

upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3267.

APPROVAL—CANAL LAND LEASE, STATE OF OHIO, THROUGH DIRECTOR OF PUBLIC WORKS, TO CITY OF PIQUA, MIAMI COUNTY, OHIO, TERM NINETY-NINE YEARS, ANNUAL RENTAL, \$18.00, DESCRIBED PORTION, ABANDONED MIAMI AND ERIE CANAL LANDS, WASHINGTON TOWNSHIP, MIAMI COUNTY, OHIO, RIGHT TO OCCUPY AND USE FOR SPUR TRACK RIGHT OF WAY.

COLUMBUS, OHIO, November 16, 1938.

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, for and on behalf of the State of Ohio, to the City of Piqua, Miami County, State of Ohio.

By this lease, which is one for a term of ninety-nine years, renewable forever, and which provides for an annual rental of \$18.00 during the first fifteen year period of the term of the lease, there is leased and demised to the lessee above named, the right to occupy and use for spur track right of way, and for general business and municipal purposes, that portion of the abandoned Miami and Erie Canal lands located in Washington Township, Miami County, Ohio, which is more particularly described as follows:

“Beginning at Station 7911+90, of S. A. Buchanan’s Survey of said canal property, same being the southerly line of a lease granted to the City of Piqua under date of March 30, 1926, and running thence southerly with the lines of said canal property, four hundred ten (410’) feet, as measured along the transit line of said survey to Station 7916+00, and containing forty-six thousand, one hundred (46,100) square feet, more or less.”

This lease, which has been executed by you under the authority of the second DeArmond Act, 114 O. L. 546, the Farnsworth Act, 114 O. L. 518, and the pertinent provisions of the first DeArmond Act, 111 O. L. 208, which have not been repealed by implication by the second DeArmond Act, provides by its terms for a reappraisal of the parcel of land above described at the end of each fifteen year period during the term of said lease, and that the successive appraisals of the property thus made shall be the basis of the annual rental of the property for each succeeding fifteen year period of the term of the lease.

It appears from a copy of an entry made in the journal of the Director of Highways, which copy has been attached to and made a part of this lease, that the parcel of Miami and Erie Canal Land hereinabove described, has been released by the Director of Highways so far as any contemplated use of the property for highway purposes is concerned; and, assuming, as I do, that no prior application for the lease of this property for park purposes has been made by the City of Piqua, or by any other political subdivision entitled thereto, you are authorized to execute this lease under the general terms and provisions of Section 19 of the second DeArmond Act above referred to. In this connection, you are further authorized to condition this lease upon reappraisals for rental purposes, as provided for in this lease, by the pertinent provisions of the Farnsworth Act and, perhaps, by a provision of like kind in the first DeArmond Act which was not repealed by the second DeArmond Act, above referred to.

Upon examination of this lease, I find that the same has been properly executed by you, as Superintendent of Public Works, for and in the name of the State of Ohio, and by the City of Piqua, acting by the hands of its Mayor and Director of Finance, pursuant to the authority a resolution of the City Commission of the City of Piqua, duly adopted under date of October 21, 1938.

On the considerations above noted, I am approving this lease, as is evidenced by my approval endorsed on the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned to you.

Respectfully,

HERBERT S. DUFFY,

Attorney General.