

Erie, either upon a royalty basis or for a fixed annual rental as may be deemed for the best interest of the state; and that such permits for sand, gravel, stone, mineral and other substances, shall be issued for terms of not less than one nor more than ten years, to be taken within certain fixed boundaries so as not to conflict with the rights of littoral owners.

Upon examination of this permit, I find that the same has been properly executed by you as Superintendent of Public Works, acting for and on behalf of the State of Ohio, and by the Nicholson Transit Company, the permittee therein named, acting by the hand of its Vice President pursuant to the authority of a resolution theretofore duly adopted by the Board of Directors of said company.

I further find, upon examination of this instrument, that the provisions thereof and the conditions and restrictions therein contained are in conformity with the statutory provisions above noted. I am accordingly approving this permit as to legality and form as is evidenced by my approval endorsed upon the instrument and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

2330.

APPROVAL.—CANAL LAND LEASE, STATE OF OHIO, THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH J. M. RANCK, GROVEPORT, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL \$15.00, RIGHT TO OCCUPY AND USE FOR AGRICULTURAL AND BUILDING PURPOSES, PORTION ABANDONED OHIO AND ERIE CANAL PROPERTY, HAMILTON TOWNSHIP, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, April 19, 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 J. M. Ranck 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 agricultural and building purposes that portion of the abandoned Ohio and Erie Canal property located in Hamilton Township, Franklin County, Ohio, described as follows:

Beginning at the center of the county road, at or near Station 2287+68, and running thence southwesterly with the lines of said canal property, fourteen hundred and ten (1410') feet, more or less, as measured along the transit line of the W. J. Slavin Survey of said canal property, to the center line produced of the public highway, at or near Station 2301+78, and containing three (3) acres, more or less, and reserving therefrom any portion of the above described land that may be occupied by the public highway.

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 J. M. Ranck 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 J. M. Ranck, 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.