

to Station 9212+68..5, which station intersects the southerly line produced of Lot No. 28 of said Plat, and being all of the canal property in the rear of Lots Nos. 26, 27 and 28.

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 Gertrude Hopkins, the lessee 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.

906.

APPROVAL—CANAL LAND LEASE EXECUTED BY THE
STATE OF OHIO TO ONE MARTIN W. ROBINSON OF
COLUMBUS, OHIO.

COLUMBUS, OHIO, July 23, 1937.

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 Martin W. Robinson of Columbus, Ohio.

By this lease, which is one for a stated 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 and agricultural purposes that portion of the abandoned Ohio

Canal, including the full width of the bed and banks thereof, located in Madison Township, Franklin County, Ohio, which is described as follows:

Beginning at the section line between Sections Nos. 27 and 28, and being at or near Station 2087+31, of W. J. Slavin's Survey, and running thence southwesterly with the lines of the state canal property, twelve hundred sixty-nine (1269') feet, more or less, to the center line of Elm Street in the village of Groveport, and containing two and four-tenths (2.4) acres, more or less. Excepting therefrom so much of the above described property as is now under lease to The Scioto Valley Traction Company.

Although there is no recital in this lease as to the statutory authority under which the same is executed, I assume that the above described property is included in that section of the Ohio Canal which is abandoned for canal purposes by an Act of the 88th General Assembly enacted April 19, 1929, 113 O.L., 524. This Act in and by Section 4 thereof grants to any municipality in which such abandoned canal lands are located a prior right with respect to the lease of the same if application is made therefor within one year from the effective date of said Act. Although this lease does not contain any recital of the fact that no application for the lease of the above described property was made by the village of Groveport within the time limited by the statute, I assume that such is the fact and that you are, therefore, authorized to execute this lease to the lessee above named.

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works and as Director of said department and by Martin W. Robinson, the lessee therein named. I further find, upon examination of the lease, that the terms and provisions thereof and the conditions and restrictions therein contained are in conformity with said Act and with other statutory provisions relating to leases of this kind. I am accordingly 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.