

Upon examination of this lease, I find that the same has been properly executed by you as Superintendent of Public Works and by said city by the hand of its Mayor, duly authorized in the premises. The provisions of said lease and the conditions and restrictions therein contained are in conformity with the provisions of 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 thereon and upon the duplicate and triplicate copies thereof, all of which are herewith returned to you.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2154.

APPROVAL—CANAL LAND LEASES, STATE OF OHIO, THROUGH DEPARTMENT OF PUBLIC WORKS, WITH THE FOX PAPER COMPANY, LOCKLAND, OHIO, CERTAIN DESCRIBED PARCELS, ABANDONED MIAMI AND ERIE CANAL LANDS, CITY OF LOCKLAND, TRACTS A-1, A-2, B, C AND D, TERM NINETY-NINE YEARS, ANNUAL RENTAL STIPULATED, WITH RESERVATIONS FOR NEEDED HIGHWAY LANDS.

COLUMBUS, OHIO, March 25, 1938.

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

DEAR SIR: You have submitted for my examination and approval certain canal land leases, five in number, executed by you as Superintendent of Public Works and in which there are leased to the Fox Paper Company of Lockland, Ohio, certain parcels of abandoned Miami and Erie Canal lands and hydraulic lot lands in the city of Lockland Ohio; which parcels are designated as Tracts A-1, A-2, B, C and D, and are more particularly described by metes and bounds in said several leases. These leases are each for a term of ninety-nine years, renewable forever, and provide for an annual rental to be paid by the lessee of six per cent. of the present appraised value of these several parcels of land during the first fifteen-year period of the term of the lease, with a provision in each of said leases that the parcel of land covered thereby shall be appraised for rental purposes at the end of each fifteen-year

period during the term of the lease for the purpose of determining the annual rental to be paid during the following fifteen-year period of the term of the lease.

The leases here under consideration were executed by you under the authority of Sections 14153-5, et seq., General Code, as these sections were amended in Amended Senate Bill No. 127, enacted May 6, 1935, 116 O. L., 155. By these sections, provision is made for the designation by the Director of Highways of such parts of this section of the Miami and Erie Canal as are or will be needed for highway purposes, which designation is to be evidenced by a plat of such lands made by the Director of Highways and filed with the Governor and the Superintendent of Public Works. Section 14153-8, General Code, provides:

“All other lands which may be shown on said plat adjacent to said highway and which will not be used for highway purposes may be leased under the direction of the superintendent of public works in the following manner:

The said superintendent of public works shall appraise said lands, not to be used for said highway, just prior to the granting of a lease therefor, at their true value in money and the annual rental thereon shall be six per cent (6%) of such appraised value.

After said lands are so appraised after application therefor, the lands not needed or required within said highway may be leased to any reasonable applicant, for a period of fifteen (15) years and multiples thereof up to ninety (90) years, or for a term of ninety-nine (99) years, renewable forever, upon a rental equal to six per cent (6%) per annum upon the value of the appraisement so made, and at the end of each fifteen (15) year period, said lands shall be re-appraised and likewise leased to the owner or owners of such leaseholds, or other applicants therefor.”

With the leases above referred to, there have been submitted to me copies of journal entries made by the Director of Highways stating that the Miami and Erie Canal lands and hydraulic lot contiguous thereto and parcels thereof covered by these leases will not be needed for highway purposes; and, in this connection, I assume that the plat or blue print made by the Director of Highways of the land in the city of Lockland, Ohio, which will be needed for highway purposes, likewise shows affirmatively that the parcels of land demised by these several leases are not required for highway purposes. In this view, I am of the opinion that you are authorized to execute the leases here in question

and inasmuch as the leases have been properly executed by you as Superintendent of Public Works and by the Fox Paper Company by the hands of C. R. Walker, its Vice President, duly authorized in the premises, and of Howard D. Porter, attorney for said company, who, by a resolution of the Board of Directors of the company, has been authorized to negotiate these leases, and since the provisions of these leases and the conditions and restrictions therein contained are in conformity with the statutory provisions above noted and with others relating to leases of this kind, I am approving these leases as is evidenced by my approval endorsed upon these several leases and the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2155.

PUBLIC SCHOOL FUND—BOARD OF EDUCATION—NOTES
ISSUED UNDER PROVISIONS OF HOUSE BILL 635 AS
AMENDED BY HOUSE BILL 701—MUST BE PAID DI-
RECTLY AND SOLELY FROM APPORTIONMENTS RE-
CEIVED AND NO OTHER FUNDS—HOW INTEREST PAID
—WHEN VIOLATION FOR NON-PAYMENT EXISTS.

SYLLABUS:

1. *Notes issued in anticipation of apportionments received from the state public school fund as provided for in House Bill 635 of the special session of the 91st General Assembly, as amended by House Bill 701 of said special session, must be paid directly and solely from such apportionments when received and from no other funds of the local boards of education; and interest on such notes shall be paid by the board of education issuing the same from any revenues accruing to the district except those from the state public school fund.*

2. *No violation of non-payment exists until such a time as the apportionments from the state public school fund for the specific purpose of paying such notes have been received and not applied to the retirement of the notes issued in anticipation thereof.*