

822.

APPROVAL—CANAL LAND LEASE EXECUTED BY THE
STATE OF OHIO TO ONE OLLIS O'SHEA OF GROVEPORT,
OHIO.

COLUMBUS, OHIO, July 2, 1937.

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 to one Ollis O'Shea of Groveport, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$7.50, there is leased and demised to the lessee above named the right to occupy and use for agricultural purposes that portion of the abandoned Ohio Canal, including the full width of the bed and banks thereof, located in the village of Groveport, Franklin County, Ohio, which is more particularly described as follows:

Beginning at a point where the northerly line of the Ohio Canal property intersects with the easterly line of Sugar Alley, as shown by Alfred Albright's survey through the village of Groveport, said point being at or near station 2113÷69, thence northeasterly along the said canal property line, a distance of one hundred forty-one (141') feet, more or less, to a point where the said canal property line intersects with the southerly line of Cherry Street, thence easterly a distance of one hundred twenty (120') feet, more or less, being at or near station 2111÷24, thence southwesterly a distance of two hundred eighty (280') feet, more or less, being at or near station 2114÷02, thence northerly a distance of seventy (70') feet, more or less, to the place of beginning, and containing fourteen thousand and seventy (14,070) square feet, more or less.

Although there is no recital in this lease as to the statutory authority under which the same is executed, I assume that the above described property is included in that section of the Ohio Canal which is abandoned for canal purposes by an Act of the 88th General Assembly enacted April 19, 1929, 113 O.L., 525. This Act in and by section 4 thereof grants to any municipality in which such abandoned canal lands are located a prior right with respect to the lease of the same if application is made therefor within one year from the effective date of said Act. Although this lease

does not contain any recital of the fact that no application for the lease of the above described property was made by the village of Groveport within the time limited by statute, I assume that such is the fact and that you are, therefore, authorized to execute this lease to the lessee above named.

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works and as Director of said department and by Ollis O'Shea, the lessee therein named. I further find, upon examination of the lease, that the terms and provisions thereof and the conditions and restrictions therein contained are in conformity with said Act and with other statutory provisions relating to leases of this kind. I am, accordingly, approving this lease, 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,

HERBERT S. DUFFY,
Attorney General.

823.

APPROVAL—BONDS OF CITY OF ROCKY RIVER, CUYAHOGA
COUNTY, OHIO, \$10,000.00.

COLUMBUS, OHIO, July 2, 1937.

State Employes Retirement Board, Columbus, Ohio.

GENTLEMEN :

RE: Bonds of City of Rocky River, Cuyahoga County,
Ohio, \$10,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of special assessment refunding bonds in the aggregate amount of \$120,000, dated October 1, 1936, bearing interest at the rate of 3¾% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General.