

2463.

APPROVAL—WATER LEASE, STATE OF OHIO, THROUGH DIRECTOR, DEPARTMENT OF PUBLIC WORKS, WITH THE AKRON AND BARBERTON BELT RAILROAD COMPANY, BARBERTON, OHIO, TERM FIVE YEARS, ANNUAL RENTAL \$216.00, RIGHT TO USE WATER, OHIO CANAL AT BARBERTON, OHIO, AS DESIGNATED.

COLUMBUS, OHIO, May 16, 1938.

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

DEAR SIR: You recently submitted for my examination and approval a certain water lease in triplicate in and by the terms of which The Akron and Barberton Belt Railroad Company of Barberton, Ohio, is permitted to insert into the level of the Ohio Canal at Barberton, Ohio, a three-inch pipe for the purpose of withdrawing therefrom, subject to the conditions and restrictions contained in said lease, water to be used for the purpose of supplying locomotives.

This lease is one for a term of five years from November 1, 1937, and provides for the payment of an annual rental of \$216.00, in advance, on the first day of May and November in semi-annual installments of \$108.00 each, in each and every year.

The lease here in question is one executed by you under the authority of Section 14009, General Code, which provides that the Superintendent of Public Works may sell or lease surplus waters in the state canals or in any of the feeders or reservoirs for hydraulic or other purposes for a term not exceeding twenty-five years and for an annual rental as he may deem most beneficial to the interests of the State, subject to such conditions reservations and restrictions as he may deem necessary and proper.

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works and by The Akron and Barberton Belt Railroad Company, acting by the hands of its President and Secretary.

I am accordingly 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 returned to you.

Respectfully,

HERBERT S. DUFFY,

Attorney General.