

1098.

LEASE—CANAL LAND, STATE TO ERNEST STOKES, DESIGNATED PORTION, MIAMI AND ERIE CANAL PROPERTY, MAD RIVER TOWNSHIP, MONTGOMERY COUNTY.

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 Ernest Stokes, R. R. No. 3, Box 213, Dayton, Ohio.

By this lease which is one for a stated term of fifteen years, and which provides for an annual rental of \$9.00, payable in semi-annual installments of \$4.50 each, there is leased and demised to the lessee above named, the right to use and occupy for cottage site, agricultural and recreational purposes that portion of the abandoned Miami and Erie Canal property, including the full width of the bed and banks thereof, located in Montgomery County, Mad River Township, and described as follows:

“Commencing on the northerly line produced of Lot No. 21, of Edward F. Lipp’s Morningside Plat, said line intersecting the transit line of H. E. Whitlock’s Survey of said canal property at Station 9209 plus 08.7; thence southwesterly with the canal property lines a distance of ninety (90’) feet, as measured along said transit line to Station 9209+98.7 which station intersects the southerly line produced of Lot No. 22, of said plat, and being all of the canal property in the rear of Lots Nos. 21 and 22.”

Upon examination of this lease, which is one executed by you under the authority of the DeArmond Act, so-called, 114 O. L., 546, I find that the same has been executed by you in your official capacity above stated, and by Ernest Stokes, the lessee therein named, in the manner provided by law. Assuming, as I do, that the parcel of canal land above described, has not been designated by the Director of the Department of Highways for state highway purposes, and that no application for the lease of this property for park purposes has been made by any political subdivision entitled to the lease of the property for such purposes, I find that the provisions of this lease and the conditions and restrictions therein contained are in conformity with the act of the Legislature above referred to and with other statutory provisions relating to leases of this kind. I am accordingly approving this lease, and am herewith returning same

with my approval endorsed thereon and upon the duplicate and triplicate copies which are likewise herewith enclosed.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1099.

BONDS—CITY OF CLEVELAND, CUYAHOGA COUNTY,
\$5,000.00.

COLUMBUS, OHIO, August 25, 1939.

Retirement Board, State Teachers' Retirement System, Columbus, Ohio.

RE: Bonds of the City of Cleveland, Cuyahoga County,
Ohio, \$5,000 (Limited).

GENTLEMEN: The above purchase of bonds appears to be a part of an issue of public hall annex bonds of the above city dated September 1, 1931. The transcript relative to this issue was approved by this office in an opinion rendered to your Board under date of July 26, 1933, being Opinion No. 1166.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1100.

LEASE—RESERVOIR LAND, STATE WITH RICHARD R. RHINE, THOMAS C. RHINE AND WALLACE E. SNYDER, DESIGNATED PORTION, TURKEY FOOT LAKE, PORTAGE LAKES, SUMMIT COUNTY.

COLUMBUS, OHIO, August 25, 1939.

HON. DON G. WATERS, *Commissioner, Division of Conservation and Natural Resources, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval a certain reservoir land lease in triplicate, executed by the State of Ohio, through you as Commissioner of the Division of Conservation and Na-