

for the purpose of supplying either of said canals with water, or for the purpose of improving the navigation of any river, and constructed at the expense of the state, over and above the quantity of water which may be required for the purpose of navigation, the said commissioners may order such surplus water, and any lands granted to, or purchased by the state, for the purpose of using the same, or such part thereof as they may deem expedient, to be sold for hydraulic purposes, subject to such conditions and reservations as they may consider necessary and proper, either in perpetuity or for a limited number of years, for a certain annual rent, or otherwise, as they may deem most beneficial for the interests of the state. [38 v. 87, § 20.]

Power to lease surplus water, G.C. § 431 et seq.

SEC. 13954. Same. (218-87 Bates.) The provisions of the foregoing section shall extend to and include the water passing round the locks, from one level to another, on either of the canals of this state. [38 v. 87, § 21.]

SEC. 13955. Same. (218-88 Bates.) No hydraulic power, nor right to the use of any water, shall be sold, leased, or conveyed, except such as shall accrue from the surplus water of the canal, feeders, or dams, or from the water passing round any lock, after supplying the full quantity necessary for the purposes of navigation. [38 v. 87, § 22.]

SEC. 13956. Reservations. (218-89 Bates.) Every lease, grant, or conveyance of water power, shall contain a reservation and condition, that the state, or its authorized agents, may at any time resume the privilege or right to the use of water, or any portion thereof, whenever it may be deemed necessary for the purposes of navigation, or whenever its use for hydraulic purposes shall be found in any manner to interfere with, and injuriously affect the navigation of either of the canals, feeders, or streams from which the water shall be taken for such hydraulic purposes; and whenever such privilege shall be resumed, in whole or in part, the sur paid therefor, or the rent reserved, or such reasonable portion thereof as shall be determined upon, agreeably to the conditions and stipulations of the lease or deed of conveyance aforesaid, shall be refunded, or remitted to the purchaser or lessee, his heirs or assigns. [38 v. 87, § 23.]

SEC. 13957. Proceeds of such sales or rents; how to be appropriated. (218-90 Bates.) All moneys received for the rent or sale of any hydraulic power, granted or conveyed under the provisions of this act, shall be paid into the state treasury, and constitute a part of the canal fund; and shall be subject to the same rules and regula-

tions as are prescribed in the sixth section of the act to provide for the internal improvement of the state of Ohio, by navigable canals. [38 v. 87, § 24.]

SEC. 13958. Appraisement of certain lands in Paulding county; advertisement and sale. (3107-124 Bates.) It shall be the duty of the state board of public works, as soon as practicable, after the passage of this act to appraise section number thirty-six (36) in township number three (3) north of range number one (1) east of Paulding county, Ohio, in tracts of not more than eighty acres each and make a record of such appraisement in their office. Upon the filing of such return in their office the said board shall forthwith advertise said lands for sale by giving notice of the time and place, which place shall be the court-house of Paulding county, and terms thereof for four (4) consecutive weeks in two (2) newspapers of opposite politics published and of general circulation in said county, and upon the day and hour and at the place named in said advertisement. The said board shall offer said land for sale at public auction and then and there sell to the highest and best bidder or bidders; provided, said land or any part thereof shall not be sold for less than two-thirds [of] the appraised value thereof, nor in tracts of more than eighty acres each, to be paid for on such terms as the said board may determine, not exceeding four years, and if any part of said lands remain unsold for want of bidders, the said board shall again advertise, and again offer said lands for sale as before; and in all cases of sales as prescribed in this section, the said board shall certify the amount of money received in payment thereof into the county treasury of Paulding county to the extent of \$6,150, and balance as hereinafter provided, and receipt to the purchaser thereof and describe therein the lands sold; and the board shall enter an account between the purchasers and state, and at the time of paying of the full amount of said purchase money, together with the annual interest of six per cent. per annum, on all deferred payments from day of sale to the time of payment. The board shall properly execute and deliver to the purchaser a certificate of sale for such of said lands so purchased and paid for. And the governor of the state of Ohio shall, on receipt of said certificate, properly execute and deliver to the purchaser or his assigns a deed of conveyance of said land so sold and paid for. [89 v. 232.]

