

Upon examination of the above instrument, I find that the same has been executed and acknowledged by the grantor in the manner provided by law and am accordingly approving the same as to legality and form, as is evidenced by my approval endorsed thereon, all of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

657.

APPROVAL—LEASE OF CANAL LANDS EXECUTED BY THE STATE OF OHIO TO OLIVER E. RAGER OF GROVEPORT, OHIO, FOR ABANDONED CANAL LANDS IN THE VILLAGE OF GROVEPORT, FRANKLIN COUNTY, OHIO.

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 canal land lease in triplicate executed by you as Superintendent of Public Works and as Director of said department to one Olive E. Rager of Groveport, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$72.00 payable in semi-annual installments of \$36.00 each, there is leased and demised to the lessee above named the right to occupy and use for business and yard purposes that portion of the abandoned Ohio Canal in the village of Groveport, Franklin County, Ohio, which is bounded and described as follows:

Commencing at a point in the northwesterly line of the state canal property where the same is intersected by the northerly line of Main Street in said village and running thence easterly across the canal and its embankments, one hundred and five (105') feet, more or less, to a point in the southeasterly line of the state canal property where the same is intersected by the northerly line of Main Street, as now located; thence northeasterly along the southeasterly line of the state canal property one hundred and sixty (160')

feet; thence northwesterly across the canal ninety-two (92') feet, more or less, to the southeast corner of a one-story barn opposite station 2104-80, of Alfred Albright's survey of the Ohio Canal through Groveport, made under the direction of the State Board of Public Works in the fall of 1912; thence southwesterly along the outer margin of the berme embankment of said canal, two hundred forty-five (245') feet, more or less to the point of commencement, and containing seventeen thousand, four hundred (17,400) square feet, more or less; excepting therefrom so much of said canal property as is now occupied by permanent buildings.

It is noted from a recital contained in this instrument that this lease is a renewal of a former lease held by the grantee on this property, which lease expired March 14, 1937. The former lease, here referred to, was, I assume, executed by the then Superintendent of Public Works under the general authority of Section 13965, General Code, and of the Act of May 31, 1911, 102 O. L., page 293.

Since the execution of the former lease, the Act of May 31, 1911, has been amended as to some of its provisions by an act of the 88th General Assembly passed April 5, 1929, 113 O. L., 524. By this later act, municipalities and owners of abutting property, in the order named, are given prior rights with respect to the lease of canal lands abandoned by said act which are located in the municipality. In this situation, I assume, with respect to the lease here in question, that the Village of Groveport made no application for the lease of this property within the time limited by this act and that, likewise, no owner of abutting property other than the lessee above named has now pending any application for the lease of this property which would make this lease to Olive E. Rager in any respect illegal.

With these assumptions I find, upon examination of the provisions of this lease and of the conditions and restrictions therein contained, that the same are in conformity with the statutory provisions above referred to and with other statutes relating to leases of this kind. And since it appears that this lease has been executed by you as Superintendent of Public Works, and as Director of said department, and by Olive E. Rager, the lessee therein named, in the manner provided by law, I am approving this lease as is evidenced

by my approval endorsed thereon and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

658.

APPROVAL—LEASE OF CANAL LANDS EXECUTED BY THE STATE OF OHIO TO JACOB HAMLER OF GROVEPORT, OHIO, FOR ABANDONED CANAL LANDS IN THE VILLAGE OF GROVEPORT, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, May 26, 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 canal land lease in triplicate executed by you as Superintendent of Public Works and as Director of said department to one Jacob Hamler of Groveport, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$6.00 payable in semiannual installments of \$3.00 each, there is leased and demised to the lessee above named the right to occupy and use for agricultural purposes that portion of the abandoned Ohio and Erie Canal in the village of Groveport, Franklin County, Ohio, which is bounded and described as follows:

Commencing at a line drawn parallel to and 200 feet southwesterly from the westerly line produced of Walnut Street, in said village, and extending thence southwesterly with the lines of the said canal property a distance of one hundred (100') feet, excepting and reserving therefrom so much of the above described property that may be occupied by the public highway.

This lease is executed under the general authority conferred upon you by Section 13965, General Code, and under the more special provisions of the Act of May 31, 1911, 102 O. L., 293, as amended by the later act of the 88th General Assembly passed April 5, 1929, 113 O. L.,