

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 Francis Kuck and Anna Langhorst, the lessees therein named, in the manner provided by law. 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.*

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2087.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH EARL JACOBS, CARROLL, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL, \$18.00, RIGHT TO OCCUPY AND USE FOR PASTURAGE PURPOSES, DESCRIBED PORTION OF OHIO CANAL IN BLOOM TOWNSHIP, FAIRFIELD COUNTY, OHIO.

COLUMBUS, OHIO, March 12, 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 Earl Jacobs of Carroll, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$18.00, there is leased and demised to the lessee above named the right to occupy and use for

pasturage purposes that portion of the Ohio Canal in Bloom Township, Fairfield County, Ohio, including the bed and banks thereof, described as follows:

Beginning at the northerly end of Lock No. 11 of said canal, numbering south from Licking Summit, near Station 1656 plus 35 and running thence southeasterly eighteen hundred and ninety-two (1892') feet to Station 1637 plus 43, as shown by plat No. 146 of W. J. Slavin's survey of a part of the Ohio Canal, made in 1912, and now on file in the Office of the Department of Public Works, at Columbus, Ohio, excepting therefrom that portion of said canal heretofore leased to the Scioto Valley Traction Company, and containing six (6) acres, 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., 524. By this later act, owners of abutting property are given prior rights with respect to the lease of canal lands abandoned by said act. In this situation, I assume, with respect to the lease here in question, that 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 Earl Jacobs 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 Earl Jacobs, 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.*