

that the same has been executed by you in your official capacity above stated and by E. M. Shroyer, 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.

1218.

APPROVAL — CANAL LAND LEASE EXECUTED BY THE
STATE OF OHIO TO ONE L. H. BARNETT OF NEWCOM-
ERSTOWN, OHIO.

COLUMBUS, OHIO, September 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 executed by you as Superintendent of Public Works and as Director of said department to one L. H. Barnett of Newcomerstown, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$16.00, there is leased and demised to the lessee above named the right to occupy and use for residence, office, warehouse, storehouse, amusement and other purposes incidental thereto, that portion of the abandoned Ohio Canal property in the village of Newcomerstown, Tuscarawas County, Ohio, that may be located and the boundaries thereof surveyed by first tracing the following two courses and distances:

Commencing at a point in the westerly line of Cross Street in said village, as originally laid out, that is eighty-one (81') feet south of the southwest corner of Main or Basin Street and Cross Street, in said village, measured along the westerly line of said Cross Street, and running thence southerly with the westerly line of said street, produced, seventy-five (75') feet; thence westerly parallel with Main or Basin Street, ninety-eight (98') feet, more or less, to the westerly line of a lease of canal land leased by the State of Ohio to Clarence E. Ortt and H. J. Ortt by lease dated August 4, 1922, the west end of said last course being the point for commencing the description of the boundaries of the parcel of canal land herein leased, and running thence southerly parallel with Cross Street, fifteen and eight-tenths (15.8') feet, more or less, to the southerly line of the state canal property; thence westerly parallel with Canal Street twenty-eight and five-tenths (28.5') feet to a corner; thence northerly parallel with Cross Street, forty-five (45') feet to a corner; thence easterly parallel with the northerly line of Cross Street, twenty-eight and five-tenths (28.5') feet to a corner; thence southerly twenty-nine and two-tenths (29.2') feet, more or less, to the point of commencement and containing twelve hundred eighty-two and five-tenths (1282.5) square feet, more or less.

Upon examination of this lease, which is executed by you under the authority of an Act of the 89th General Assembly enacted April 29, 1931, 114 O. L., 541, I find that the same has been executed by you in your official capacity above stated and by L. H. Barnett, the lessor, 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 or 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.