

2499.

DISAPPROVAL, LEASE TO THE NEW YORK CENTRAL RAILROAD COMPANY FOR RIGHT OF TAKING WATER FROM LAKE ST. MARYS, CELINA, OHIO.

COLUMBUS, OHIO, November 1, 1930.

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

DEAR SIR:—There has been submitted for my examination and approval a certain lease in triplicate executed by the Conservation Commissioner by which there is leased and granted to the New York Central Railroad Company the right and privilege of taking from the level of Lake St. Marys at Celina, Ohio, 7,000,000 gallons of water annually for a term of ten years, the water so taken to be used for the purpose of generating steam.

In Opinion No. 2476 of this office, directed to Hon. A. T. Connar, Superintendent of Public Works, under date of October 23, 1930, it was held that the Superintendent of Public Works is authorized to make leases for water to be taken from the public lakes and reservoirs whether such leases be pipe permits so-called or otherwise, and that the Conservation Commissioner does not have authority to make leases of this kind. A copy of said Opinion No. 2476 was forwarded to you under date of October 31, 1930, together with Opinion No. 2495, in which it was held that the Conservation Commissioner was without authority to execute a lease for the withdrawal of water from the Portage Lakes in Summit County, Ohio.

It is manifest that the conclusions reached by me in the opinions above referred to are controlling with respect to the lease here under consideration; and I am required to disapprove said lease for the reason that the Conservation Commissioner has no authority to lease the same. Said lease, together with the duplicate and triplicate copies thereof are herewith returned.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2500.

DISAPPROVAL, BONDS OF GEAUGA COUNTY, OHIO—\$4,500.00.

COLUMBUS, OHIO, November 3, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2501.

APPROVAL, BONDS OF GLENMONT RURAL SCHOOL DISTRICT, HOLMES COUNTY, OHIO—\$30,000.00.

COLUMBUS, OHIO, November 3, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2502.

APPROVAL, BONDS OF CITY OF SANDUSKY, ERIE COUNTY, OHIO—
\$50,000.00.

COLUMBUS, OHIO, November 3, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2503.

DISAPPROVAL, THREE GAME REFUGE LEASES IN MONTGOMERY
COUNTY.

COLUMBUS, OHIO, November 3, 1930.

HON. JOHN W. THOMPSON, *Commissioner, Division of Conservation, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval the following leases which grant lands to the state for game refuge purposes:

<i>No.</i>	<i>Grantor</i>	<i>Acres</i>
2085	Grand View Hills Co., Washington Tp., Montgomery Co.....	175.15
2086	Grand View Hills Co., Washington Tp., Montgomery Co.	69.13
2087	Miami Conservancy District of Dayton O., Butler Tp., Mont- gomery County	50.00

After examination of leases Nos. 2085 and 2086, supra, and the duplicate copies, I find that the signatures of Hannah G. Stroop, President, and F. G. Stroop, Secretary-Treasurer, appear at the end of the leases, but the words "Grand View Hills Company" do not appear above their signatures. In other words, it does not appear who the president and secretary-treasurer represent. This should be corrected by typing in the words "Grand View Hills Company, by" directly above the two signatures. Moreover, the original order sheets for these leases show that the lands are situated in Dayton Township, while the leases say that the lands are in Washington Township. I suppose that the leased lands are in Washington Township. Hence the original orders should be amended to agree with the leases.

As for lease No. 2087, and triplicate copies, supra, I find upon examination that the original order shows the leased lands to be in Dayton Township, while the lease says Butler Township. I believe that the original order should be amended to show that the lands are in Butler Township.

I feel that it is improper to approve these leases, until the corrections indicated above are made, and therefore I am enclosing said leases without my approval endorsed thereon.

Respectfully,
GILBERT BETTMAN,
Attorney General.