

certain lease, in triplicate, by which there is leased and demised to one E. A. Siferd, of Lima, Ohio, for a term of fifteen years, a certain parcel of state reservoir land at Indian Lake, which parcel of land is more particularly described as being that portion of the state reservoir land lying immediately in front of lot No. 30, of Waterbury's Allotment. This lease, which permits the use of said property for dock landing, walkway and lawn purposes, calls for an annual rental of 6% of the appraised value of said parcel of land, which appraised value is the sum of \$100.00.

Upon examination of the provisions of said lease I find the same to be in conformity with the provisions of Section 471, of the General Code, as amended in the enactment of the Conservation Act; said lease is likewise in conformity with the provisions of other related statutes applicable to leases of this kind.

Said lease is accordingly, hereby approved as to legality and form, as is evidenced by my approval endorsed on said lease and upon the duplicate and triplicate copies thereof.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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2464.

APPROVAL, BONDS OF RACCOON RURAL SCHOOL DISTRICT, GALLIA COUNTY, OHIO—\$600.00.

COLUMBUS, OHIO, October 18, 1930.

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

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2465.

APPROVAL, NOTES OF NEWTON TOWNSHIP RURAL SCHOOL DISTRICT, TRUMBULL COUNTY, OHIO—\$27,000.00.

COLUMBUS, OHIO, October 18, 1930.

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

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2466.

APPROVAL, LEASE TO CANAL LAND IN VILLAGE OF CANAL FULTON, STARK COUNTY, OHIO—G. A. ROGERS AND ELLIS M. SCHEM-BECHLER.

COLUMBUS, OHIO, October 18, 1930.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a certain canal land lease in triplicate, executed by you, as Superintendent of Public Works, on be-

half of the State of Ohio, by which there is leased and demised to G. A. Rogers and Ellis M. Schembechler, of Canal Fulton, Ohio, certain parcels of abandoned canal lands in the village of Canal Fulton, Stark County, Ohio, which parcels of land are more particularly described as being that portion of the berm embankment lying between the northeasterly line of the abandoned Ohio Canal property and the northeasterly top water line of said abandoned Ohio Canal located immediately in the rear of lots Nos. 183 and 219 in said village; and also that portion of the recorded street accruing to the State of Ohio by reason of the abandonment of said street in the rear of said lots, as provided by ordinance No. 60 passed by the council of the village of Canal Fulton, August 6, 1929.

This lease, which is one for a term of forty-five years and which calls for an annual rental of 6% upon the appraised value of the property leased, which property is subject to reappraisal at the end of each fifteen year period during the term of said lease, is executed by you under the authority of Section 18 of an Act of the 88th General Assembly, passed April 6, 1929, providing for the abandonment of that portion of the Ohio Canal lying within Stark County, Ohio, which act went into effect on the 25th day of July, 1929.

Section 5 of said Act, gives to any city, village, or other political subdivision, the right to take from the State of Ohio a lease on canal lands abandoned by said act, which lie within or are adjacent to such city, village or other political subdivision, upon application therefor, filed with the Superintendent of Public Works within one year from the date when said act became effective.

By Section 10 of said Act it is provided that canal land leases granted to municipalities or other legal subdivisions of the State, pursuant to the provisions of said Act may run for a period of ninety-nine years, renewable forever, or for a term of not less than fifteen years or for any multiple of fifteen years up to and including ninety years.

Section 18 of said act provides that any portion of said abandoned canal lands within a municipality that is not included in an application by such municipality, and for which no lease is granted, may be leased by the Superintendent of Public Works, subject to the Governor and Attorney General, to individuals and corporations, upon the same terms and conditions as are provided by said act with respect to leases to municipalities, except that the rate of rental upon leases to individuals or corporations shall be 5% upon the appraised value thereof, as determined by the Superintendent of Public Works at the time of the granting of such leases.

It does not appear that the Village of Canal Fulton made any application for a lease to the above described parcels of land within one year from the effective date of said act or at any other time. On the contrary, it appears from a copy of a resolution of the council of the Village of Canal Fulton adopted at a regular meeting of said council held on the 15th day of April, 1930, that said village waived its right to make application for a lease on this property.

It appears, therefore, that you are within your authority under the provisions of said act, in executing this lease to the above named lessees; and inasmuch as an examination of the terms and provisions of said lease shows that the same are in conformity with the provisions of said act and with other statutory provisions relating to canal land leases, said lease is hereby approved as to legality and form, as indicated by my approval endorsed upon said lease and upon the duplicate and triplicate copies thereof.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*