

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 Jacob Hamler 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 Jacob Hamler, 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.

659.

APPROVAL—LEASE OF CANAL LANDS EXECUTED BY THE STATE OF OHIO TO H. S. ZINKON OF BALTIC, OHIO, FOR ABANDONED CANAL LANDS IN LAFAYETTE TOWNSHIP, COSHOCTON, OHIO.

COLUMBUS, OHIO, May 26, 1937.

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

DEAR SIR: You recently submitted 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 H. S. Zinkon of Baltic, Ohio.

This lease is one for a term of fifteen years, provides for an annual rental of \$12.00, and by its terms and provisions leases and demises to

the lessee above named the right to occupy and use for cottage site and agricultural purposes that portion of the abandoned Ohio and Erie Canal property, including the full width of the bed and embankments thereof, located in Lafayette Township, Coshocton County, Ohio, and described as follows:

Beginning at a line drawn at right angles through Station 3219, of G. F. Silliman's Survey of said canal property, and running thence westerly with the lines of said canal property two hundred (200') feet to a line drawn at right angles through Station 3221.

This lease is one executed by you under the general authority conferred upon you by Section 13965, General Code, and under the more special authority of Amended Substitute Senate Bill No. 72 which was enacted by the 89th General Assembly under date of April 29, 1931, and which provided for the abandonment for canal purposes of that portion of the Ohio Canal lying within Tuscarawas, Coshocton and Muskingum Counties, and for the sale or lease of the canal lands so abandoned.

By Section 8 of the act of the 89th General Assembly above referred to, railroad companies, owners of existing leases, municipalities and owners of abutting tracts of land, in the order named, are given certain prior rights with respect to the lease of canal lands abandoned for canal purposes by said act.

Assuming, as I do, that there are no pending applications for the lease of this property made by any person or corporation having rights thereto prior to that of the lessee above named, I find that you are authorized to execute the lease here in question and that the provisions of this lease and of the conditions and restrictions therein contained are in conformity with the statutory provisions above noted and with other statutes relating to leases of this kind.

I further find, upon examination of this lease, that the same has been executed by you as Superintendent of Public Works and as Director of said department and by H. S. Zinkon, the lessee therein named, in the manner provided by law. I am accordingly 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.