

With this assumption, I find that you, as Superintendent of Public Works, were authorized to execute the lease here in question; and upon examination of the lease, I find that the same has been executed by you and by the lessee therein named in the manner provided by law.

I also find upon a consideration of the provisions of this lease and of the conditions and restrictions therein contained, that the same are in conformity with said act and with related statutory enactments applicable in the consideration 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.*

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1698.

APPROVAL, LEASE TO CANAL LAND IN TUSCARAWAS COUNTY, FOR  
THE RIGHT TO OCCUPY AND USE FOR OIL AND GASOLINE FILL-  
ING STATION PURPOSE.

COLUMBUS, OHIO, October 9, 1933.

HON. T. S. BRINDLE, *Superintendent 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 the Red Eagle Bus Company of Newcomerstown, Ohio. By this lease, which is one for a term of fifteen years and which provides for an annual rental of \$72.00, there is leased and demised to said company the right to occupy and use for oil and gasoline filling station purposes that portion of the Ohio Canal property, including the full width of the bed and banks thereof, located in Newcomerstown, Tuscarawas County, Ohio, and more particularly described as follows:

“Beginning at Station 2876 plus 68, of G. F. Silliman’s survey of said canal property, through Newcomerstown and running thence westerly with the lines of said canal property one hundred (100’) feet, to the easterly line produced of Chestnut Street in said city and containing nine thousand (9,000) square feet, more or less, reserving therefrom the right to the use by the state, and the public in common with the grantees herein, of a driveway sixteen (16’) feet wide off of the northerly side of the above described property.”

This is one of the leases lately executed by you under authority of Amended Substitute Senate Bill No. 72 enacted by the 89th General Assembly under date of April 29, 1931, and which went into effect as a law on the 5th day of August, 1931. It will be noted from an examination of section 8 of said act, 114 O. L. 541, 543, that municipalities, among others, have prior right to the lease of canal lands abandoned for canal purposes by said act, provided that application for the lease of such canal lands is filed within one year from the effective date of the act.

There is a further provision in said section that subject to the prior rights of municipal corporations, the owners of land abutting on such abandoned canal lands shall have a right to the lease of such canal lands over other persons generally, provided applications for such leases are made within the time specified in said act which, with respect to such abutting property owners, is ninety days after the expiration of one year after the effective date of the act.

In order to approve this lease, I will have to assume that the village of Newcomerstown has not made an application for the lease of the above described parcel of abandoned Ohio Canal lands, and also that within the time specified in the act no owner of abutting property, other than said lessee, has made application for the lease of this land.

Upon these assumptions and conditions upon the same, I find that you are authorized to execute this lease. Upon examination of the lease, I find that the same has been properly executed by you and by the Red Eagle Bus Company by the hand of its president, P. F. Reed, acting pursuant to the authority conferred upon him for this purpose by a resolution of the board of directors of said company.

I also find upon examination of the lease and of the conditions and restrictions therein contained that the same are in conformity with the act of the 89th General Assembly, above referred to, and with other statutory enactments relating to canal land leases. 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.*

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1699.

APPROVAL, ABSTRACT OF TITLE OF THE CENTRAL ARMORY, IN  
THE CITY OF CLEVELAND, OHIO.

COLUMBUS, OHIO, October 9, 1933.

HON. JOSEPH T. TRACY, *Auditor of State, Columbus, Ohio.*

DEAR SIR:—Some time ago, you, submitted for my examination and approval an abstract of title of the Central Armory, in the City of Cleveland, the purchase of which by the State of Ohio from the board of county commissioners of Cuyahoga County, Ohio, is proposed under the authority of House Bill No. 233, passed by the 88th General Assembly under date of April 6, 1929 and of House Bill No. 698, enacted by the 90th General Assembly under date of June 8, 1933.

The property under consideration is situated in the City of Cleveland, Cuyahoga County, Ohio. The same is a part of original two acre lots Nos. 45, 46 and 47 in said city, and is bounded and described as follows:

“Beginning on the Southerly side of Lakeside Avenue, N. E. (formerly Lake Street) (99 feet wide) at its intersection with the Easterly line of East 6th Street (formerly Bond Street) (99 feet wide); thence Easterly along said Southerly line of Lakeside Avenue, N. E., 165.27