

Commission under date of August 7, 1937, being Opinion No. 985.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

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2062.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO THROUGH DIRECTOR, DEPARTMENT OF PUBLIC WORKS, WITH F. M. KRENDL AND J. F. MERICLE, DELPHOS, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL \$180.00, RIGHT TO OCCUPY AND USE FOR BUILDING AND GAS STATION PURPOSES, CERTAIN DESCRIBED PORTION OF MIAMI AND ERIE CANAL PROPERTY, DELPHOS, VAN WERT COUNTY, OHIO.

COLUMBUS, OHIO, March 10, 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 F. M. Krendl and J. F. Mericle of Delphos, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$180.00, there is leased and demised to the lessees above named the right to occupy and use for building and gas station purposes that portion of the Miami and Erie Canal property located in the city of Delphos, Van Wert County, Ohio, and described as follows:

Beginning at a point marked with a cast iron marker located on S. A. Buchanan's transit line of survey of said canal property, same being station 40 plus 47 of said survey; thence west along the property line between the State of Ohio and Al Wirth's lot No. 55, a distance of one hundred twelve (112') feet, more or less; thence southerly at right angles to the aforementioned, a distance of one hundred nine and five-tenths (109.5') feet, more or less, to the north line of a lease granted to Ray F. Zens, under

date of November 9, 1927; thence easterly a distance of one hundred twelve (112') feet, more or less, to the transit line of said survey; thence northerly along said transit line, a distance of one hundred nine and five-tenths (109.5') feet, more or less, to the place of beginning and containing twelve thousand, two hundred sixty-four (12,264) square feet, more or less.

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 F. M. Krendl and J. F. Mericle, 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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2063.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH VILLAGE OF VANDALIA, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL \$6.00, RIGHT TO LAY AND MAINTAIN CERTAIN DESCRIBED PIPE UNDER MIAMI AND ERIE CANAL PROPERTY, IN BUTLER TOWNSHIP, MONTGOMERY COUNTY, OHIO.

COLUMBUS, OHIO, March 10, 1938.

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

DEAR SIR: This is to acknowledge receipt of your recent communication with which you submit for my examination and approval a canal land