

authority of that part of Section 8 of said Act above quoted ; although as to this, it is quite probable that the lessee above named is the owner of lands contiguous to the canal property covered by this lease. And, assuming as I do, that no application for the lease of this canal land has been made by any person or corporation entitled to prior rights with respect to the lease of the above described parcel of Ohio Canal land, I find that you are authorized to execute this lease to Lew Seibert, the lessee therein named.

Upon examination of this lease I find that the same has been properly executed by you, acting for and in the name of the State of Ohio, and Lew Seibert, the lessee. I further 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 provisions of the act above referred to, and with those of other statutory enactments 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,

THOMAS J. HERBERT,
Attorney General.

1097.

LEASE—CANAL LAND, STATE TO MIAMI SPECIALTIES, INC., DESIGNATED PORTION, ABANDONED MIAMI AND ERIE CANAL PROPERTY, CITY OF TROY, RIGHT TO OCCUPY AND USE FOR GENERAL BUSINESS PURPOSES.

COLUMBUS, OHIO, August 25, 1939.

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

DEAR SIR: You have submitted for my examination and approval a canal land lease in triplicate executed by you in your official capacity as Superintendent of Public Works, to Miami Specialties, Inc., of Troy, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$103.00, payable in semi-annual installments of \$51.50 each, there is leased and demised to the lessee above named the right to use and occupy for general business purposes that portion of the abandoned Miami and Erie Canal property located in the City of Troy, Ohio, that is described as follows:

“Beginning at a point in the easterly line of Plum Street in said city that is one hundred forty-four (144') feet south of

the southeast corner of Canal and Plum Streets, measured along the easterly line of Plum Street; thence southerly along the easterly line of Plum Street twenty-seven (27') feet, more or less, to the northerly line of what is commonly known as 'Dye Mill Race'; thence southeasterly along the north line of said race, two hundred and forty (240') feet, more or less, to the westerly line of a lease now held by Skinner Motor Sales; thence northerly with the westerly line of said lease, fifty-seven (57') feet, more or less, to the southerly line of a lease now held by F. C. Statler and L. Schub; thence westerly with the southerly line of said lease, two hundred thirty-two (232') feet, more or less, to the point of beginning and containing eleven thousand, four hundred forty-five (11,445) square feet, more or less."

This parcel of abandoned Miami and Erie Canal land is in that section of the Miami and Erie Canal which was abandoned for canal and hydraulic purposes by the Act of April 9, 1931 (114 O. L., 546), by which act the canal lands in this section including the parcel here under consideration, were transferred to the jurisdiction and control of the Director of Highways, for highway and other purposes. As to this, it appears however that the present Director of Highways acting under the authority conferred upon him by sections 14153-5, et seq., General Code, as amended, 116 O. L., 157-159, has transferred the above described parcel of canal land back to the jurisdiction and control of the Superintendent of Public Works.

In this situation it would appear that you are authorized to lease this parcel of canal land under the authority of Section 14153-8, General Code, as amended by the act last above referred to.

And inasmuch as it appears that this lease has been properly executed by you as Superintendent of Public Works, for and on behalf of the State of Ohio and by Miami Specialties Inc., by the signature of S. S. Faulkner, Secretary and Treasurer of said corporation in accordance with a resolution of the Board of Directors of said corporation, as evidenced by a certified copy of same attached to the lease, and since it further appears that the provisions of this lease and the conditions and restrictions therein contained are in conformity with the Statutory provisions relating to leases of this kind, 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,

THOMAS J. HERBERT,
Attorney General.