

Conservation Council, acting through you as Conservation Commissioner, has made an order setting aside the lands described in the lease for the purpose of a state game and bird refuge, as provided for in Section 1435-1, General Code.

Upon examination of these leases, I find that the same have been executed and acknowledged by the respective lessors in the manner provided by law. I also find upon examination of the provisions of these leases and of the conditions and restrictions therein contained that the same are in conformity with statutory provisions relating to the execution of leases of this kind.

I am accordingly approving these leases as to legality and form, as is evidenced by my approval endorsed upon the several leases and upon the duplicate copies thereof, all of which are herewith returned.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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2756.

APPROVAL, PROCEEDINGS RELATING TO APPLICATION MADE BY THE REPRESENTATIVES OF THE ESTATE OF G. W. MISKIMEN, JR., DECEASED, FOR REDUCTION IN THE ANNUAL RENTAL OF OHIO AND ERIE CANAL LAND LEASE, IN THE VILLAGE OF NEW-COMERSTOWN, OHIO.

COLUMBUS, OHIO, May 28, 1934.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a finding made by you upon an application made by the representatives of the estate of G. W. Miskimen, Jr., deceased, for a reduction in the annual rental of Ohio and Erie Canal land Lease No. 360 which was executed to said G. W. Miskimen, Jr., in his lifetime under date of October 28, 1925, for a term of fifteen years.

By the lease here in question, there was leased and demised to the lessee therein named a small parcel of Ohio and Erie Canal land in the village of New-comerstown, Ohio, and by said lease an annual rental of \$30.00 was provided for.

Application is made for a reduction in the amount of this annual rental for the reason that no revenue has been derived from it and for the reason, apparently, that the property is so located as to be of little use to those succeeding to the lessee's interest in this property.

In your finding you have made a reduction in the current annual rental of this property for the period from May 1, 1934, to May 1, 1935, from the sum of \$30.00, provided for in the lease, to the sum of \$20.00. Assuming that you have made an investigation of the facts relating to this lease and to the use now made of this property by those succeeding to the lessee's interests under this lease, such as is contemplated by House Bill No. 467, enacted by the 90th General Assembly, I am unable to say as a matter of law that the reduction in the amount of this annual rental is not justified. And inasmuch as it appears that the proceedings in this matter have been substantially regular and in conformity with the provisions of the act above referred to, I am approving your findings as to legality and form, as is evidenced by my approval endorsed upon the resolution

which is attached to said finding and made a part of the proceedings relating to this matter. I am herewith returning to you the files which were submitted to me.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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2757.

APPROVAL, CERTAIN LEASE NO. 2219, EXECUTED TO THE STATE OF OHIO BY THE VILLAGE OF OTTAWA HILLS, FOR THE PURPOSE OF A GAME REFUGE.

COLUMBUS, OHIO, May 28, 1934.

HON. WILLIAM H. REINHART, *Commissioner, Division of Conservation, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication with which you enclose for my examination and approval a certain lease No. 2219, executed to the State of Ohio by the Village of Ottawa Hills. By this lease, which is one for a term of five years, there is leased to the state two parcels of land located in said village solely for the purpose of a state game refuge.

The lease is executed by the Village of Ottawa Hills by the hands of its Mayor and Clerk pursuant to the authority of an ordinance of the Council of said village which provides for the lease of these lands for the purpose above stated.

It does not appear that the contract for this lease was made upon competitive bidding after advertisement therefor in the manner provided by Section 3699, General Code, providing generally for the sale or lease of property by municipal corporations. Inasmuch, however, as the sole purpose of the village, acting through its authorized officers, in executing a lease for this property was that the property should be set aside as a game refuge under the supervision of the state acting through the Conservation Council, it is apparent that even if in any view the provisions of Section 3699, General Code, can be said to apply to transactions whereby property of a municipal corporation is sold or leased to the state, there was no element of competition in a lease of this property for the purpose above indicated which would call for the application of the provisions of the section of the General Code above noted. I am of the opinion, therefore, that the village was authorized to execute this lease and that it has taken all the necessary steps in order to effectuate this purpose.

Upon examination of the lease, I find that the same has been properly executed and acknowledged by the properly authorized officers of the village before mentioned and that the provisions of the lease and the conditions and restrictions therein contained are in conformity with Section 1435-1 and other sections of the General Code authorizing the state, acting through the Conservation Council, to take leases for this purpose.

I am accordingly approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate copy thereof, which are herewith enclosed.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*