



# Ohio Department of Natural Resources

MIKE DeWINE, GOVERNOR

MARY MERTZ, DIRECTOR

August 8, 2022

Arthur and Kathryn Smith  
14310 County Road M  
Napoleon, Ohio 43545

Re: Miami & Erie Canal Land Lease M-1279

Dear Mr. and Mrs. Smith:

Canal Land Lease M-1279 in Henry County is hereby cancelled as of August 8, 2022, pursuant to Section (1) of the Lease as the Department of Natural Resources conveyed Miami & Erie Canal land that contains Lease M-1279 to the City of Napoleon on June 3, 1990. As Lease M-1279 provides that the lessee may “occupy and use said lands for cottage site purposes,” and such use does not conform to the purposes of the 1990 Governor’s Deed to the City of Napoleon which requires that the land be used for “recreational purposes and for the benefit of the citizens of the State of Ohio.”

In addition, the terms of the underlying lease assigned to you and recorded on July 25, 2002, and deeded to you March 6, 2002, contain a provision providing a termination for the lease upon the lessor (State of Ohio providing a 60-day notice. Therefore, you will be required to vacate the premises on or before October 15, 2022. This provision also provides that as lessee, you are not entitled to any damages for the lessor exercising its rights to terminate.

Finally, paragraph (3) of the underlying lease provides direction as to the steps the lessee must take upon termination. If you have any questions, I can be reached at 614 265-6823 or by email at [matthew.westerman@dnr.ohio.gov](mailto:matthew.westerman@dnr.ohio.gov). The City of Napoleon is copied on this letter and may be reaching out to you regarding the cabin on the property.

Nothing in this letter is to be construed as a waiver by the State of Ohio acting through the Department of Natural Resources of any rights under the terms of the underlying lease, in law or in equity.

Thank you,

*Matthew L. Westerman*

Matthew L. Westerman  
Deputy Legal Counsel  
Ohio Department of Natural Resources

Cc: Joel Mazur, City of Napoleon, City Manager