

the authority conferred upon you for the purpose by an act of the 88th General Assembly enacted under date of April 5, 1929, 113 O. L., 521, the provisions of which have been carried into the General Code as sections 14152-3, et seq. This act provides for the amendment of an act passed under date of May 31, 1911, providing for the abandonment of the Hocking Canal for canal purposes, and further provides that the Superintendent of Public Works as Director thereof is authorized to sell or lease such abandoned canal lands, subject to the approval of the Governor and the Attorney General in strict conformity with the provisions of sections 13965, et seq., except that such lease may be for a term of not less than fifteen years nor more than twenty-five years and that the bed and banks of such abandoned canal may be included in any lease of such canal lands. The lease here in question is one for a term of fifteen years and provides for an annual rental of six per cent of the appraised value of the parcel of land leased, as provided for in the sections of the General Code referred to in this act.

This lease has been properly executed by you as Superintendent of Public Works and as Director of said Department and by Jesse Francis, the lessee therein named. I find, upon examination of this lease, that you are authorized to execute the same under the statutory enactments above noted and inasmuch as the provisions of this lease and the conditions and restrictions therein contained are in conformity with such statutory enactments and with other statutory provisions relating to canal land leases, I am 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 enclosed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

98.

APPROVAL—WARRANTY DEED TO LAND IN PIKE COUNTY,
OHIO.

COLUMBUS, OHIO, February 5, 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

certain warranty deed executed by Lake White Company, in and by which, for a recited consideration of "One Dollar (\$1.00) and other good and valuable considerations" there is granted and conveyed to the State of Ohio a tract of land in Pee Pee Township, Pike County, Ohio, which tract of land comprises 23.8 acres and is more particularly described by metes and bounds in said deed.

This tract of land is contiguous to the waters of Lake White which is a reservoir formed by the construction of a dam in and across Pee Pee Creek in said township and county. This dam was constructed as a part of a state highway improvement by cooperation of the Director of Highways and the Superintendent of Public Works under the authority of Amended Substitute Senate Bill No. 169 enacted by the 90th General Assembly, 115 O. L., 383, which has been carried into the General Code as sections 412-16 to 412-23, inclusive; and said lake as a reservoir and as a water park is now under your control and management as Superintendent of Public Works under the authority of section 6 of said act, section 412-21, General Code.

Although it appears by recital in this deed that the same is granted and conveyed to the state for the consideration therein stated, the fact is that this conveyance is a gift to the state for park purposes under the provisions of section 7 of the act above referred to which is now section 412-22, General Code. By this section the Superintendent of Public Work is authorized to acquire by gift, lease or purchase suitable lands, waters and riparian rights upon streams, for the purpose of establishing thereon dams, reservoirs, ponds, water parks, basins, lakes, or other incidental works, to conserve the water supply of the state. And by this section it is further provided that the title or lease to any and all such lands, waters or riparian rights, shall be taken by the Superintendent of Public Works in the name of the State of Ohio, subject to the approval of the Governor and Attorney General. Inasmuch as the waters of this lake or reservoir are the impounded waters of Pee Pee Creek, and the tract of land here in question is contiguous to such waters, I am of the opinion that under the sections of the General Code above referred to you, as Superintendent of Public Works, are authorized to acquire this property in the name of the State of Ohio for water park purposes in connection with said lake and reservoir.

This deed has been properly executed and acknowledged in the manner provided by law by Lake White Company, by and through its President and Secretary pursuant to the authority conferred upon such officers by a resolution duly adopted by the directors of said corporation. And the form of this deed is such that the same is legally sufficient to convey this tract of land to the State of Ohio by fee simple title if as a matter of fact Lake White Company has heretofore acquired and now

owns and holds such title to this land. In this connection, it may be stated no abstract or certificate of title was submitted to me with this deed and I am not, of course, expressing any opinion as to the title in and by which Lake White Company now owns and holds this land.

As above noted, you are authorized to acquire this land in the name of the State of Ohio for the purpose above stated, subject to the approval of the Governor and the Attorney General. You will, therefore, submit this deed to the Governor for his approval. After the Governor has approved this deed, he will again submit the same to me for my approval as Attorney General before the deed is filed for transfer and record.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

99.

APPROVAL—CANAL LAND LEASE TO LAND IN MADISON TOWNSHIP, FRANKLIN COUNTY, OHIO—CLARENCE LLOYD, COLUMBUS, OHIO.

COLUMBUS, OHIO, February 5, 1937.

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

DEAR SIR: You have submitted for my examination and approval a canal lease in triplicate executed by you as Superintendent of Public Works and as Director of said Department to one Clarence Lloyd of Columbus, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$20.00, there is leased and demised to the lessee above named for residence and agricultural purposes that portion of the abandoned Ohio Canal located in Madison Township, Franklin County, Ohio, which is described in the lease as follows:

Commencing at a line drawn at right angles to station 2192+75, and running thence westerly over and along the said abandoned canal property, including the embankments and bed thereof, a distance of twenty-seven hundred and fifty-two (2752') feet, more or less, to a line drawn at right angles to station 2220+27, and containing five and one-tenth (5.1) acres of ground, more or less.