

The above purchase of bonds appears to be part of an issue of bonds of the above city dated June 15, 1935. The transcript relative to this issue was approved by this office in an opinion rendered to the State Employees Retirement Board under date of January 27, 1936, being Opinion No. 5118.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1731.

APPROVAL—LEASE, SUPERINTENDENT OF PUBLIC WORKS TO CHALMER C. BROWN, TROY, OHIO, FIFTEEN YEARS, ANNUAL RENTAL \$5.00, ABANDONED MIAMI AND ERIE CANAL LOCATED IN CONCORD TOWNSHIP, MIAMI COUNTY, OHIO.

COLUMBUS, OHIO, January 7, 1938.

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 Chalmer C. Brown of Troy, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$5.00, there is leased and demised to the lessee above named the right to occupy and use for residential and agricultural purposes that portion of the abandoned Miami and Erie Canal property located in Concord Township, Miami County, Ohio, which is described as follows:

All that portion of the abandoned Miami and Erie Canal property, including the full width of the bed and banks thereof, beginning at station 8380+00; thence southerly along said canal, a distance of three hundred (300') feet to station 8383+00, excepting from the above described property, that portion of the said canal property which is now under lease to The Toledo and Cincinnati Railroad described in Lease No. 441, and containing 15,000 sq. ft., 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 Chalmer C. Brown, 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.

1732.

APPROVAL—LEASE SUPERINTENDENT OF PUBLIC WORKS TO C. W. MURPHEY, COLUMBUS, OHIO, FIFTEEN YEARS, ANNUAL RENTAL \$6.00, SPOIL EMBANKMENT, OHIO CANAL, SECTION 4, TOWN 16, RANGE 18, FAIRFIELD COUNTY, OHIO, AND SOUTH ONE-HALF OF LOT No. 5, STATE'S SPOIL BANK ALLOTMENT, RIGHT TO OCCUPY AND USE FOR COTTAGE SITE AND BOAT LANDING.

COLUMBUS, OHIO, January 7, 1938.

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

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

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$6.00, there is leased and demised