

5630.

APPROVAL—LEASE TO CANAL LAND IN WAYNE TOWNSHIP, PICKAWAY COUNTY, OHIO—ALVA BOYER, CIRCLEVILLE, OHIO.

COLUMBUS, OHIO, May 28, 1936.

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

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a canal land lease in triplicate executed by you as Superintendent of Public Works to Alva Boyer of Circleville, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$9.00, payable in semiannual installments, there is leased and demised to the lessee above named the right to occupy and use for cottage site and agricultural purposes a portion of the abandoned Ohio Canal property located in Wayne Township, Pickaway County, Ohio, and described as follows:

Beginning at a line drawn at right angles to the transit line of the W. H. Heiby Survey of said canal property through Station 3379, and running thence southerly with the lines of said canal property, four hundred and twenty (420') feet, more or less, as measured along the transit line of said survey, to the northerly line of the driveway crossing said canal at or near Station 3383 plus 40, and containing forty-one thousand (41,000) square feet, more or less.

From the location of the parcel of canal land covered by this lease, I assume that the same is in that section of the Ohio Canal which was abandoned for canal purposes by an act of the 79th General Assembly enacted under date of June 7, 1911, 102 O. L., 293. By this act that part of the Ohio Canal between the west end of Buckeye Lake and the point where the canal joins the Ohio River near Portsmouth, Ohio, was abandoned for canal purposes and provision was made therein for the sale or lease of the canal lands so abandoned. By section 3 of said act the State Board of Public Works and the Chief Engineer of Public Works, acting as a joint board, were authorized to sell such abandoned canal lands or to lease the same for a term of not less than fifteen years or of not more than twenty-five years. There is now no such officer as the Chief Engineer of Public Works and inasmuch as all the powers and duties of the Board of Public Works with respect to the sale or lease of canal lands are now conferred upon the Superintendent of Public Works

as such, subject to the approval of the Governor and the Attorney General, you are authorized to execute the lease here in question.

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works and by Alva Boyer, the lessee therein named.

Upon examination of the provisions of the lease and of the conditions and restrictions therein contained, I find the same to be in conformity with the provisions of the act of the legislature above referred to and with other statutory provisions 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 are herewith enclosed.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5631.

APPROVAL—CANAL LAND LEASE TO LAND IN MILLERS-
PORT, WALNUT TOWNSHIP, FAIRFIELD COUNTY, OHIO
—PURE OIL COMPANY OF COLUMBUS, OHIO.

COLUMBUS, OHIO, May 28, 1936.

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

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a canal land lease in triplicate executed by you as Superintendent of Public Works to The Pure Oil Company of Columbus, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$90.00 payable in semiannual installments, there is leased and demised to the lessee above named the right to occupy and use for business and agricultural purposes a portion of the berm embankment of the abandoned Ohio Canal situated in the southeast quarter of Section 28, Town 17, Range 18, in the village of Millersport, Walnut Township, Fairfield County, Ohio, and more particularly described as follows:

Being a portion of the berm embankment on the north side of said canal, beginning at the east line of Lancaster (Canal) Street, and being State Highway No. 407, and running thence easterly with the lines of said berm embankment to a line running northwesterly from Station 834 + 80, of the W. H. Heiby Sur-