

to a point that is one hundred seventy-two and eight-tenths (172.8') feet south of Main or Basin Street, measured along the dividing line produced, referred to above; thence south-westerly one hundred seventeen (117') feet, more or less, to a point in the east line of Goodrich Street, that is two hundred five and seven-tenths (205.7') feet south of Main or Basin Street; thence northerly twenty (20') feet to the point of commencement, and containing 2106 square feet, 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 29, 1931, 114 O. L., 541, I find that the same has been executed by you in your official capacity above stated and by Josie Edwards 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 said 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,

HERBERT S. DUFFY,  
*Attorney General.*

2897.

APPROVAL—LEASE, DEPARTMENT OF PUBLIC WORKS  
WITH THE OHIO POWER COMPANY OF NEWARK,  
FIFTEEN YEARS, ANNUAL RENTAL \$144.00, TO  
ERECT, MAINTAIN AND OPERATE, HIGH TENSION  
POLE LINE ON MIAMI AND ERIE CANAL PROPERTY,  
AUGLAIZE TOWNSHIP, PAULDING COUNTY, OHIO.

COLUMBUS, OHIO, August 31, 1938.

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

DEAR SIR: You recently 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 The Ohio Power Company of Newark, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$144.00, there is leased and demised to the lessee above named the right to erect, maintain and operate on the Miami and Erie Canal property in Auglaize Township, Paulding County, Ohio, one high tension pole line consisting of sixty-two (62) poles and ten (10) anchors with necessary cross-arms and incidental equipment pertaining thereto; and more particularly described as follows:

Beginning at a point near station 3385+46, of A. Albright's Survey of said canal property; thence southerly on said canal property a distance of seventy-nine hundred and ninety-nine (7999') feet, more or less, to station 3465+45.

Upon examination of this lease, which is one executed by you under the authority of the DeArmond Act, so-called, 114 O. L., 546, I find that the same has been executed by you in your official capacity above stated and by The Ohio Power Company, the lessor, by the hands of its Vice President and Secretary pursuant to the authority of a resolution of the Board of Directors of said company duly adopted under date of August 4, 1938. Assuming, as I do, that the parcel of canal land above described has not been designated by the Director of the Department of Highways for state highway purposes, and that no application for the lease of this property for park purposes has been made by any political subdivision entitled to the lease of the property for such purposes, I find that the provisions of this lease and the conditions and restrictions therein contained are in conformity with the act of the legislature above referred to and with other statutory provisions relating to leases of this kind. I am, accordingly, approving this lease and I am herewith returning the same with my approval endorsed thereon and upon the duplicate and triplicate copies which are likewise herewith enclosed.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*