

by you as Superintendent of Public Works and by Hon. Perry L. Green, the Director of the Department of Agriculture, the lessee therein named.

Upon examination of the terms and provisions of said lease I find a provision therein that said lease is granted with the understanding that the portion of the property covered by said lease, which is within the corporate limits of the village of Fort Loramie, shall be under the control of the Ladies "Village Beautiful Club" in so far as the maintenance of the unsubmerged bed and embankments are concerned. I know of no statutory authority by which you, as Superintendent of the Public Works of the state, and charged by law with the duty of maintaining such public works, can transfer your duties and responsibilities with respect to any particular part of such public works to a voluntary private organization such as is the club mentioned in the provisions of the lease above referred to. It is equally obvious that the Department of Agriculture, the lessee named in said lease, is not authorized to delegate any part of the duties which said department may have with respect to the care and maintenance of the leased property to an organization of this kind. However, this provision in said lease does not affect the validity of the lease for the purposes for which the same is executed. Said provision is simply without effect as imposing any obligation upon either the lessor or lessee; although probably neither said lease nor the purpose to be effected thereby will be effected in any manner by permitting said club to beautify the embankments of said canal and the unsubmerged bed thereof.

Said lease and the provisions thereof are otherwise in accordance with the provisions of Sections 13965 et seq., and with other sections of the General Code relating to the execution of leases of this kind, and the same is accordingly hereby approved as is evidenced by my approval endorsed upon said lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2495.

DISAPPROVAL, LEASE FOR RIGHT TO INSERT GAS PIPES INTO TURKEY FOOT CHANNEL AT PORTAGE LAKES, SUMMIT COUNTY, OHIO, FOR USE OF THE TURKEY FOOT LAKE GOLF CLUB.

COLUMBUS, OHIO, October 31, 1930.

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

DEAR SIR:—There has been submitted for my examination and approval a certain water lease in triplicate, executed by the Conservation Commissioner, by the terms of which lease there is granted to one C. R. Thornton, of Akron, Ohio, for the stated term of five years, the right and privilege of inserting into the level of the Turkey Foot Channel at the Portage Lakes in Summit County, Ohio, two, two and one-half (2½) inch pipes and one, three (3) inch pipe for the purpose of withdrawing from said Channel such amount of water as will flow through said pipes for use in watering the greens of the Turkey Foot Lake Golf Club.

In Opinion No. 2476 of this office directed to Hon. A. T. Connor, 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 by means of

pipes from the Portage Lakes, but that the Conservation Commissioner does not have such authority. A copy of said opinion is herewith enclosed.

It is manifest that the conclusion reached by me in the opinion above referred to is controlling with respect to the question here presented in the lease above referred to, and I am required to disapprove said lease for the reason that the Conservation Commissioner had no authority to execute the same. Said lease and the duplicate and triplicate copies thereof are herewith returned.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2496.

APPROVAL, BONDS OF ADAMS TOWNSHIP RURAL SCHOOL DISTRICT,
LUCAS COUNTY, OHIO—\$10,000.00.

COLUMBUS, OHIO, October 31, 1930.

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

2497.

APPROVAL, BONDS OF CITY OF CAMPBELL, MAHONING COUNTY,
OHIO—\$135,216.55.

COLUMBUS, OHIO, October 31, 1930.

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

2498.

APPROVAL, BONDS OF GEAUGA COUNTY, OHIO—\$6,500.00.

COLUMBUS, OHIO, November 1, 1930.

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