

bond resolution passed August 12, 1938, provided for the following maturities: One bond in the amount of \$750.00 to fall due April 1, 1940; one bond in the amount of \$1000.00 October 1, 1940; one bond in the amount of \$1000.00 in each April and October thereafter except October 1, 1960, at which time \$2000.00 then matures. Your system apparently purchased these bonds at a public sale held September 14, 1938, in open competition with other purchasers. The notice of the bond sale set the maturities quite different than those specified in the bond resolution in that the maturities were specified as follows: \$1000.00 each April and October of the years 1940 to and inclusive October, 1959; then April 1, 1960, \$1000.00 matured and October 1, 1960, two bonds in the amounts of \$1000.00 and \$750.00, respectively, matured. Under the provisions of Section 2293-28, General Code, it is mandatory that the maturities be set forth and in the instant case the maturities in the bond advertisement were not the same as those authorized. I therefore advise your system against the purchase of these bonds.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

3034.

APPROVAL—LEASE, CANAL LAND, DEPARTMENT OF PUBLIC WORKS WITH CITY OF ST. MARYS, OHIO, MIAMI AND ERIE CANAL, LOCATED CITY OF ST. MARYS, AUGLAIZE COUNTY, OHIO, TERM OF FIFTEEN YEARS, ANNUAL RENTAL \$225.00, TO OCCUPY AND USE FOR WAREHOUSE AND STORAGE PURPOSES.

COLUMBUS, OHIO, September 28, 1938.

HON. CARL G. WAILL, *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 City of St. Marys, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$225.00, there is leased and demised to the lessee above named the right to occupy and use for warehouse and storage purposes that portion of the abandoned Miami

and Erie Canal property located in the City of St. Marys, Auglaize County, Ohio, and described as follows:

Tract No. 1. Beginning at a point in the westerly line of Chestnut Street in said city that is fifty (50') feet northerly from the southeast corner of a certain tract of land conveyed to the state of Ohio by Sabert Scott and wife, under date of September 23, 1845, and being a part of Block 45 in said city and running northerly with the westerly line of Chestnut Street, two hundred and eighty-five (285') feet, more or less, to the southerly line of a lease granted to Levi Bodkin, under date of August 29, 1927, thence westerly with the southerly line of the Bodkin lease, one hundred ten (110') feet, more or less to the westerly line of the hydraulic raceway passing through said Block 45; thence southerly with said westerly line of raceway, three hundred forty (340') feet, more or less, to the southerly line of Block 45; thence easterly with said southerly line of Block 45, fifty (50') feet, more or less, to the easterly line of said raceway; thence northerly along said easterly line of said raceway, fifty (50') feet, more or less, to the northerly line of a lease granted to Fred Baxter, under date of April 25, 1927; thence easterly with the northerly line of said Baxter lease, one hundred five (105') feet, more or less, to the place of beginning, and containing forty thousand, nine hundred seventy-five (40,975) square feet, more or less.

Tract No. 2. Beginning at a point in the westerly line of the hydraulic raceway passing through Block 45 in said city, said point being one hundred forty-five (145') feet north from the south boundary line of said Block 45; thence in a westerly direction and parallel to the south line of Block 45, a distance of one hundred ninety (190') feet, more or less, to a point ten (10') feet east of the center line of New York Central Railroad switch track; thence in a southerly direction parallel to and ten (10') feet east from the center line of said railroad switch track, a distance of one hundred fifty (150') feet, more or less, to the south boundary line of said Block 45; thence easterly with the south boundary line of Block 45, a distance of one hundred seventy (170') feet to the westerly line of said raceway; thence northerly along the westerly line of said raceway a distance of one hundred forty-five (145') feet to the place of beginning and containing twenty-six thousand four hundred sixty (26,460) square feet, more or less.

Also, all of inlot No. 19, in Block 36 east addition to the city of St. Marys, Ohio, excepting therefrom any part of said lot that may be leased to the New York Central Railroad Company.

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 properly executed by you in your official capacity above stated and by the City of St. Marys, acting by the hand of its Mayor pursuant to the authority of a resolution of the Council of said city duly adopted under date of September 9, 1938. Assuming, as I do, that the parcels of canal land above described have 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.

3035.

APPROVAL--LEASE, CANAL LAND, DEPARTMENT OF PUBLIC WORKS WITH ETHEL RIFE LIST, ASHVILLE, OHIO, OHIO AND ERIE CANAL IN WALNUT TOWNSHIP, PICKAWAY COUNTY, OHIO, TERM OF FIFTEEN YEARS, ANNUAL RENTAL, \$10.00, FOR AGRICULTURAL AND RESIDENTIAL PURPOSES.

COLUMBUS, OHIO, September 28, 1938.

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 Ethel Rife