SEC. 13959. Distribution of proceeds of sale. (3107-125 Bates.) That the money received from such sale shall be paid by the said board as follows: Six thousand one hundred and fifty dollars to the treasurer of Paulding county to credit of expense fund to reimburse said county

for the drainage of said land and the balance to the treasurer of the state of Ohio, to the credit of the Miami and Erie canal fund. [89 v. 232.]

JOINT RESOLUTION

Approving certain acts of the Board of Public Works. (65 v. 299.)

SEC. 13960. Abandonment of Lockport Basin. Whereas, The board of public works, with the consent of the lessees of the public works, did, by resolution of said board, dated November 13th, 1867, abandon the north part of Lockport basin, on the Miami and Erie canal because the same had become entirely necessary for the purposes of navigation, and very expensive to maintain in proper condition; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the said abandonment of the north part of said basin is approved and confirmed, and all the right, title and claim thereto, on the part of the state, for public use, acquired under the dedication of October 1st, in the year 1834, is hereby released to the parties owning the reversionary interest therein.

CANAL COMMISSION

SEC. 13961. Appointment of commission; survey of canal lands; oath; salaries; expenses; term; removals; vacancies. (218-221 Bates.) The governor, by and with the advice and consent of the senate, shall appoint a commission consisting of three persons, not more than two of whom shall belong to the same political party, who shall, within thirty days after their appointment, proceed to survey and determine the boundaries of all lands heretofore appropriated for canal purposes, and owned by the state, the boundaries of which are not now accurately known and of record, as already surveyed, and to mark the same by proper monuments, and to make maps and plats of all said canal lands not already platted, together with the necessary description and location of all bridges, culverts and aqueducts, and shall clearly indicate and describe in their report any part of said property that in their judgment is not necessary for canal purposes, all of which is to be preserved as hereinafter provided; and on that part used for channel purposes, the boundaries of which are not in dispute, the courses and distances shall only be obtained for the purpose of ascertaining the lengths thereof. The members of said commission, after their appointment as above provided for, shall take an oath of office, and give bond in the sum of one thousand dollars, conditioned for the faithful discharge of their duties; and said commissioners shall each receive the sum of twelve hundred dollars per annum, and their necessary expenses while in the prosecution of their duties, to be paid out of the canal fund,

said salary to be paid in quarterly installments; and all accounts for expenses shall be evidenced by [a] detailed statement duly verified by oath, and approved by the auditor of state; and the necessary amount to meet such salary and all other expense of the commission is hereby appropriated out of said canal fund of the state, which shall be paid out on the warrant of the state auditor; that the term of office of said persons so appointed shall be for the period of two years, unless sooner removed by the governor, and the governor is hereby authorized to fill any vacancy, that may occur, from the political parties as named in the preceding part of this section. [85 v. 127.]

Powers of canal commission are conferred on superintendent of public works, G.C. § 464.

SEC. 13962. Employment of surveyors; duty of chief engineer. (218-222 Bates.) Said commissioners shall employ surveyors to make said surveys, maps, and plats, with necessary assistants, and fix their compensation; and said maps and plats shall be made in conformity to instructions and plans prepared by the chief engineer of the public works, and when completed they shall be approved by him and said commission, by endorsement signed by them respectively. [1889, April 12: 86 v. 270, 85 v. 127.]

