

1217.

LEASE—CANAL LAND, STATE TO H. M. BLAIR, DESIGNATED PORTION, ABANDONED MIAMI AND ERIE CANAL PROPERTY, ST. MARYS FEEDER, AUGLAIZE COUNTY.

COLUMBUS, OHIO, September 21, 1939.

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 canal land lease executed by you as Superintendent of Public Works and as Director of said department, to one H. M. Blair, of St. Marys, Ohio.

By this lease, which is one for a stated term of fifteen years, and which provides for an annual rental of \$48.00, there is leased and demised to the lessee above named, the right to occupy and use for building purposes that portion of the abandoned Miami and Erie Canal property and the abandoned St. Marys Feeder located in Auglaize County, Ohio, and described as follows:

“Beginning at Station 28 + 00, of W. H. Gaffney’s Survey of said canal property and extending thence westerly with the lines of said canal property to the easterly line of the Nickel Plate Railroad, same being at or near Station 44 + 90, of said survey, and containing four and eight-tenths (4.8) acres, more or less.”

Upon examination of this lease, which is executed by you under the authority of an Act of the 89th General Assembly enacted April 9, 1931 (114 O. L., 546 et seq.), I find that the same has been executed by you in your official capacity above stated and by H. M. Blair in the manner provided by law.

Assuming, as I do, that this property has not been designated for state highway purposes, and that no application for the lease of the same has been made by any of the corporations or persons having prior rights to the lease of this property under Section 8 of the act, I find that the terms and provisions of this lease and the conditions and restrictions therein contained are in conformity with the above mentioned act of the legislature and with other related statutes. I am therefore 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,

THOMAS J. HERBERT,
Attorney General.