

3115.

APPROVAL—LEASE, CANAL LAND, STATE OF OHIO THROUGH SUPERINTENDENT OF PUBLIC WORKS WITH JAMES E. HICKS, COLUMBUS, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL, \$24.00, CERTAIN DESCRIBED PORTION OF OHIO CANAL PROPERTY IN VILLAGE OF GROVEPORT, FRANKLIN COUNTY, OHIO, RIGHT TO OCCUPY AND USE FOR COTTAGE SITE AND AGRICULTURAL PURPOSES.

COLUMBUS, OHIO, October 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 James E. Hicks of Columbus, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$24.00, there is leased and demised to the lessee above named the right to occupy and use for cottage site and agricultural purposes that portion of the abandoned Ohio Canal property in the village of Groveport, Franklin County, Ohio, which is described as follows:

Beginning at the point of intersection of the southeasterly side of the said Ohio Canal property and the center line of Elm Street in said village and running thence southwesterly with the said canal property line four hundred and ninety (490') feet, more or less, to a point opposite Station 2104+80, of Alfred Albright's Survey of the Ohio Canal through Groveport; said point being in the north line of a lease granted to W. D. Beck and William Reed, under date of March 14th, 1922; thence northwesterly with the line of the Beck and Reed lease, ninety-two (92') feet, more or less, to the southeast corner of a one-story frame barn, opposite Station 2104+80 of said Albright's Survey; thence northeasterly with the lines of said canal property four hundred (400') feet, more or less, to the center line of Elm Street; thence easterly with the center line of Elm Street, one hundred thirty (130') feet, more or less, to the place of beginning and containing one (1) acre, 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., 525. 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 the village of Groveport made no application for the lease of this property within the time limited by this act and that, likewise, 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 James E. Hicks in any respect illegal.

With these assumptions 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 James E. Hicks, 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.

3116.

STATUS—ABSTRACT OF TITLE, TWO PARCELS OF LAND, CITY OF VAN WERT, VAN WERT COUNTY, OHIO, ESTATE OF CLYDE A. L. PURMORT, TITLE TO COME TO STATE OF OHIO BY DONATION OR GIFT FOR CONSTRUCTION OF STATE ARMORY FROM FUNDS APPROPRIATED BY GENERAL ASSEMBLY.

COLUMBUS, OHIO, October 19, 1938.

HON. EMIL F. MARX, *Adjutant General of Ohio, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval an abstract of title of two certain parcels of land in the City of Van Wert, Van Wert County, Ohio, which are to be acquired for and in the name