

Assuming, as I do, that the above described parcel of Miami and Erie Canal lands has not been designated for highway purposes by the Director of Highways under the authority of the DeArmond Act, 114 O. L. 546, and that no application has been made under said act or the Farnsworth Act, 114 O. L., 518, for the lease of this property for public park purposes, I find that you are clearly authorized to execute this lease under the provisions of the act first above referred to.

Upon examination of this lease, I find that the same has been properly executed by you in your official capacity as Superintendent of Public Works and as Director of said Department and by W. A. Hull, the lessee therein named. I further find, upon examination of this lease and of the conditions and restrictions therein contained, that the same is in conformity with the pertinent provisions of the DeArmond Act and 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 are herewith returned.

Respectfully,

JOHN W. BRICKER,

Attorney General.

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3350.

APPROVAL, CANAL LAND LEASE TO LAND IN THE CITY OF CHILLICOTHE, OHIO, FOR THE RIGHT TO OCCUPY AND USE FOR RESIDENCE, AGRICULTURAL AND BUSINESS PURPOSES—M. J. DONOVAN.

COLUMBUS, OHIO, October 26, 1934.

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

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting for my examination and approval a canal land lease in triplicate, executed by you in your capacity as Superintendent of Public Works, to one M. J. Donovan of Chillicothe, Ohio.

By the lease instrument here in question, there is leased and demised to said lessee above named for a term of fifteen years and at an annual rental of forty-two dollars, the right to occupy and use for residence, agricultural and business purposes that portion of the abandoned Ohio canal lands in the City of Chillicothe, Ohio, that is more particularly described as follows:

Commencing at a point in the north line of Fifth Street in said city of Chillicothe, Ohio, and running thence westerly along the north line of Fifth Street, a distance of forty-six (46') feet, more or less, to an iron pin that marks the intersection of the northwesterly line of the state canal property with the north line of Fifth Street in said city, and running thence northwesterly along the westerly line of the state canal property, as shown by W. O. Sanzenbacher's survey of the abandoned Ohio Canal property through the city of Chillicothe, made under the direction of the State Board of Public Works, in the summer of 1911, a distance of eighty-six (86') feet, more or less, to the intersection of the westerly line of the state canal property with the east line of Lot

No. 190, as shown on the original plat of said city; thence north along the east line of said Lot No. 190, sixty-four (64') feet, more or less, to a point opposite the head of Lock No. 38, of said Ohio Canal numbering south from the Licking Summit, thence northeasterly twelve (12') feet, more or less, to a point in the easterly face of the westerly wall at the head of said Lock No. 38, thence southeasterly along the inner face of said westerly wall, produced, one hundred sixty-four (164') feet, more or less, to the point of commencement, and containing five thousand three hundred ninety (5,390) square feet, more or less.

It appears from this lease that the same is a renewal of a lease granted to said M. J. Donovan under date of May 20, 1919, and which expired May 20, 1934. I assume from this fact as well as from the description of the property covered by this lease that the parcel of abandoned Ohio Canal lands here in question is not included in that section of the Ohio Canal in the City of Chillicothe, Ohio, which was abandoned for canal purposes by Senate Bill No. 278 passed by the 89th General Assembly under date of April 10, 1931, 114 O. L. 559, which section of Ohio Canal lands was, by said act, reserved for sale to the owner or owners of abutting lands. In this connection, it is further assumed that this lease is one executed by you as successor to the State Board of Public Works, under the authority of section 3 of the Act of June 7, 1911, 102 O. L. 293, which act provided, among other things, for the abandonment for canal purposes of that part of the Ohio Canal from the flume at the west end of Buckeye Lake to the junction of said canal with the Ohio River near Portsmouth, Ohio; and which further provides for the sale or lease of that part of said Ohio Canal lands so abandoned in strict conformity with the general provisions of the statutes of Ohio relating to the sale or lease of canal lands (sec. 13965, et seq., G. C.).

Upon examination of this lease instrument, I feel that the same has been properly executed by you as Superintendent of Public Works and by M. J. Donovan, the lessee therein named.

I further find, on examination of the provisions of the lease and of the conditions and restrictions therein contained, that the same are in conformity with the above noted and other statutory enactments relating to the execution of 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 returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3351.

APPROVAL, CERTAIN WATER LEASE FOR RIGHT TO MAINTAIN WEIR ON THE LEVEL OF THE MIAMI AND ERIE CANAL IN SUMMIT COUNTY, OHIO—THE GORDON, HAUSS, FOLK COMPANY.

COLUMBUS, OHIO, October 26, 1934.

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

DEAR SIR:—You have submitted for my examination and approval a certain water lease in triplicate, executed by you as Superintendent of Public Works and