SEC. 13963. Witnesses; where testimony, maps, etc., shall be deposited. (218-223 Bates.) Each of said commissioners is hereby authorized to issue subpoenas for, and compel the attendance of such witnesses as they, or either of them, may think necessary in fixing said boundaries, or ascertaining any fact which said commission should ascertain in the discharge of its duties; and the testimony so taken, together with said maps, plats, and field notes of such surveys, and the report of said commission as to the boundaries of the lands belonging to the state of Ohio, with its findings in that behalf, shall be filed for preservation in the office of the board of public works; and upon any trial in any of the courts of this state, any of said findings, maps, plats, or surveys which may in any manner relate to or have any bearing upon the subject-matter at issue, shall be taken and held to be competent [prima facie] evidence of the truth of such findings, and the boundaries of said lands, and that the state of Ohio has the ownership of said land, or such an interest in it as may be therein stated; and a duly certified or sworn copy of such findings, plat, or map shall, when produced on said trial, have the same force and effect as the original from which it was taken would have under this section if produced on said trial. [1889, April 12: 86 v. 270; 85 v. 127.]

Held unconstitutional in so far as it attempts to make the findings, maps, plats and surveys, pre-

pared by the canal commission competent or prima facie evidence of the truth of such findings, or the boundaries of such lands, or that the state has the ownership of such lands, or an interest therein; State v. Cincinnati Tin & Japan Co., 66 O. S. 132, 64 N. E. 63 [affirming on rehearing State v. Cincinnati Tin & Japan Co., 65 O. S. 605; affirming, without opinion, 21 O. C. C. 218, 11 O. C. D. 587].

This section, in so far as it attempts to make the findings, maps, plats and surveys, prepared by the canal commission competent or prima facie evidence of the truth of such findings, or the boundaries of such lands, or that the state has the ownership of such lands, or an interest therein, is unconstitutional and void, being in conflict with § 19 of the bill of rights, and § 28 of Art. II of the constitution: State v. Cincinnati Tin & Japan Co., 66 O. S. 132, 64 N. E. 63; see, to the same effect, State v. Tin & Japan Co., 21 O. C. C. 218, 11 O. C. D. 587 [affirmed, without opinion, State v. Tin & Japan Co., 65 O. S. 105].

The survey which is made under this section is of no value in determining the amount of land which actually was appropriated for canal purposes. If the survey had been made at the time of the appropriation and if it had, been the basis for compensation for the landowner such survey would control; but since the survey was made long after the appropriation, the court can not consider it in determining the amount of land which actually was appropriated: Railway v. Nelson, 14 O. C. C. (N.S.) 129, 22 O. C. D. 431 [affirming Railway v. Nelson, 9 O. N. P. (N.S.) 66, 20 O. D. (N.P.) 704].

SEC. 13964. Arbitration and award as to rights of occupants. (218-224 Bates.) That in all cases where any land claimed by the state is in the possession and occupancy of any person, persons, or corporation claiming the ownership thereof, and such person, persons, or corporation shall appear before said commission and submit such claim or claims to the award and decision of said commission for the purpose of determining the boundary line of said land or the ownership thereof, said commission may make an award and decision thereon, which shall be final and conclusive as to all the parties thereto having notice and not under legal disability. [1889, April 12: 86 v. 270; 85 v. 127.]

See G.C. § 14153-7 which refers to this section.

SEC. 13965. Lands not necessary for maintenance and navigation of canals may be leased. That each and every tract of land, and any part of the berme bank of any canal, canal basin, reservoir and outer slope of the towing path embankment, which said commission shall find to be the property of the state of Ohio, the use of which, in the opinion of said commission, the board of public works and the chief engineer of public works, if leased, would not materially injure or interfere with the maintenance and navigation of any of the canals of this state, shall be valued by said commission at its true value in money, and if such land shall not then be under an existing lease, may be leased for any purpose or purposes other than for railroads operated by steam, but said commission, the board of public works and the chief engineer of the public works shall have power to make leases

and prescribe regulations for the crossing of the canals, canal basins or canal lands by any railroad operated by steam, electricity or other motive power, or for the necessary use, for railroad purposes, of any part of the berme banks of a canal, canal basin or any portion of the canal lands for a distance not exceeding two miles, or if then under an existing lease, then at the expiration of such lease, may be leased on the terms and conditions hereinafter in this act provided for, but railroad companies unlawfully in the possession and use of state land at the date of the passage of this act shall take a lease thereon for the term of fifteen years in the same manner as when lands are leased for other purposes, or remove their tracks, buildings or other structures from said land.

