

3839.

APPROVAL, LEASE OF STATE OF OHIO TO THE AKRON ARCADE COMPANY, PORTION OF OHIO CANAL PROPERTY, AKRON, 1 ACRE MORE OR LESS.

COLUMBUS, OHIO, December 29, 1922.

Department of Highways and Public Works, Division of Public Works, Columbus, Ohio.

GENTLEMEN:—I acknowledge receipt of your letter of December 22, 1922, submitting for my examination a proposed lease to the Akron Arcade Company for a portion of the Ohio Canal property in the city of Akron, containing one acre, more or less, excepting therefrom certain railway switch track rights granted by the State to the Quaker Oats Company, and subject also to certain rights for electric and steam railway purposes under a lease now held by The Canal Belt Company. I note that the valuation placed on the property is \$48,888.67.

I have carefully considered said lease and find it correct in form and legal, and I am therefore returning it as submitted in triplicate, with my approval endorsed thereon.

Respectfully,
JOHN G. PRICE,
Attorney-General.

3840.

DISAPPROVAL, CANAL LAND LEASE, TO W. V. HADLEY GRAVEL COMPANY OF DAYTON, TO DREDGE MAD RIVER ABOVE STATE DAM, MONTGOMERY COUNTY, OHIO.

COLUMBUS, OHIO, December 29, 1922.

Department of Highways and Public Works, Division of Public Works, Columbus, Ohio.

GENTLEMEN:—Under date November 23, 1922, you submitted to me for examination an instrument entitled "Canal Land Lease" purporting to grant to W. V. Hadley Gravel Company of Dayton, Ohio, "permission to dredge, wash and remove sand and gravel from the bed of Mad River above the state dam, east of Findlay Street in the city of Dayton, Montgomery county, Ohio, and extending easterly the full width of the bed of said stream to the upper end of the slack water pool in the said river." The instrument further includes permission to occupy and use certain other lands for the purpose of constructing buildings, machinery, etc. The permission in question is proposed to be granted for a period of fifteen years at an annual rental of \$1200.00.

After full and careful consideration of the proposed lease, I am unable to give my approval to the same. My reasons are those set out in detail in an opinion (No. 3010) directed to your department under date April 21, 1922, to the contents of which your attention is respectfully called. I return the lease herewith.

Respectfully,
JOHN G. PRICE,
Attorney-General.