

Throughout this entire transcript, there is no mention made of federal participation nor reference to House Bill 544, effective June 7, 1935, and for this reason the procedure taken in the issuance of these bonds must have been taken pursuant to the Uniform Bond Act. The election notice was not published pursuant to Section 2293-21, General Code, and I am therefore disapproving this transcript and advise your system against the purchase of these bonds.

Respectfully,

HERBERT S. DUFFY

Attorney General.

3146.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO, THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH CURTIS GREEN, GROVEPORT, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL, \$15.00, RIGHT TO OCCUPY AND USE FOR RESIDENTIAL AND AGRICULTURAL PURPOSES, DESCRIBED PORTION, ABANDONED OHIO CANAL PROPERTY, MADISON TOWNSHIP, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, October 27, 1938.

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

DEAR SIR: You recently submitted for my examination and approval a certain canal land lease in triplicate executed by you as Superintendent of Public Works and as Director of said department to one Curtis Green of Groveport, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$15.00, there is leased and demised to the lessee above named the right to occupy and use for residential and agricultural purposes that portion of the abandoned Ohio Canal property, located in Madison Township, Franklin County, Ohio, and described as follows:

Being the portion of said canal property, lying between the southerly line of said canal property and the southerly line of that portion of said canal property leased to the Scioto Valley Traction Company, under date of December 28, 1916, and extending from the east end of Lock No. 19, south of the Licking Summit, said end of lock being at or near

Station 1921+73 of W. J. Slavin's Survey of said canal property, sixteen hundred ninety-one (1691') feet, westerly, as measured along the transit line of said survey to Station 1938+64 and containing two and one-tenth (2.1) acres, more or less.

This lease is executed under the general authority conferred upon you by Section 13965, General Code, and under the more special provisions of the Act of June 7, 1911, 102 O. L., 293, as amended by the later act of the 88th General Assembly passed April 5, 1929, 113 O. L., 524. By this later act, municipalities and owners of abutting property, in the order named, are given prior rights with respect to the lease of canal lands abandoned by said act which are located in the municipality. In this situation, I assume, with respect to the lease here in question, that no owner of abutting property other than the lessee above named has now pending any application for the lease of this property which would make this lease to Curtis Green in any respect illegal.

With this assumption I 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 statutory provisions above referred to and with other statutes relating to leases of this kind. And since it appears that this lease has been executed by you as Superintendent of Public Works and as Director of said department, and by Curtis Green, the lessee therein named, in the manner provided by law, 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,

HERBERT S. DUFFY

Attorney General.