

670.

APPROVAL—LEASE OF CANAL LANDS EXECUTED BY THE STATE OF OHIO TO EUGENE EASTON, PIQUA, OHIO, THE LANDS BEING LOCATED IN WASHINGTON TOWNSHIP, MIAMI COUNTY, OHIO.

COLUMBUS, OHIO, June 1, 1937.

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

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit 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 Eugene Easton of Piqua, Ohio.

By this lease, which is one for a term of fifteen years and which provides for an annual rental of \$15.00, there is leased and demised to the lessee above named the right to occupy and use for cottage site and agricultural purposes that portion of the abandoned Miami and Erie Canal property, including the full width of the bed and embankments thereof, located in Washington Township, Miami County, Ohio, and described as follows:

Beginning at a line drawn at right angles to the transit line of H. E. Whitlock's survey of said canal property through Station 7954, said station 7954 being at the south boundary line of a lease now held by Joseph F. Claughton, and running thence southerly with the lines of said canal property one thousand (1,000') feet to station 7964 of said survey, and containing two and one-half ($2\frac{1}{2}$) acres, more or less.

Excepting and reserving from the above so much as lies between the westerly top water line and the westerly property line that may be leased to the Miami Valley Railway Company under date of March 22, 1930.

This lease is one executed under the authority conferred upon you as Superintendent of Public Works by the DeArmond Act, co-called, 114 O. L., 546.

By this act provision is made for the lease for park purposes of such portions of the Miami and Erie Canal lands abandoned by said act which have not been designated for state highway purposes. By Section 19 of said act (Sec. 14178-45, G. C.), it is provided that at the end of two

years from the effective date of said act, any portion of said abandoned Miami and Erie Canal that has not been designated by the Director of Highways as necessary for state highway improvements or has not been leased for public park purposes, to any of the parties authorized to make application to lease portions of said abandoned canal for such purposes, may be appraised by the Superintendent of Public Works and leased to responsible parties for terms of fifteen years or multiples thereof.

Assuming as I do that the above described parcel of abandoned Miami and Erie Canal lands has not been designated by the Director of Highways for highway purposes and that no application for the lease of the same for public park purposes has been made within the time designated in said act, you are clearly authorized to execute the lease here in question.

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 further find that the lease has been executed by you and by Eugene Easton, the lessee above named, in the manner required by law. 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 are herewith returned.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

671.

APPROVAL—LEASE EXECUTED BY THE STATE OF OHIO
TO M. S. AND IRAL D. YODER, D. B. A. YODER BROTHERS
AT BARBERTON, OHIO.

COLUMBUS, OHIO, June 1, 1937.

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

DEAR SIR: You have submitted for my examination and approval a certain lease in triplicate executed by you as Superintendent of Public Works to M. S. and Ira D. Yoder, doing business as Yoder Brothers, at Barberton, Ohio.

By the lease here in question the lessees therein named are given the right to insert into the level of the Ohio Canal next above Lock,