendent of Public Works succeeded to the power and authority of the Board of Public Works with respect to the execution of canal land leases, this act stands as your authority for the execution of the lease here in question.

Upon examination of this lease, I find that the same has been properly executed by you as Superintendent of Public Works and as Director of this Department, acting on behalf of the state of Ohio, and by Coner Leach, the lessee therein named. I further find from the examination of the lease and of the provisions and conditions therein contained that the same are in conformity with the statutory provisions above noted and with other enactments of the General Assembly relating to leases of this kind. I am accordingly approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.