

Commencing on the northerly line produced of Lot No. 15, of Edward F. Lipp's Morningside Plat, said line intersecting the transit line of H. E. Whitlock's Survey of said canal property at station 9206+38.6; thence southwesterly with the canal property lines, a distance of one hundred thirty-five and no-tenths (135.0') feet, as measured along said transit line, to station 9207+73.6, which station intersects the southerly line produced of Lot No. 17, of said plat, and being all of the canal property in the rear of Lots Nos. 15, 16 and 17.

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 Edwin L. Kincaid, 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.

1113.

APPROVAL—LEASE OF CANAL LAND EXECUTED BY THE
STATE OF OHIO TO ONE E. C. SCHWAB OF CANAL WIN-
CHESTER, OHIO.

COLUMBUS, OHIO, September 9, 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 in triplicate executed by you in your official capacity

as Superintendent of Public Works and as Director of said department to one E. C. Schwab of Canal Winchester, 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 to the lessee above named the right to occupy and use for pasturage and agricultural purposes that portion of the abandoned Ohio Canal property located in Madison Township, Franklin County, Ohio, and described as follows:

Being that portion of said canal property lying between the southerly line of said canal property and the southerly line of that portion of said canal property leased to the Scioto Valley Traction Company, under date of December 28, 1916, and extending from the westerly line of Oregon Road, said line being at or near Station 1948+20 of W. J. Slavin's survey of said canal property, five hundred fifty-five (555') feet, westerly as measured along the transit line of said survey to the east end of Lock No. 20, south of the Licking Summit, said end of lock being at or near station 1953+75, and containing nine-tenths (0.9) acres, more or less.

This lease, which is one executed by you under the general authority conferred upon you as Superintendent of Public Works by Section 464, General Code, and by the more special provisions of an Act of the 88th General Assembly enacted April 19, 1929, 113 O.L., 524, has been properly executed by you in your official capacity as above stated and by said E. C. Schwab, the lessee therein named.

The Act of the legislature above referred to confers prior rights upon the owners of abutting property with respect to the lease of canal lands abandoned by said Act provided application for such lease is made within one year from the effective date of the Act. Although this lease does not contain any recital to this effect, I assume that no application for the lease of the above described parcel of abandoned Ohio Canal land has been made within the time prescribed by law and that you have, therefore, the authority to execute this lease to the lessee therein named. On this assumption, I find that the terms and provisions of this lease and the conditions and restrictions therein contained are in conformity with said Act and with other statutory provisions relating to leases of this kind. I am, accordingly, 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.

1114.

APPROVAL—WATER LEASE IN AND BY THE TERMS OF WHICH THE DIAMOND MATCH COMPANY OF BARBERTON, OHIO, MAY INSERT AN 18 INCH PIPE INTO THE OHIO AND ERIE CANAL.

COLUMBUS, OHIO, September 9, 1937.

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

DEAR SIR: You recently submitted for my examination and approval a certain water lease in triplicate in and by the terms of which The Diamond Match Company of Barberton, Ohio, is permitted to insert into the level of the Ohio and Erie Canal, next above Lock No. 2, commonly known as Wolfe Creek Lock, an eighteen-inch pipe for the purpose of withdrawing therefrom, subject to the conditions and restrictions contained in said lease, water to be used for manufacturing, boiler and fire protection purposes.

This lease is one for a term of five years from May 1, 1937, and provides for the payment of an annual rental of \$900.00, in advance, on the first day of May and November in each and every year in equal installments of \$450.00.

The lease here in question is one executed by you under the authority of section 14009, General Code, which provides that the Superintendent of Public Works may sell or lease surplus waters in the state canals or in any of the feeders or reservoirs for hydraulic or other purposes for a term not exceeding twenty-five years and for an annual rental as he may deem most beneficial to the interests of the State, subject to such conditions, reservations and restrictions as he may deem necessary and proper.

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works and by The Diamond Match Company, acting by the hand of its Vice President pursuant to a resolution of the Board of Directors of said Company duly adopted under date of January 24, 1935.