

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.*