

2583.

APPROVAL—CANAL LAND LEASE IN THE CITY OF LANCASTER,
OHIO.

COLUMBUS, OHIO, April 26, 1934.

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

DEAR SIR:—You have submitted for my examination and approval a canal land lease in triplicate executed by you under authority of House Bill No. 417, enacted by the 89th General Assembly under date of April 10, 1931 (114 O. L. 536), to The Eagle Machine Company of Lancaster, Ohio. By the lease hereunder consideration, there is leased and demised to said above named lessee for general business purposes for a term of twenty-five years and for an annual rental of thirty-one dollars and fifty cents, a parcel of abandoned Hocking Canal lands located in the City of Lancaster, Ohio, and being described as Tract No. 28, as shown by the plats of said canal property as prepared by the City Engineer of the City of Lancaster, Ohio, under the authority of the act above referred to. This parcel of land is more particularly described as follows:

Beginning at the point of intersection of the southerly line of Lincoln Avenue in said City of Lancaster and the westerly line of Front Street as established by the City of Lancaster under authority of said House Bill No. 417, and running thence southerly with the said westerly line of Front Street, one hundred ninety and seven-tenths (190.7') feet to an iron pin; thence westerly with the southerly line produced of the easterly part of the lands of the grantee herein thirty-three and one-tenth (33.1') feet to the southeast corner of the said easterly part of the lands of the grantee herein; thence northerly with the easterly line of the lands of the grantee herein, one hundred ninety (190') feet, more or less, to the southerly line of Lincoln Avenue, twenty-nine and two-tenths (29.2') feet to the place of beginning and containing fifty-nine hundred forty (5940) square feet, more or less.

As above noted, this lease is executed by you under the authority of House Bill No. 417, enacted by the 89th General Assembly, which act authorizes the City of Lancaster, Ohio, to enter upon, improve and occupy a portion of the Hocking Canal lands in said city for street, sewerage, drainage and other municipal purposes, and provides for the sale or lease of the remaining marginal and other tracts of canal lands in said city. Section 11 of said act provides that any tracts of such canal lands as cannot be sold at the appraised value thereof, within two years from the date of the approval of the act by the Governor, may be leased, and that the abutting lot or land owner, shall have the first right to a lease of any of such tracts of land for a term of twenty-five years upon the appraised value thereof, and at an annual rental of six per cent of such appraised value. It appears from this lease instrument by way of recital therein that The Eagle Machine Company is the owner of land abutting upon the tract of canal land covered by this lease. It

does not affirmatively appear from the provisions of this lease instrument whether the application for this lease has been recommended by the Mayor of the City of Lancaster, as provided for in section 12 of said act. As to this, however, I am advised by your office that all applications for the lease of parcels of Hocking Canal lands in the City of Lancaster have been recommended by the Mayor of said city.

Upon examination of this lease, I find that the same has been properly executed by you as Superintendent of Public Works and by the lessee above named by the hand of its president pursuant to authority duly given to him by said company. From an examination of the provisions of this lease and of the conditions and restrictions therein contained, I find that the same are in conformity with the provisions of the act of the legislature above referred to and with those of other statutory enactments relating to leases of this kind. I am accordingly approving this lease 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 I am herewith returning.

Respectfully,

JOHN W. BRICKER,

Attorney General.

2584.

APPROVAL—CANAL LAND LEASE EXECUTED TO GEORGE W. BAUMAN, JOHN H. BAUMAN AND CHARLES F. BAUMAN.

COLUMBUS, OHIO, April 26, 1934.

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

DEAR SIR:—You have submitted for my examination and approval a canal land lease in triplicate executed by you to George W. Bauman, John H. Bauman and Charles F. Bauman, doing business as Bauman Brothers of Lancaster, Ohio. This lease, which is on for a term of twenty-five years and which provides for an annual rental of twenty-seven dollars, leases and demises to the lessees above named a parcel of abandoned Hocking Canal property in the City of Lancaster, Ohio, described as Marginal Tract No. 3, according to the plat thereof made by the City Engineer of Lancaster, Ohio, under the authority of House Bill No. 417, enacted by the 89th General Assembly, 114 O. L., page 536. The particular parcel of abandoned Hocking Canal land covered by this lease is more particularly described as follows:

Beginning at a point in the southerly line of the first alley south of Chestnut Street in the City of Lancaster, Ohio, and being the point of intersection of the easterly line of said canal property and the southerly line of said alley and running thence westerly with the said southerly line of the said alley twenty-one and eighth-tents (21.8') feet to the easterly line of the 66-foot highway, as established by the City of Lancaster, under authority of the said Hoes Bill No. 417; thence southeasterly with said easterly line of said 66-foot highway, one hundred fifty-five and seven-tenths (155.7') feet to an iron pin; thence