

the easterly line of said berme embankment for a distance of approximately 6,344 feet between Stone Road and Hillside Road in the village of Valley View, Cuyahoga County, Ohio. The berme embankment of the Ohio and Erie Canal between the points above referred to is leased and demised to said lessee for its use in maintaining thereon certain poles, forty-five in number, for the purpose of supplying electricity to the village of Valley View and to its inhabitants.

Upon examination of this lease, which is one executed under the general authority conferred upon you by Section 464, General Code, and under the more specific authority relating to the execution of canal land leases provided for by Sections 13965, et seq., General Code, I find that this lease has been properly executed by you as Superintendent of Public Works and as Director of said Department and by The Cleveland Electric Illuminating Company, the lessee therein named, acting by the hands of its Vice-President and Secretary, respectively, pursuant to the authority of a resolution duly adopted by the directors of said corporation.

Upon examination of the provisions of this lease and of the conditions and restrictions therein contained, I find that the same are in conformity with the statutory provisions above noted 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 I am returning herewith.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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6148.

APPROVAL—CANAL LAND LEASE TO LAND IN NEWCOMERSTOWN, OHIO, FOR AGRICULTURAL AND BUILDING PURPOSES—EMMA O. NOE.

COLUMBUS, OHIO, October 3, 1936.

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

DEAR SIR: You have submitted 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 one Emma O. Noe of Newcomerstown, Ohio.

By this lease, which is one for a term of fifteen years and which

provides for an annual rental of \$10.00, there is leased and demised to the lessee above named the right to occupy and use for agricultural and building purposes that portion of the berme embankment of the Ohio Canal in the village of Newcomerstown, Ohio, that is bounded and described as follows:

Commencing at the point of intersection of the east line of Lot No. 422, in the said village of Newcomerstown, Ohio, and the northerly line of the Ohio Canal property, said point being one hundred and eight (108') feet south of the south line of Main or Basin Street in said village, as shown by the plat of said canal property, as surveyed by G. F. Silliman, and running thence southerly with said east line of Lot No. 422, produced, thirty-two (32') feet; thence westerly fifty (50') feet to the west line of Lot No. 422, produced; thence northerly thirty-five (35') feet to the northerly line of said canal property; thence easterly fifty (50') feet to the place of beginning, containing sixteen hundred and seventy-five (1675) square feet, more or less.

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, acting for and on behalf of the state of Ohio, and by Emma O. Noe, the lessee therein named.

Upon examination and consideration of the provisions of this lease and of the conditions and restrictions therein contained, I find that the same are apparently in conformity with the provisions of Amended Substitute Senate Bill No. 72, enacted by the 89th General Assembly, 114 O. L., 541, under the authority of which this lease is executed. And assuming, as I must, that no prior application has been made for the lease of this parcel of Canal land or of any part thereof, by any of the persons or corporations entitled to priority with respect to Ohio Canal lands abandoned for canal purposes by this act, I am approving this lease as is evidenced by my approval endorsed thereon and upon the duplicate and triplicate copies of the lease, all of which are herewith enclosed.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*