

6532.

APPROVAL—LEASE TO CANAL LANDS IN AKRON, SUMMIT COUNTY, OHIO—HUGH M. EATON.

COLUMBUS, OHIO, December 15, 1936.

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 in triplicate executed by the State of Ohio through you as Superintendent of Public Works and as Director of said Department to one Hugh M. Eaton of Akron, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$1274.00, payable in semiannual installments of \$637.00 each, there is leased and demised to the lessee above named two certain parcels or tracts of Ohio Canal lands in the city of Akron, Summit County, Ohio, which are more particularly described as follows:

First Tract: Being a strip of ground approximately seventy-five (75') feet in width, included in the canal and its embankments, fronting on the southerly line of Bowery and Quarry Streets in said city, and extending thence southerly a distance of one hundred fifty (150') feet, measured along the center line of the state canal property, as shown by G. F. Silliman's survey of said canal, made under the direction of the State Board of Public Works, in the summer of 1912.

Second Tract: Being a strip of ground approximately eighty-five (85') feet in width included in the canal and its embankments, fronting on the northerly line of Bowery and Quarry Streets in said City of Akron, and extending thence northerly a distance of one hundred twenty-five (125') feet, measured along the center line of the state canal property as shown by G. F. Silliman's survey of said canal, made under the direction of the State Board of Public Works in the summer of 1912.

This lease, which is one for business purposes, including the sale of beer, wine and spirituous liquors subject to the conditions provided therefor in this lease instrument, supersedes a lease for a term of fifteen years executed to said Hugh M. Eaton under date of June 12, 1933, and is executed by you pursuant to the authority of section 13965, General Code, which provides, among other things, that any owner of an existing lease

for state canal lands may surrender the same to the state in order to have the land described therein included in a new lease, which shall not be for a greater term than fifteen years, if the application therefor definitely sets forth the reasons why an extension of the lease is desired and if it is found by the Superintendent of Public Works that the extension of the lease is for the purpose of making a valuable improvement thereon which the lessee could not afford to make for the remaining portion of the unexpired lease. As to this, it appears from the facts stated by Mr. Eaton in connection with his application for this lease, as well as from the findings made by you, that the lessee named in this lease has made and is now making valuable building improvements upon this property which he could not afford to make for the unexpired portion of the lease which he now holds on these premises.

Upon examination of this lease, I find that the same has been properly executed by you as Superintendent of Public Works and as Director of said Department and by Hugh M. Eaton, the lessee therein named. I further find, upon examination of the provisions of this lease and of the conditions and restrictions therein contained, that they are in conformity with the provisions of the section of the General Code above referred to and with other statutory enactments relating to leases of this kind. 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 returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.

6533.

APPROVAL—CANAL LAND LEASE TO LAND IN CITY OF
MIDDLETOWN, OHIO—AMERICAN ROLLING MILL COM-
PANY OF MIDDLETOWN, OHIO.

COLUMBUS, OHIO, December 17, 1936.

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

DEAR SIR: This is to acknowledge receipt of your communication under date of December 15, 1936, with which you again submit for my examination and approval a canal land lease in triplicate executed by you as Superintendent of Public Works and as Director of said Department to The American Rolling Mill Company of Middletown, Ohio. This