Extension of existing leases; limitation of term; approval. Any owner of an existing lease for state canal lands may surrender the same to the state in order to have the land described therein included in a new lease, which shall not be for a greater term than fifteen years, and the application therefor shall definitely set forth the reasons why an extension of the lease is desired, but before granting a new lease for such state canal land, the superintendent of public works must be satisfied that the extension of the lease is for the purpose of making a valuable improvement thereon, which the lessee could not otherwise afford to make for the remaining portion of the unexpired lease. When a new lease, which shall not be for a less rental than the original lease, has been granted and approved by the governor and attorney general, the superintendent of public works shall cancel the original lease. [194 v. 345; 86 v. 270; 85 v. 127; 106 v. 353.]

See G.C. §§ 464-1, 14152-3, 14178-38, 14203-84 which refer to this section.

A lease by the state board of public works of ground on the water front of a canal reservoir for bathhouse and dock purposes does not include the right to build a pier eighty feet into the reservoir, and where such a pier has been built, the lessee can not by injunction prevent others from landing boats thereat: Traction Co. v. Malinski, 10 O. N. P. (N.S.) 374, 24 O. D. (N.P.) 537.

The act of February 7, 1826 (24 v. 58; S. & C. 1245; Bates, § 218-49), did not authorize the canal commissioners to sell, nor the governor to grant, any portion of the lands used for the construction of the canals, including "feeders, dikes, locks, dams and such other works and devices" as they had employed in their construction: State v. Snook, 53 O. S. 521, 42 N. E. 544.

The department of public welfare may not, without specific statutory authority, lease the lands under its jurisdiction for the purpose of drilling for oil or gas: 1925 A.G.Opns. p.61.

There is no statutory authority authorizing the department of public works to reduce the annual rentals to be paid by lessees on state property at Buckeye lake: 1923 A.G.Opns. p.410

For discussion of state's fee simple title to abandoned canal lands, see 1937 A.G.Opns. No.1547.

SEC. 13966. Lease of unoccupied lands. (218-226 Bates.) That if such land is not in

possession of any person, or persons, or corporation having a building, or buildings, or other valuable structures thereon, it may be immediately leased for fifteen years, at an annual rental of six per cent. per annum of said valuation, to be paid semi-annually, in advance, and at such place as said commission, board of public works and the chief engineer of the public works may fix by the terms of said lease. Any tract of land so to be valued or appraised, if in the actual possession of any person, persons, or corporation who may own a building, or buildings, or other valuable structure thereon, such valuation shall not embrace the value of such building, or buildings, or other valuable structure, and the person, or persons, or corporation owning the same shall be entitled to such lease of said land or lands upon the same terms and conditions as any other person or corporation would or might be entitled to under this act if there were no building or buildings, or other valuable structure upon said land; provided always, however, that each and every building or other valuable structure erected thereon by any person, or persons, or corporation may be taxed as other property of individuals or corporation in the same locality. The said commission, board of public works and chief engineer of the public works may lease for the term of fifteen years, at six per cent. per annum, rental to be paid semi-annually in advance, on a valuation made by said commission, the right to erect buildings across any of the canals not less than ten feet above high water line, to be constructed under the direction of the chief engineer of the public works in all respects so as not to interfere with the maintenance of the embankments and operation of the canal under said buildings. [85 v. 127; 86 v. 271; 94 v. 345.]

See G.C. § 14203-16 which refers to this section.

