

100.

APPROVAL—THREE CANAL LAND LEASES TO LAND IN  
DEFIANCE AND ALLEN COUNTIES, OHIO.

COLUMBUS, OHIO, February 5, 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 three canal land leases in triplicate in and by which there is leased and demised to the respective lessees therein named certain parcels of abandoned Miami and Erie Canal lands. These leases are each for a term of fifteen years and, designated with respect to the names of the lessees, the location of the property and the annual rental provided for in the leases, are as follows:

Lessee	Location	Rental
Harry R. W. Horn	City of Defiance, Defiance County, Ohio	\$12.00
Henry H. Ricker	Delphos, Allen County, Ohio	60.00
Fred S. Stever	Richland Township, Defiance County, O.	12.00

These leases are executed by you under the authority of Amended Substitute Senate Bill No. 194, known as the DeArmond Act, enacted by the 89th General Assembly, 114 O. L., 546, the provisions of which have been carried into the General Code by designation of the Attorney General as sections 14178-27 to 14178-52. This act provides generally for the use of state highway purposes of such portions of the Miami and Erie Canal abandoned by the act as may be designated by the Director of Highways for this purpose, and further provides that such portions of these canal lands as are not designated for highway purposes may upon proper applications therefor be used for public park purposes. Section 19 of this act, which is now section 14178-45, General Code, provides as follows:

“At the end of two years from the date at which this act becomes effective, any portion of said abandoned Miami and Erie Canal that has not been designated by the director of highways as necessary for state highway improvements under the terms of this act, or has not been leased for public park purposes, to any of the parties herein authorized to make application to lease portions of said abandoned canal for public

park purposes, may be appraised by the superintendent of public works at its true value in money, and leased to responsible parties for a term of fifteen years and multiples thereof up to ninety years, or for a term of ninety-nine years renewable forever, subject to the approval of the governor and attorney general, and the annual rental therefor shall be six per cent of the appraised value thereof, as determined by said superintendent of public works."

The leases here in question, which have been executed by you as Superintendent of Public Works and as Director of said Department on behalf of the State of Ohio, have been so executed under the authority of the above quoted section of this act. And assuming that no part of the parcels of Miami and Erie Canal lands covered by these leases have been designated by the Director of Highways for highway purposes and, further, no application has been made by any authorized municipality or other political subdivision of the state for a lease of these lands for park purposes, your authority to execute these leases to the persons above named is clear. And finding, as I do, that these leases have been properly executed and that the provisions of these leases and the conditions and restrictions therein contained are in conformity with the act of the legislature above referred to and with other statutory enactments relating to leases of this kind, I am approving these leases 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.*

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101.

DISAPPROVAL—GRANT OF EASEMENT TO LAND IN JENNINGS TOWNSHIP, PUTNAM COUNTY, OHIO.

COLUMBUS, OHIO, February 5, 1937.

HON. L. WOODDELL, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval a certain grant of easement, No. 425, conveying to the State of Ohio,