

date of November 9, 1927; thence easterly a distance of one hundred twelve (112') feet, more or less, to the transit line of said survey; thence northerly along said transit line, a distance of one hundred nine and five-tenths (109.5') feet, more or less, to the place of beginning and containing twelve thousand, two hundred sixty-four (12,264) 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 F. M. Krendl and J. F. Mericle, the lessees 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.

2063.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO THROUGH SUPERINTENDENT OF PUBLIC WORKS, WITH VILLAGE OF VANDALIA, OHIO, TERM FIFTEEN YEARS, ANNUAL RENTAL \$6.00, RIGHT TO LAY AND MAINTAIN CERTAIN DESCRIBED PIPE UNDER MIAMI AND ERIE CANAL PROPERTY, IN BUTLER TOWNSHIP, MONTGOMERY COUNTY, OHIO.

COLUMBUS, OHIO, March 10, 1938.

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

DEAR SIR: This is to acknowledge receipt of your recent communication with which you submit 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 for and on behalf of the State of Ohio, to the Village of Vandalia, Ohio.

This lease, which is one executed by you pursuant to an application made by the Village of Vandalia over the signature of the President of Council and the Clerk of the Village under date of January 25, 1938, is one for a term of fifteen years, provides for an annual rental of six dollars, and by its terms grants to said Village the right to lay and maintain one twelve-inch vitrified pipe trunk sewer under the Miami and Erie Canal property, located in Butler Township, Montgomery County, Ohio, at or near station 8840+10 of H. E. Whitlock's Survey of said canal property, being a strip of canal land ten feet wide, and extending the full width of said canal lands at this point.

Upon examination of this lease, I find that the same has been properly executed by the State of Ohio, acting through you as Superintendent of Public Works and as Director of said department, and by the Village of Vandalia, by the hand of one Hubert M. Kline duly authorized by said village to sign this lease on behalf of the village.

This lease is one executed under the authority of the DeArmond Act, so-called, 114 O. L., 546. I find that this lease and the provisions, conditions and restrictions therein contained are in conformity with the provisions of this act and of other statutory provisions 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,

HERBERT S. DUFFY,

Attorney General.