A corporation which has erected valuable buildings on canal lands is entitled to lease such land, and where it has applied for a lease, the department of public works may not lease the land to another until the corporation's right is voided by the department or is lost to another by the act of the corporation; a lease of such canal lands to another after such corporation applied for a lease is not prima facie evidence of title or possession in such lessee necessary to maintain an action in ejectment: Conger v. Quaker Oats Co., 25 O.L.A. 353.

Canal property which by act of the general assembly has been abandoned with the proviso that such property be used by a municipality for street, parking, sewerage and water purposes, is not subject to assessment for highway purposes. Leasehold estates likewise are not subject to assessment: 1922 A.G.Opns. vol.1, p.239.

SEC. 13967. When rights of occupants or persons claiming ownership forfeited; owners may remove building. (218-227 Bates.) That if the person, or persons, or corporation owning or claiming to own a building or other valuable structure on any land as aforesaid, found to be the property of the state of Ohio, shall not,

within ten days after such finding and notice thereof, apply for a lease thereof and enter into a lease therefor, as herein provided, then the right of such person, or persons, or corporation to such a lease shall cease and from thenceforth be void; and said commission shall give a public notice by advertisement published for at least two consecutive weeks in some newspaper printed and generally circulated in the county where such land is situated, that it will lease such property upon the terms herein provided for, and it may, subject to the conditions of this act, so lease said land on the day so named in such notice, or any day thereafter; but if said commission shall find that said building, or buildings, or other valuable structure are not the property of the state of Ohio, the owner or owners may, with the assent of said commission, and on or before a day fixed by them, remove said building, or buildings, or other valuable structure from the land of the state, if such removal can be accomplished without injury to said land. [85 v. 127; 86 v. 272.]

See note, G.C. § 13966, citing Conger v. Quaker Oats Co.

SEC. 13968. Leases to be prepared by attorney-general; what to contain. (218-228 Bates.) That all leases to be made under the provisions of this act shall be prepared by the attorney-general of the state, and shall state the purpose or purposes for which the land therein leased is to be used, and shall contain a condition that if any installments of rent therein agreed to be paid, shall not be paid at the time specified, or within ten days thereafter, whether a demand therefor shall or shall not be made, said lease shall, at the option of the board of public works, become and be null and void as against the state of Ohio, and that the lessee so in default, his heirs, or assigns, or any party in possession of such leased premises, shall yield up the possession thereof to said board of public works or its authorized agent, and the same may thereupon be leased to any person or persons, or corporation upon the same conditions as herein provided for in other cases. [85 v. 127; 86 v. 272; 94 v. 346.]

Lease shall be filed with superintendent of public works, G.C. § 429.

SEC. 13969. When and for what purpose action may be brought. (218-229 Bates.) That if said commission shall find that any person, or persons, or corporation is unlawfully in possession, use, or occupation of any land belonging to the state of Ohio, or is unlawfully claiming an estate, or interest therein, adverse to the state of Ohio, or has taken, carried away, or in any manner injured the whole or any part of any canal lock, or weigh lock, culvert, aqueduct, or canal bridge, or any of the abutments thereof

per cent. of the appraised value thereof, but no lease shall be made for an annual rental of less than six dollars. [114 v. 536 (539), § 11. Eff. 8-6-31.]

SEC. 14152-27. [Application for lease, how made; when granted; annual rental.] All applications for leases shall be made to the superintendent of public works, but must have the recommendation of the mayor of said city of Lancaster before being filed with the superintendent of public works. If said superintendent is satisfied that the granting of such a lease is for the best interests of both the state and the city of Lancaster, he shall grant a lease to the applicant, subject to the approval of the governor and attorney general, at the appraised value thereof, for the term of twenty-five years, with the right of renewal for a like term of years upon a reappraisal to be determined by proper state authority at the date of such renewal. The annual rental upon such leases shall be 6 per cent. of the appraised value thereof, payable in advance, in semi-annual installments of one-half the annual rental on the first day of May and November of each year during the term of the lease. [114 v. 536 (539), § 12. Eff. 8-6-31.]

