

4752.

APPROVAL, LEASE TO ABANDONED MIAMI AND ERIE CANAL LAND
IN HENRY COUNTY, OHIO, FOR USE OF DIVISION OF CONSER-
VATION.

COLUMBUS, OHIO, November 17, 1932.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You recently submitted for my examination and approval a lease in triplicate by which there is leased and demised to the Division of Conservation of the Department of Agriculture of the State of Ohio a certain parcel of abandoned Miami and Erie Canal land, including the full width of the bed and banks thereof, situated in Flatrock Township, Henry County, Ohio, and in Richland Township, Defiance County, Ohio, which parcel of land is more particularly described as follows:

“Beginning at a line drawn at right angles to the transit line of the A. Albright Survey of said canal property, through Station 2360, and running thence southwesterly with the lines of said canal property six and six-tenths (6.6) miles, more or less, as measured along the transit line of said survey, to the junction of the Miami and Erie Canal with the Maumee River, at a point westerly from the Independence Dam in Defiance County, being at or near Station 2706, of the said Albright Survey, reference being hereby made to Plats Nos. 44, 45, 46, 47 and 48, of said survey.”

This lease is one for the stated term of fifteen years and provides for the payment of an annual rental of six dollars, payable semi-annually.

An examination of this lease shows that the same has been properly executed by you, in your official capacity as Superintendent of Public Works and as Director of such department, and by the Division of Conservation, acting through the Conservation Commissioner pursuant to an appropriate resolution of the Conservation Council.

The lease here under consideration is subject to the provisions of the DeArmond Act, 114 O. L. 546, and to the Farnsworth Act, 114 O. L. 518. In the consideration of the terms and provisions of this lease in light of the acts of the General Assembly above referred to, I assume that no part of the above described canal lands have been designated for highway purposes by the Director of Highways, and that no application has been filed by any political subdivision or taxing district requesting that this land be turned over for park purposes. With these assumptions and noting for the information of all persons concerned that the lessee above named takes its rights under this lease subject to the provisions of said acts, this lease is approved by me as to legality and form and I herewith return the same with my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof.

Respectfully,

GILBERT BETTMAN,

Attorney General.