

2493.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO, THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH OSCAR PRINCE, GROVEPORT, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL, \$12.00, RIGHT TO OCCUPY AND USE FOR RESIDENTIAL, PASTURAGE AND AGRICULTURAL PURPOSES, PORTION OF ABANDONED OHIO CANAL AS DESIGNATED, MADISON TOWNSHIP, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, May 20, 1938.

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 a certain canal land lease in triplicate executed by you as Superintendent of Public Works and as Director of said department to one Oscar Prince of Groveport, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$12.00, there is leased and demised to the lessee above named the right to occupy and use for residential, pasturage and agricultural purposes that portion of the abandoned Ohio Canal, including the full width of the bed and banks thereof, located in Madison Township, Franklin County, Ohio, and described as follows:

Beginning at station 2131+74, of the A. Albright's Survey of said canal property, same being the southerly line of a lease granted to C. R. Dill, under date of March 14, 1927, and running thence southwesterly, a distance of seven hundred (700') feet, more or less, as measured along the transit line of said survey to station 2138+74, and containing one and five-tenths (1.5) 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 Oscar Prince 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 Oscar Prince, 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.

2494.

APPROVAL—BONDS, CITY OF ZANESVILLE, MUSKINGUM COUNTY, OHIO, \$6,500.00, DATED FEBRUARY 1, 1938.

COLUMBUS, OHIO, May 21, 1938.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of City of Zanesville, Muskingum County, Ohio, \$6,500.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise all of District No. 8 sewer bonds dated February 1, 1938, bearing interest at the rate of 3% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General.