

of the Governor and the Attorney General as provided for in said section of the General Code.

It appears upon examination of this transcript that your proceedings for the sale of this property are in all respects regular and I am accordingly approving the sale of this property and the transcript of your proceedings relating to this sale, as is evidenced by my approval endorsed on said transcript and upon the duplicate copy thereof which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1168.

APPROVAL—CANAL LAND LEASE EXECUTED BY THE
STATE OF OHIO TO G. B. McCONNELL AND JENNIE
McCONNELL OF NEWCOMERSTOWN, OHIO.

COLUMBUS, OHIO, September 17, 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 two canal land leases in triplicate executed by you as Superintendent of Public Works and as Director of said department, acting for and on behalf of the state of Ohio, to C. B. McConnell and Jennie McConnell of Newcomerstown, Ohio, in and by which there are leased and demised to the lessees above named two parcels of 1462 and 3060 square feet, respectively, of abandoned Ohio Canal lands situated in the village of Newcomerstown, Ohio, and more particularly described by metes and bounds in the lease instruments.

These leases are each for a term of ninety-nine years, renewable forever, and as to the first lease herein referred to, the annual rental therein provided for the first fifteen years of the term of the lease is the sum of \$60.00, while the annual rental provided for in the other lease for the first fifteen years of the term thereof is \$24.00. In both lease instruments provision is made for a reappraisal of the lands leased at the end of each fifteen-year period of the term of the lease with the further provision that thereafter the annual rental shall be

6% of the appraised value of the property during each of such successive fifteen-year periods.

This lease is one executed under the authority of Amended Substitute Senate Bill No. 72 enacted by the 89th General Assembly under date of April 29, 1931, 114 O. L., 541, which provides for the abandonment of that portion of the Ohio Canal situated within Tuscarawas, Coshocton and Muskingum Counties, Ohio, and of sections 14203-55, et seq., General Code, relating to the lease of Ohio Canal lands in Stark County, Ohio, which sections of the General Code by section 5 of the act of April 29, 1931, above referred to, are made applicable to the lease of Ohio Canal lands abandoned by said act.

Assuming, as I do, from the recitals of fact stated in these lease instruments that the parcels of Ohio Canal lands thereby leased are wholly within the village of Newcomerstown, Tuscarawas County, Ohio, I am quite clearly of the opinion that you are authorized to lease the abandoned Ohio Canal lands here in question for a term of ninety-nine years, renewable forever.

Upon examination of these lease instruments, I find that the same have been executed by you as Superintendent of Public Works and as Director of said department, and by C. B. McConnell and Jennie McConnell, the lessees therein named, in the manner required by law and that the provisions of these leases and the conditions and restrictions therein contained are in conformity with the act of the legislature above noted and with other sections of the General Code relating to leases of this kind. These leases are accordingly approved by me as to legality and form as is evidenced by my approval endorsed upon the leases and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1169.

APPROVAL—LEASE OF RESERVOIR LANDS EXECUTED
BY THE STATE OF OHIO TO FLORENCE A. SOGG OF
BARBERTON, OHIO.

COLUMBUS, OHIO, September 17, 1937.

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

DEAR SIR: You have submitted for my examination and approval