SEC. 14152-28. Assignment of leases, when; collection and disposition of rentals. As soon as such leases have been approved by the governor and attorney general, the superintendent of public works shall, without delay, assign such leases to the said city of Lancaster and transmit the same to the mayor of said city, who shall cause the semi-annual rentals thereon, as the same become due, to be collected, and forward to the said superintendent on or before the 10th day of May and the 10th day of November of each year, one-half of the aggregate collections of semi-annual rentals on said leases, and shall retain for the use of said city of Lancaster the other half of such collections; all transmissions of rentals accruing to the state of Ohio shall be accompanied by a schedule of names of lessees and the amounts paid by each, payments to the state to be made by check payable to the order of the treasurer of the state of Ohio and payments acknowledged by him direct. [114 v. 536 (539), § 13. Eff. 8-6-31.]

SEC. 14152-29. [Deed in lieu of lease.] All lessees of marginal lots of tracts abutting upon any street or highway laid out upon the Hocking canal property herein abandoned for canal purposes, may surrender their leases to the superintendent of public works for cancellation and take a deed in lieu thereof by the payment of the appraised value of the lease plus 1% of such valuation for each year that has elapsed since the granting of such lease, and upon the

execution by the governor of a deed for the lot or land described in such leases, the superintendent of public works shall cancel such lease and thereafter such lessees of the state shall be absolved from the further payment of rentals on such leases. [114 v. 536 (540), § 14. Eff. 8-6-31.]

SEC. 14152-30. Compensation and expenses of members of board; how paid. The members of the appraisal board except the superintendent of public works, shall receive as compensation ten dollars per day and all expenses connected with making such appraisements, and the city of Lancaster shall pay the same which shall be deducted from the proceeds derived from sales and leases of the Hocking canal lands herein abandoned. [114 v. 536 (540), § 15. Eff. 8-6-31.]

MIAMI AND ERIE CANAL

SEC. 14153. Miami, Miami extension, and Wabash and Erie, to be Miami and Erie canal. (218-246 Bates.) The Miami canal, the Miami extension canal, and Wabash and Erie canal, shall hereafter constitute one canal, which shall be known and designated by the name of the Miami and Erie canal, and but one account of toll shall be kept, and one form of clearances issued at the several collectors' offices on said canal. [47 v. 44; S. & C. 224.]

AN ACT

To abandon for canal and hydraulic purposes, that portion of the Miami and Erie canal from a point five hundred feet north of the state dam near the corporation line of the city of Middletown, Butler county, Ohio, to the present terminus of said canal at St. Bernard, in the city of Cincinnati, Hamilton county, Ohio. (112 v. 388; amended, 116 v. 155.)

SEC. 14153-1. Portion of Miami and Erie canal abandoned. That the portion of the Miami and Erie canal lying between a point, five hundred feet north of the state dam, near the corporation line of the city of Middletown, Butler county, Ohio, to St. Bernard, in the city of Cincinnati, Hamilton county, Ohio, be and the same is hereby abandoned for canal and hydraulic purposes. [112 v. 388, § 1.]

See G.C. § 14153-12 which refers to this section.

SEC. 14153-2. Title reserved to the State of Ohio. The state of Ohio reserves unto itself, the title to all lands and waters to which it is entitled under the various acts providing for the construction of the Miami and Erie canal and all lands now occupied by any part of the said Miami and Erie canal, including all lands used for lock houses, waste ways or for any other purposes, and now the property of the state of Ohio. [112 v. 388, § 2.]

SEC. 14153-3. Lands held by the State of Ohio in fee simple. So much of said lands as were used and occupied by the Miami and Erie canal shall be forever held for the state of Ohio in fee simple, and held by the state for the purpose of constructing upon the said lands, a highway, to be erected, constructed and improved at such time or times as the state of Ohio may hereafter either by legislative enactment, or otherwise, find proper and convenient. [112 v. 388, § 3.]

