

2007.

## APPROVAL, TWO LEASES TO LAND ADJACENT TO AND FRONTING UPON THE WATERS OF BUCKEYE LAKE, IN FAIRFIELD COUNTY, OHIO.

COLUMBUS, OHIO, June 21, 1930.

HON. PERRY L. GREEN, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval, among other Reservoir Land Leases, two certain leases, in triplicate, executed by the Conservation Commissioner by which there are leased and demised to Russell T. Wenger of Columbus, Ohio, and to B. F. Achauer of Glouster, Ohio, respectively, two certain parcels of land adjacent to and fronting upon the waters of Buckeye Lake in Fairfield County, Ohio.

In both of said leases the parcels of Reservoir land therein leased are to be used for cottage site and landing purposes, and each of said leases are for a term of fifteen years, for an annual rental of \$21.00, the same being 6% upon the sum of \$350.00, the appraised valuation of each of said parcels of land.

The leases here in question and the provisions therein contained are in conformity with Section 471, General Code, as amended by the Conservation Act and other sections of the General Code relating to leases of this kind. Said leases and each of them are accordingly hereby approved as to their legality and form, as is evidenced by my authorized signature upon said leases and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

2008.

## DISAPPROVAL, TWO LEASES TO CERTAIN PARCELS OF LAND AT LAKE LORAMIE IN SHELBY COUNTY, OHIO.

COLUMBUS, OHIO, June 21, 1930.

HON. PERRY L. GREEN, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting for my examination and approval a number of reservoir land leases executed on behalf of the State of Ohio by Hon. J. W. Thompson who, as Conservation Commissioner, is one of the officers in your department. Among the reservoir land leases so executed are two certain leases by which there are leased and demised to Edward Dickmeier and Albin Martin respectively, both of Cincinnati, Ohio, two certain parcels of land at Lake Loramie in Shelby County, Ohio.

Apparently the leases here in question were executed by the Conservation Commissioner under the assumed authority of Section 471 of the General Code, as amended by the Conservation Act (113 O. L. 551), which section in terms authorizes said officer to lease lands, including marginal strips and marsh lands around the lakes therein named, as well as the outer slopes of artificial embankments, islands, borrow pits and state lands adjacent to such lakes. However, Lake Loramie is not one of the lakes named in this section of the General Code, and inasmuch as the Conservation Act contains no other provisions authorizing the Conservation Commissioner as such to execute leases for state lands, it must be concluded that said officer had no authority

to execute the leases in question; and for this reason said leases are herewith returned without my approval.

Under the provisions of Section 469, General Code, the body of water and adjacent lands known as the Loramie Reservoir, are, together with the waters and lands of other reservoirs therein named, dedicated and set apart for public park and pleasure resort purposes. By Section 1438-1, General Code, as enacted by the Conservation Act, the Conservation Council provided for in said act is given the general care, protection and supervision of the state parks provided for by Section 469, General Code, including Lake Loramie. Section 472-1, General Code, as enacted in the Conservation Act, provides that the Conservation Council shall exercise all powers and duties heretofore conferred by law upon the Superintendent of Public Works with respect to the control, management, lease and sale of swamp, marsh, overflow lands and all other lands within the state to which the state has or should have the title, except canals and public works and institutional lands, but that no lease or sale of lands shall be made except upon the written approval of the Governor and the Attorney General. It follows from the general provisions of the section of the General Code, last above noted, that the leases here in question should have been executed on behalf of the state by and under the authority and direction of the Conservation Council which Conservation Council together with the Conservation Commissioner make up the Conservation Division in your department.

Inasmuch as the Conservation Council is a body made up of a number of individuals with authority to act only as a body, said Conservation Council can act upon these leases only by motion or resolution when said body is in lawful session, which motion or resolution should specify the officer or officers who are to manually sign said leases in the name of said Conservation Council and on behalf of the State of Ohio.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

2009.

APPROVAL, 9 LEASES TO CERTAIN PARCELS OF LAND ADJACENT TO  
THE WATERS OF INDIAN LAKE.

COLUMBUS, OHIO, June 21, 1930.

HON. PERRY L. GREEN, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—You will find enclosed herewith certain reservoir land leases, nine in number, which, together with a number of other reservoir land leases, you have submitted for my examination and approval.

By the enclosed leases above referred to, which have been executed by the Conservation Commissioner, there are leased and demised to the respective lessees therein named, subject to the conditions and restrictions therein provided, and for terms of fifteen years each, certain parcels of land adjacent to the waters of Indian Lake, which parcels of land are more particularly described in said respective leases.

The leases here in question, designated with respect to the names of the respective lessees therein and the appraised valuations of the several parcels of land covered by said leases, are the following: