

Works and as Director of said department in and by which in consideration of the payment to the State of Ohio of an annual rental of \$100.00, there is leased and demised to The New York Central Railroad Company for switch track purposes for the term of fifteen years two parcels of abandoned Miami and Erie Canal lands containing 19,142 square feet and 1,094 square feet, respectively; said parcels of canal land being located in the village of St. Marys, Auglaize County, Ohio, and being more particularly described in said lease instrument.

This lease is one executed by you under the authority conferred upon you as Superintendent of Public Works by the DeArmond Act, so-called, 114 O. L., 546, and by Section 13965, General Code.

Upon examination of this lease, I find that the same has been executed by you for and in the name of the State of Ohio and by The New York Central Railroad Company, by the hands of its President and Secretary acting pursuant to the authority conferred upon them by a resolution of the Executive Committee of said Company, all in the manner required by law.

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

Respectfully,

HERBERT S. DUFFY,

Attorney General.

1587.

APPROVAL—CANAL LAND LEASE EXECUTED BY THE
STATE OF OHIO TO WILBY BAUER OF WAVERLY, OHIO.

COLUMBUS, OHIO, December 8, 1937.

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

DEAR SIR: You recently submitted for my examination and approval a canal land lease in triplicate executed by you in your official capacity

as Superintendent of Public Works and as Director of said department to one Wilby Bauer of Waverly, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$9.00, there is leased and demised to the lessee above named the right to occupy and use for pasturage and agricultural purposes that portion of the abandoned Ohio Canal property in the village of Omega, Jackson Township, Pike County, Ohio, which is described as follows:

Commencing at a line drawn at right angle to the canal survey base line at station 826+72, of W. H. Heigy's Survey of the abandoned Ohio Canal south of Chillicothe, Ohio, and extending thence southwesterly, including the full width of the bed and banks thereof, a distance of three hundred twenty-eight (328') feet to station 830+00, of said survey and containing twenty-seven thousand, five hundred fifty-two (27,552) square feet, more or less.

Upon examination of this lease, which is executed by you under your general authority as successor to the power, authority and duties of the Board of Public Works and under the more special authority conferred by an Act of the 79th General Assembly enacted June 7, 1911, 102 O. L., 293, I find that the lease has been properly executed by you in your official capacity above stated and by Wilby Bauer, the lessee therein named. I further find upon examination of this lease that the terms and provisions thereof and the conditions and restrictions therein contained are in conformity with said Act and with other statutory provisions relating to leases of this kind. I am accordingly approving this lease, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.