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APPROVAL—CANAL LAND LEASE, STATE, THROUGH DIRECTOR OF PUBLIC WORKS, TO PROCTER & GAMBLE COMPANY, DESIGNATED ABANDONED MIAMI AND ERIE CANAL PROPERTY, ST. BERNARD, HAMILTON COUNTY, OHIO, USE, GENERAL BUILDING, MANUFACTURING, DRILLING WATER WELLS, ETC.

COLUMBUS, OHIO, February, 10, 1939.

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

DEAR SIR: You have submitted for my examination and approval a canal land lease in triplicate executed by you in your official capacity as Superintendent of Public Works to The Procter & Gamble Company of Cincinnati, Ohio.

By this lease, which is one for a stated term of fifteen years, with the option of renewal for a like term, and which provides for an annual rental of \$357.08, payable in semi-annual installments of \$178.54 each, there is leased and demised to the lessee above named the right to occupy and use for general building, manufacturing, storage and for the drilling of water wells and other purposes incidental to such uses, that portion of the abandoned Miami and Erie Canal property in St. Bernard, Hamilton County, Ohio, commencing at station 12435+00 of G. H. Nichols Survey of said abandoned canal through said city, which station is at or near the southerly line of Laidlaw Avenue, in said city, produced westerly across said abandoned Miami and Erie Canal, and extending thence southwesterly over and along said abandoned canal property, including the full width of the bed and embankments thereof, as owned by the State of Ohio, seventeen hundred and sixty-five feet, more or less, to the northerly line of surplus Miami and Erie Canal lands included in Parcels No. 199 and 200 of the allotment of abandoned canal lands in the city of Cincinnati, Hamilton County, Ohio, as surveyed and platted by the Cincinnati Rapid Transit Commission, under the direction of the Superintendent of Public Works of Ohio, in 1927, copies of which plats

are on file in the office of the Department of Public Works, at Columbus, Ohio, and containing four and five hundred seventy-eight thousandths acres, more or less, excepting and reserving to the State of Ohio the right to lease to The Cincinnati Gas and Electric Company of Cincinnati, Ohio, its successors or assigns, an overhead pole line right-of-way or conduit right-of-way beneath the surface of the canal property, as described above, for the transmission of high power electrical energy, with the right of ingress and egress to and from said pole line or conduit, over the canal property herein described, or upon such other alignment as may be mutually agreed upon between the lessee herein named and said The Cincinnati Gas and Electric Company.

This parcel of abandoned Miami and Erie Canal land is in that section of the Miami and Erie Canal which was abandoned for canal and hydraulic purposes by the Act of April 21, 1927, 112 O. L., 388; by which act the canal lands in this section, including the parcel here under consideration, were transferred to the jurisdiction and control of the Director of Highways for highway and other purposes. As to this, it appears, however, that the Director of Highways, acting under the authority conferred upon him by sections 14153-5, et seq., General Code, as amended, 116 O. L., 157-159, has transferred the above described parcel of canal land back to the jurisdiction and control of the Superintendent of Public Works.

In this situation, it would appear that you are authorized to lease this parcel of canal land under the authority of section 14153-8, General Code, as amended by the act last above referred to.

And inasmuch as it appears that this lease has been properly executed by you as Superintendent of Public Works for and on behalf of the State of Ohio and by The Procter & Gamble Company, by the hand of H. G. French, Vice President of said Company, acting pursuant to Article 6 of the By-Laws of the Company, and since it further appears that the provisions of this lease and the conditions and restrictions therein contained are in conformity with the statutory provisions relating to leases of this kind, 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,

THOMAS J. HERBERT,
Attorney General.