

4753.

APPROVAL, AGREEMENT FOR RECONSTRUCTION OF THE GRADE CROSSING ON S. H. 350 IN A NEW LOCATION, IN ROSEVILLE, MUSKINGUM COUNTY, OHIO—THE PENNSYLVANIA RAILROAD COMPANY.

COLUMBUS, OHIO, November 18, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted a proposed agreement between your department and The Pennsylvania Railroad Company covering the reconstruction of the grade crossing of the above railroad company on S. H. 350, in a new location, in Roseville, Muskingum County, Ohio.

After examination, it is my opinion that the proposed agreement is in proper legal form and when executed by you will constitute a binding contract. Said agreement is returned herewith.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4754.

APPROVAL, BONDS OF MACEDONIA VILLAGE SCHOOL DISTRICT, SUMMIT COUNTY, OHIO—\$2,000.00.

COLUMBUS, OHIO, November 18, 1932.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4755.

APPROVAL, LEASE TO ABANDONED OHIO CANAL LANDS IN FAIRFIELD COUNTY, OHIO, FOR RIGHT TO USE FOR FISH HATCHERY AND NECESSARY BUILDING STRUCTURES—DIVISION OF CONSERVATION.

COLUMBUS, OHIO, November 18, 1932.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a recent communication, submitting for my examination and approval a certain lease in triplicate executed by you in your official capacity as Superintendent of Public Works, and as Director of said department.

By this lease there is granted to the Division of Conservation of the Department of Agriculture for the term of fifteen years the right to use and

occupy as a site for a Fish Hatchery and necessary building structures a parcel of abandoned Ohio canal lands situated in Walnut Township, Fairfield County, Ohio, which parcel of land is more particularly described as follows:

“Beginning at a point in the towing-path embankment of said canal property that is fifty (50) feet easterly, as measured at right angles to the transit line of the W. H. Heiby survey of said canal property from Station 875+30 of said survey and running thence southwesterly parallel with said transit line and fifty (50') feet easterly therefrom sixty-two hundred and forty-two (6,242') feet, more or less, to intersection of the easterly line of said canal property, thence southwesterly with the said easterly line eight hundred forty-four (844') feet, more or less, to the northeasterly corner of a lease granted the grantee herein under date of July 23rd, 1931; thence northwesterly with the northerly end of said lease two hundred seventy (270') feet, more or less, to the northwesterly line of said canal property and the northwesterly corner of said lease; thence northeasterly with the said northwesterly line seven hundred ninety (790') feet, more or less, to an angle point that is one hundred sixty-five (165') feet, more or less, westerly from station 936+92; thence northerly with the westerly line of said canal property thirty-three hundred forty-seven (3,347') feet, more or less, to the southerly line of the public road along the westerly side of said canal property; thence northeasterly and northerly with the easterly line of said public road twenty-eight hundred and twenty (2,820') feet, more or less, to a point opposite station 875+30; thence easterly with a line drawn at right angles to the said transit line through said station 875+30, two hundred and twenty-four (224') feet, more or less, to the place of beginning.”

From an examination of this lease which is one calling for an annual rental of Forty-two (\$42.00) Dollars, payable in semi-annual installments, I find that the same has been properly executed by you and by the Division of Conservation acting through the Conservation Commissioner pursuant to the authority of a resolution adopted by the Conservation Council under date of September 28, 1932.

The lease here in question has apparently been executed by you under the authority of House Bill 144, enacted as a law by the 89th General Assembly under date of April 19, 1929 (113 O. L. 524) and likewise, perhaps under the authority of an act passed May 31, 1911 (102 O. L. 293).

Assuming that no application has been made for the lease of the above described parcel of abandoned Ohio canal lands by any person or persons having prior rights with respect to the lease of this property under Sections 3 and 4 of the act, enacted by the 89th General Assembly, above referred to, I find that the terms and provisions of this lease are in conformity with the above mentioned acts of the legislature and with other statutes relating to leases of this kind.

In this connection it is to be understood that the rights of the lessee under this lease are subject to the provisions of Amended Substitute Senate Bill 69, enacted as a law by the 89th General Assembly under date of April 22, 1931, which act provides that abandoned canal lands may be taken over by any village, city, township, county or other taxing district for public park and recreational purposes any time within two years of the effective date of said act.

Subject to the conditions and contingencies above referred to, this lease is approved by me 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 enclosed.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4756.

APPROVAL, LEASE TO ABANDONED OHIO CANAL LANDS IN PICKAWAY COUNTY, OHIO, FOR RIGHT TO USE FOR COTTAGE SITE AND AGRICULTURAL PURPOSES—JOHN W. DONAHEY AND JAMES M. DONAHEY.

COLUMBUS, OHIO, November 18, 1932.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—By communication of recent date, you have submitted for my examination and approval, a certain canal land lease in triplicate executed by you in your official capacity as Superintendent of Public Works and as Director of such department by which instrument there is leased and demised to John W. Donahey and James M. Donahey, of Columbus, Ohio, a certain parcel of abandoned Ohio canal lands situated in Harrison Township, Pickaway County, Ohio. The parcel of abandoned Ohio canal lands covered by this lease, which parcel is to be used by said lessees for Cottage Site and Agricultural purposes, is more particularly described in said lease as follows:

“Beginning at a line drawn across said canal property through Station 2562+34 of the A. Albright survey of said canal property, and being the southerly end of leases granted to Paul Peters and Henry Barcus under date of May 3rd, 1929, and running thence southerly with the lines of said canal property, including the basin opposite Station 2568, nineteen hundred and eighty-six (1986') feet, more or less, as measured along the transit line of the said survey, to the northerly line of the road crossing said canal at Station 2582+34, and containing five (5) acres, more or less.”

Upon examination of this lease, which is one for a term of fifteen years, and which provides for an annual rental of Fifteen Dollars, payable in semi-annual installments, I find that the same has been properly executed by you in your official capacity as Superintendent of Public Works and by the lessees above named.

The lease of the abandoned Ohio canal lands here in question is apparently subject to the provisions of the act of the 88th General Assembly under date of April 19, 1929 (113 O. L. 524); and in the consideration of this lease, and the provisions thereof, I assume that no application for the purchase or lease of this property has been made by any person or corporation having prior rights to the purchase or lease of this property under Sections 3 and 4 of said act. It should be further noted that the rights of the above named lessees under this lease are likewise subject to the provisions of Amended Substitute Senate Bill 69, enacted