

3469.

STATUS—CANAL LAND LEASE, STATE OF OHIO, THROUGH DIRECTOR OF PUBLIC WORKS, TO W. H. HIGHTOWER, COLUMBUS, OHIO, ABANDONED OHIO CANAL PROPERTY, AS DESIGNATED, HAMILTON TOWNSHIP, FRANKLIN COUNTY, OHIO, FOR AGRICULTURAL PURPOSES, ANNUAL RENTAL, \$15.00.

COLUMBUS, OHIO, December 28, 1938.

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 W. H. Hightower 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 agricultural purposes that portion of the abandoned Ohio Canal property, located in Hamilton Township, Franklin County, Ohio, described as follows:

Being the westerly one-half of said canal property, beginning at the northerly line of the land of the grantee herein, at Station 2328+16, and running thence southerly two thousand six hundred eighty-four (2,684') feet, more or less, to the northerly line of the public highway, at or near Station 2355, and containing two and fifty-six hundredths (2.56) acres, more or less.

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 June 7, 1911, 102 O. L., 293, as amended by the later 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 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 W. H. Hightower in any respect illegal.

With this assumption, 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 W. H. Hightower, 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.*

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3470.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO, THROUGH DIRECTOR OF PUBLIC WORKS, TO CARL SCHLAGETTER, SIDNEY, OHIO, ABANDONED MIAMI AND ERIE CANAL PROPERTY KNOWN AS "SIDNEY FEEDER", SIDNEY, SHELBY COUNTY, OHIO, FOR GARAGE AND GARDENING PURPOSES, ANNUAL RENTAL, \$12.00.

COLUMBUS, OHIO, December 28, 1938.

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

DEAR SIR: You recently 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 Carl Schlagetter of Sidney, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$12.00, there is leased and demised to the lessee above named the right to occupy and use for garage and gardening purposes that portion of the abandoned Miami and Erie Canal property known as the "Sidney Feeder" located in the city of Sidney, Shelby County, Ohio, and described as follows:

Beginning at a point in the easterly line of said canal property, same being the intersection of said easterly canal property and the southerly line of Lot No. 2145, of Martin Lacy's Subdivision in said city and being opposite to Station 376+86, of