

1931, 114 O. L. 541, I find that the same has been executed by you in your official capacity above stated and by Bertha A. Wise in the manner provided by law.

Assuming, as I do, that this property has not been designated for state highway purposes and that no application for the lease of the same has been made by any of the corporations or persons having prior rights to the lease of this property under Section 8 of said Act, I find that the terms and provisions of this lease and the conditions and restrictions therein contained are in conformity with the above mentioned Act of the legislature and with other related statutes, I am, therefore, 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.

1508.

APPROVAL—CANAL LAND LEASE EXECUTED BY THE
STATE OF OHIO TO BERTHA McMICHAEL OF SPEN-
CERVILLE, OHIO.

COLUMBUS, OHIO, November, 22, 1937.

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

DEAR SIR: You recently submitted for my examination and approval a canal land lease in triplicate executed by you as Superintendent of Public Works and as Director of said department to one Bertha McMichael of Spencerville, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$50.00, there is leased and demised to the lessee above named the right to occupy and use for business purposes that portion of the abandoned Miami and Erie Canal property located in the village of Spencerville, Allen County, Ohio, which is described as follows:

Beginning at the southeast corner of the state lot known as the E. B. Jones' Lot located between the canal property and Broadway Street, and the north side of Sixth Street extended

westerly; said point of commencement also being the southwest corner of Lot No. 11 of the village of Spencerville; thence running westerly along the southerly line of said State Lot One Hundred Seventy-eight (178') feet, more or less; thence northerly at right angles to the above mentioned line, one hundred twenty (120') feet, more or less, to a point; thence in a southeasterly direction, a distance of one hundred forty-six (146') feet, to a point in the westerly line of a lease granted to A. J. Boyd under date of May 28, 1927, and assigned to Ervin Kinney under date of December 12, 1935; thence southerly a distance of twenty-seven (27') feet, more or less, to the northerly line of a lease granted to Carl S. Shaffer under date of May 18, 1927; thence easterly at right angles and parallel to the westerly line of said state lot, a distance of fifty (50') feet, more or less, to a point in the easterly line of said state lot, this point being also the northwest corner of Lot No. 11; thence southwesterly along the easterly line of said state lot, a distance of forty-nine and five-tenths (49.5') feet, more or less, to the place of beginning and containing twelve thousand three hundred sixty-one (12,361) square feet, more or less.

Upon examination of this lease, which is one executed by you under the authority of the DeArmond Act, so-called, 114 O. L., 546, I find that the same has been executed by you in your official capacity above stated and by Bertha McMichael, the lessee therein named, in the manner provided by law. Assuming, as I do, that the parcel of canal land above described has not been designated by the Director of the Department of Highways for state highway purposes, and that no application for the lease of this property for park purposes has been made by any political subdivision entitled to the lease of the property for such purposes, I find that the provisions of this lease and the conditions and restrictions therein contained are in conformity with 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 and I am herewith returning the same with my approval endorsed thereon and upon the duplicate and triplicate copies which are likewise herewith enclosed.

Respectfully,

HERBERT S. DUFFY,

Attorney General.