

the surrender of the property upon reasonable notice when the public interests would demand that the county take possession of the same. It would further appear that in making such leases other than as above stated, the commissioners may exercise much the same powers as an individual would in granting a lease. In other words, there would be nothing to prevent the lessee from subletting the premises so long as the use of the same was not inconsistent with the original lease. For a rather complete discussion of the power of county commissioners to sell and lease real estate, see 11 Ohio Jurisprudence, page 486.

In view of the foregoing, and in specific answer to the inquiry propounded, it is my opinion:

First, where county commissioners have the title to lands acquired under the provisions of Section 9898, of the General Code they may legally lease the same from year to year, for a period of years, with the right of the lessee to sublet the premises subject, however, to the reservation that upon reasonable notice the county may terminate the lease if and when the public interests require it.

Second, such a lease need not be upon the premises as a whole, but may be made upon different parts thereof.

Respectfully,

GILBERT BETTMAN,

Attorney General.

3411.

APPROVAL, BONDS OF CITY OF ASHTABULA, ASHTABULA COUNTY,
OHIO—\$35,000.00.

COLUMBUS, OHIO, JULY 7, 1931.

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

3412.

APPROVAL, LEASE FOR RIGHT TO USE FOR MILL, WAREHOUSE,
AND GENERAL BUSINESS PURPOSES, CANAL LAND AT LAKE
LORAMIE—THE ODENWELLER MILLING COMPANY.

COLUMBUS, OHIO, July 8, 1931.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have recently submitted for my examination and approval a certain canal land lease in triplicate executed by the state of Ohio through you as superintendent of public works. By this lease there is granted and demised to The Odenweller Milling Company of Ottoville, Ohio, the right to use and occupy for mill, warehouse and general business purposes a parcel of Miami and Erie Canal lands which is more particularly described in said lease as follows:

“That portion of a state lot on the east side of the Miami and Erie canal at Lock No. 28, north of the Loramie Summit, that was conveyed

to the State of Ohio by John O. Breidick, et. al., by deed dated May 14, 1855, and being part of the west half of the southwest quarter of section 19, town 1, south, range 5 east, Putnam County, Ohio, that is described as follows:

Commencing at a point on the berme bank of said canal in line with the head of said lock No. 28, and thirty-three (33) feet east of the center thereof, and running thence southerly, parallel with the center line of said lock produced two and one-half chains; thence easterly 2 chains to the southeast corner of said lot, thence northerly with the easterly line of said lot 5 chains; thence westerly, at right angles, 2 chains; thence southerly 2½ chains to the place of beginning, and containing one (1) acre, more or less, excepting therefrom so much of the above described ground as is occupied by the canal and tumble races around said Lock No. 28."

The lease here under consideration is one for a stated term of fifteen years and the same provides for an annual rental of six per cent upon the appraised value of the parcel of land leased, which appraised value is the sum of three hundred dollars.

Upon examination of said lease, I find that the same has been properly executed by you in your capacity as superintendent of public works, acting on behalf of the State of Ohio, and by The Odenweller Milling Company, acting by the hand of its president pursuant to the authority of a resolution of the board of directors of said company.

The lease in its terms and provisions is in conformity with the act of the 86th General Assembly, 111 O. L. 208, providing for the abandonment of the Miami and Erie Canal and the same is likewise in conformity with other statutes relating to the execution of leases of this kind.

Said lease is accordingly approved by me as to legality and form, and my approval is endorsed upon said lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned to you.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3413.

APPROVAL, LEASE FOR RIGHT TO USE FOR BOATHOUSE, DOCK-LANDING, ETC., LAND AT PORTAGE LAKES, SUMMIT COUNTY, OHIO—RALPH M. TURNBAUGH—W. B. AUGUSTINE.

COLUMBUS, OHIO, July 8, 1931.

HON. I. S. GUTHERY, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of even date herewith submitting for my examination and approval a certain reservoir land lease in triplicate, which communication is one over the signature of the Chief of the Bureau of Inland Lakes and Parks in the Conservation Division of your department.

The lease above referred to is one executed by the state of Ohio through the conservation commissioner under the authority of section 471 of the General Code, and by the terms of which there is leased and demised to one Ralph N. Turnbaugh