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APPROVAL—SIX LEASES TO ABANDONED MIAMI AND
ERIE CANAL LANDS

COLUMBUS, OHIO, November 21, 1936.

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

DEAR SIR: You have submitted for my examination and approval certain canal land leases in triplicate, six in number, by which there are leased and demised to the respective lessees therein named several parcels of abandoned Miami and Erie Canal lands. These leases, each and all of which are for a stated term of fifteen years, are for residence and agricultural purposes and, designated with respect to the names of the lessees, the locations of the parcels of lands leased and the annual rentals therein provided for, are the following:

<i>Name</i>	<i>Location</i>	<i>Annual Rental</i>
1. Earl Davis	Station 8356+84 to Station 8358+80.8	\$6.00
2. Clifford Wesco	Station 8411+00 to Station 8413+00	5.00
3. Theodore Wesco	Station 8370+13 to Station 8372+00	5.00
4. Howard Westfall	Station 8355+47 to Station 8356+84	6.00
5. Elmer Zirkle	Station 8372+00 to Station 8374+00	5.00
6. William Vannoy	Station 8368+00 to Station 8370+13	5.00

The leases above referred to have been executed by you as Superintendent of Public Works and as Director of said Department under the general authority conferred upon you with respect to canal land leases by section 464, General Code, and under the more specific authority conferred upon you as Superintendent of Public Works by Amended Substitute Senate Bill No. 194, known as the DeArmond Act, enacted by the 89th General Assembly under date of April 29, 1931, 114 O. L., 546. By section 19 of this act, which by designation of the Attorney General is now section 14178-45, General Code, it is provided that at the end of two years from the effective date of said act any portion of the Miami and Erie Canal, abandoned for canal and hydraulic purposes by said act, which

has not been designated by the Director of Highways as land necessary for state highway improvements or which has not been leased 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 or for such terms as are multiples of fifteen years up to ninety years or for a term of ninety-nine years renewable forever.

I assume from the fact that these leases have been executed to the respective lessees above named that the parcels of land covered by these respective leases have not been designated for highway purposes and that no applications have been made for the lease of these parcels or of any of them for public park purposes,

The leases have been executed in the manner provided by law and inasmuch as they are within the authority conferred upon you by the act above referred to, I am approving these leases as is evidenced by my approval endorsed upon these leases and upon the duplicate and triplicate copies thereof. In approving these leases, I am approving the same only for the respective terms of fifteen years each therein provided for. And for reasons more fully stated in former opinions to you upon the subject, I am not approving as a matter of law the provision contained in each of these leases granting to the respective lessees therein named, the right to a renewal of his lease after the expiration of the original fifteen-year term for which the lease is executed. If, as is contemplated, the lessee named in any particular lease here under consideration should erect one or more cottages or other residence buildings upon the parcel of land covered by the lease, such improvement or improvements would create in the lessee a clear moral right to a renewal of the lease as against a third person who might desire to lease this particular parcel of canal land. However, I cannot say as a matter of law that you as the present Superintendent of Public Works and as Director of this Department can bind the person who may be in office as Superintendent of Public Works when the lease hereby approved has terminated. With this understanding, the leases here in question are approved as above stated. I am herewith enclosing the leases submitted to me and the duplicate and triplicate copies thereof, all of which bear my signature as evidence of the approval of said leases.

Respectfully,

JOHN W. BRICKER,
Attorney General.