SEC. 14153-4. Leases to be declared null and void; when; renewal. All leases heretofore granted to any person, firm or corporation, and for which the rental has not been paid, shall, by the superintendent of public works, be declared null and void, and all other leases, either for the use of water or lands or other purposes, shall be annulled as soon as the same can be done legally, provided that no such leases shall be annulled prior to January 1, 1929, except by agreement of all parties concerned, and all leases expiring prior to such date may be renewed to expire on January 1, 1929. [112 v. 388, § 4.]

SEC. 14153-5. Maps of surveys; copies, where filed. That as soon as practicable, after this act goes into effect, the director of highways of the state of Ohio shall complete maps of the surveys already made or to be made under his direction of the canal property herein described, together with maps and plats of all lands used in connection with that portion of the Miami and Erie canal, heretofore abandoned, belonging to the state of Ohio adjacent thereto, and file copies thereof with the governor, and likewise with the superintendent of public works, and when so filed they shall become official plats in each of such state departments. [112 v. 388, § 5; 116 v. 155 (157), § 1. Eff. 8-6-35.]

SEC. 14153-6. Director of highways to make plat or plan; copies, where filed. That the director of highways is hereby directed to make a plat or plan, showing the highway, its length, grades and width of so much of the canal property as is to be used for such highway purposes, and all other lands adjacent thereto which may be leased for other purposes, and shall file copies thereof with the governor, and the superintendent of public works, respectively, and from and after the date of such filing all such canal lands not included within the limits of such highway, shall pass under the control of the superintendent of public works. [112 v. 388 (389), § 6; 116 v. 155 (158), § 1. Eff. 8-6-35.]

SEC. 14153-7. Lease or use of lands reserved for highway purposes. That until such highway shall be constructed and improved, no portion of the canal lands shown within the plat

or plan for such highway shall be leased for any purpose whatever, except as hereinafter provided, but until the state of Ohio shall construct and improve said lands for a highway, all municipal corporations through which said highway shall pass when completed shall be permitted to lease said canal lands for public purposes only, but subject to highway easements, at a nominal rental to be determined by the director of highways. Lands not reserved for highway purposes as shown on said plat may be leased to municipalities, individuals, firms or corporations under the direction of the superintendent of public works in the same manner as is provided in section 13964* of the General Code, except that the term of such leases shall be fifteen (15) years and multiples thereof up to ninety (90) years, or for the term of ninety-nine (99) years renewable forever; subject, however, to a re-appraisal by proper state authority at the end of each fifteen (15) year period, and at the end of the ninety-ninth (99 [th]) year; except that all such leases shall be subject to cancellation by the state of Ohio, as to those portions of said canal lands that are included within the limits of said highway, whenever construction of such highway is begun. [112 v. 388 (389), § 7; 116 v. 155 (158), § 1. Eff. 8-6-35.]

* This reference appears to be in error as G.C. § 13964 does not relate to the leasing of lands to municipalities.

SEC. 14153-8. Lease of lands not reserved for highway purposes; appraisal; report. All other lands which may be shown on said plat adjacent to said highway and which will not be used for highway purposes may be leased under the direction of the superintendent of public works in the following manner:

The said superintendent of public works shall appraise said lands, not to be used for said highway, just prior to the granting of a lease therefor, at their true value in money and the annual rental thereon shall be six per cent (6%) of such appraised value.

After said lands are so appraised after application therefor, the lands not needed or required within said highway may be leased to any reasonable applicant, for a period of fifteen (15) years and multiples thereof up to ninety (90) years, or for a term of ninety-nine (99) years, renewable forever, upon a rental equal to six per cent (6%) per annum upon the value of the appraisement so made, and at the end of each fifteen (15) year period, said lands shall be re-appraised and likewise leased to the owner or owners of such leaseholds, or other applicants therefor.

Provided, however, that if any municipal corporation, county, township, or any other taxing district desires to lease any portion of said lands not required for said highway purposes, the same may be leased to such taxing district upon a