

which is six per cent of the appraised value of the property leased, has been executed by you under the authority conferred upon you by sections 13965, et seq., and other related sections of the General Code providing for the execution of leases of this kind.

Upon examination of said lease I find that the same has been properly executed, and that said lease, as to form, is in conformity with the provisions of the General Code above noted. Said lease is accordingly hereby approved as to legality and form, and my approval is herewith endorsed upon said lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3055.

APPROVAL, LEASE TO MIAMI AND ERIE CANAL LANDS IN VILLAGE OF SPENCERVILLE, ALLEN COUNTY, OHIO, FOR USE OF THE CHICAGO AND ERIE RAILROAD COMPANY.

COLUMBUS, OHIO, March 17, 1931.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication submitting for my examination and approval a certain canal land lease in triplicate, executed by the state of Ohio through you as superintendent of public works and as director of said department, and by which there is leased and demised to the Chicago and Erie Railroad Company a certain parcel of abandoned Miami and Erie Canal lands in the village of Spencerville, Allen County, Ohio, containing 9405 square feet, which parcel of land is more particularly described by metes and bounds in said lease.

The lease here in question, which is one for a stated term of ninety-nine years, renewable forever, and which calls for an annual rental of thirty dollars during the first fifteen year period of the term of said lease, with a provision for reappraisal at the end of each fifteen year period for the purpose of ascertaining the subsequent rental to be paid during the term of the lease, is executed by you under the authority of the provisions of House Bill No. 162, passed by the 86th General Assembly, 111 O. L. 208.

Assuming as I do that the particular parcel of abandoned Miami and Erie Canal land described in this lease has at no time been included in any application made by the village of Spencerville for the lease of abandoned Miami and Erie Canal lands within its corporate limits or contiguous thereto, I am of the opinion that said lease, as to its form and execution, is in conformity with the provisions of said act, and I am accordingly hereby approving said lease as to its legality and form, as is evidenced by my approval endorsed upon said lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

GILBERT BETTMAN,
Attorney General.