

337.

APPROVAL, LEASE TO LAND AT BUCKEYE LAKE.

COLUMBUS, OHIO, April 23, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a certain lease in triplicate executed by the State of Ohio through you as Superintendent of Public Works, whereby there is leased and demised to one Herman Rudman for a term of fifteen years a parcel of land on the waterfront of Buckeye Lake which parcel is more particularly described in said lease. The rental reserved in said lease is \$200.00 annually, the same being 6% of the appraised valuation of said parcel of land.

An examination of said lease shows that the same is in conformity with the provisions of Section 471, General Code, and with other sections of the General Code relating to leases of this kind. Said lease is accordingly hereby approved and my approval is endorsed thereon on the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,
GILBERT BETTMAN,
Attorney General.

338.

APPROVAL, LEASE FOR RIGHT TO USE WATER TAKEN FROM SUMMIT LEVEL OF THE OHIO CANAL, SUMMIT COUNTY—THE MILLER RUBBER COMPANY, AKRON, OHIO.

COLUMBUS, OHIO, April 23, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a certain lease in triplicate executed by the State of Ohio, through you as Superintendent of Public Works, and as director thereof, by which there is granted to The Miller Rubber Company of Akron, Ohio, the right to use a minimum of 100,000,000 gallons of water annually for a term of ten years, such water to be taken from the Summit Level of the Ohio Canal. By the provisions of said lease said company is given the privilege of taking an additional quantity of water through the meter to be installed by it for the purposes, not to exceed 315,000,000 gallons, as the same may be necessary for the use of its rubber reclaiming plant. It is further provided in said lease that approximately 85 per cent of the water taken by said company shall be returned uncontaminated, the water returned being all of the water taken except as may be used for steam and sanitary purposes.

The rental reserved for the use of the water taken is 3.5 mills per 1,000 gallons, with a minimum rental of \$350.00 annually.

Upon careful examination of the provisions of said lease, I find that the same is in all respects in conformity with the provisions of Sections 14009 and 14012, General Code, relating to the execution of leases of this kind. I am, therefore, approving said leases as to legality and form.

In approving said lease, I am assuming that the use by The Miller Rubber Com-

pany of the water to be taken by it under said lease would not interfere with any water rights of the City of Akron granted to said city by the provisions of Sections 14203-1, 14203-2 and 14203-3, of the General Code. I also assume that the water to be taken by said lessee under this lease will not be needed by the State for the maintenance of state reservoirs, public parks and pleasure resorts, as provided for by Section 14011, General Code.

Section 14008, General Code, provides that all rentals of water leases of this kind shall be fixed by the Superintendent of Public Works with the approval of the Governor and Attorney General. Aside from the natural inclination that I have to defer to your judgment in matters of this kind, I may add that all the evidence that I have at hand shows the rental reserved in this lease to be a fair, just and reasonable rental as between the State of Ohio and said lessee. The rental fixed for the use of this water is therefore also approved by me, as is evidenced by my approval endorsed upon said lease and the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,
GILBERT BETTMAN,
Attorney General.

339.

APPROVAL, LEASES TO LAND AT INDIAN LAKE.

COLUMBUS, OHIO, April 23, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval three certain leases in triplicate executed by the State of Ohio, through you as Superintendent of Public Works, whereby there are leased and demised to the respective lessees therein named several parcels of State reservoir land at Indian Lake, at a rental of 6 per cent annually on the appraised valuations of said parcels of land. The term of each of said leases is fifteen years.

The leases here in question are the following:

| <i>Lessee.</i> | <i>Valuation.</i> |
|---|-------------------|
| J. E. Watson ----- | \$100 00 |
| D. Phil Wiesner and Ida M. Wiesner----- | 200 00 |
| Leona Locher ----- | 100 00 |

An examination of the leases submitted shows that the same have been executed in accordance with the authority granted to you by Section 471, General Code, and by other sections of the General Code relating to the execution of leases of this kind. Said leases are accordingly hereby approved and my approval is endorsed thereon and upon the duplicate and triplicate copies thereof; and all of the same are herewith returned.

Respectfully,
GILBERT BETTMAN,
Attorney General.