

401.

APPROVAL, CANAL LEASE OF LAND IN HAMILTON TOWNSHIP, FRANKLIN COUNTY, OHIO, TO CHARLES H. TUFTS OF LOCKBOURNE, OHIO.

COLUMBUS, OHIO, April 6, 1937.

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

DEAR SIR: You have 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, acting for and on behalf of the state of Ohio, to one Charles H. Tufts of Lockbourne, Ohio.

By this lease, which is one for a term of fifteen years and which provides for an annual rental of \$15.00, payable in semiannual installments of \$7.50 each, 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 Ohio and Erie Canal lands, including the full width of the bed and embankments thereof, located in Hamilton Township, Franklin County, Ohio, and described as follows:

Beginning at station 2374+00, of A. Albright's survey of said property and extending thence southwesterly with the lines of the canal property, eight hundred fifty (850') feet, more or less, to the northerly end of Lock No. 23, which is at or near station 2382+50, and containing one and one-half (1½) acres, more or less.

Without having access to the plat of this section of the Ohio Canal, I am unable to determine from the description of the parcel of the canal covered by this lease whether the same is included within that portion of the Ohio Canal extending from the west end of Buckeye Lake to the Ohio River near Portsmouth, abandoned by the Act of June 7, 1911, 102 O.L., 293, or whether the same is a part of the Columbus Feeder to the Ohio Canal which was abandoned for canal purposes by the Act of June 8, 1911, 102 O.L., 318. However, the provisions of each of these acts are quite identical with the other with respect to the lease of canal lands abandoned by said respective acts in this that in each the authorized term of the lease is not less than fifteen nor more than twenty-five years, and in each there is a provision that the bed and banks of the abandoned canal property may be included in any lease of such canal lands.

It thus appears that in any view you are authorized to execute the lease here in question; and since it appears that the lease has been prop-

erly executed by you as Superintendent of Public Works, acting for and in the name of the state of Ohio, and by Charles H. Tufts, the lessee therein named, and it further appears that the provisions of this lease and the conditions and restrictions therein contained are in conformity with either or both of the acts above referred to and with other statutory provisions relating to leases of this kind, this lease is hereby approved, 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.*

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402.

APPROVAL, LEASE OF CANAL LANDS IN GREENE TOWNSHIP, HOCKING COUNTY, OHIO TO L. R. RUBLE OF LOGAN COUNTY.

COLUMBUS, OHIO, April 6, 1937.

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

DEAR SIR: This will acknowledge the receipt of your recent communication submitting 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 L. R. Ruble of Logan, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$21.00, there is leased and demised to the lessee above named the right to occupy and use for building and farm purposes a parcel of abandoned Hocking Canal lands, including the full width of the bed and embankments thereof, located in Green Township, Hocking County, Ohio, which parcel is more particularly described as follows:

Beginning at station 1795+00, of Bruce Doughton's survey of said Hocking Canal property, and extending thence southerly and southeasterly with the lines of said canal property, a distance of three thousand and nineteen (3,019') feet, more or less to station 1825+19, which is about two hundred and ninety-six (296') feet northerly from the center line of the road commonly known as the "Patton Road," and containing six and four-tenths (6.4) acres, more or less.