

876.

APPROVAL—BONDS OF CITY OF DAYTON, MONTGOMERY
COUNTY, OHIO, \$15,000.00.

COLUMBUS, OHIO, July 15, 1937.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN :

RE: Bonds of City of Dayton, Montgomery County,
Ohio, \$15,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated April 1, 1923. The transcript relative to this issue was approved by this office in an opinion rendered to the Teachers Retirement System under date of August 4, 1931, being Opinion No. 3480.

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

877.

APPROVAL—LEASE PERMITTING THE TUSCARAWAS
COUNTRY CLUB TO INSERT A PIPE INTO THE TUSCA-
RAWAS FEEDER FOR THE PURPOSE OF SECURING
WATER FOR THE COUNTRY CLUB GREENS.

COLUMBUS, OHIO, July 15, 1937.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a certain water lease in triplicate in and by the terms of which The Tuscarawas Country Club, Akron, Ohio, is permitted to insert into the level of the Tuscarawas Feeder of the East Reservoir in Summit County, Ohio, a two and one-half inch pipe for the purpose of withdrawing therefrom, subject to the conditions and restrictions contained in said

lease, such amount of water as may be necessary to water the greens of The Tuscarawas Country Club in Coventry Township, Summit County, Ohio.

This lease is one for a term extending from June 1, 1935, to October 31, 1939, and provides for the payment of an annual rental of \$60.00 payable in advance on the first day of June in each and every year. This lease is granted as a renewal of O&E Water Lease No. 650 executed to the lessee above named on June 27, 1930, apparently for a term of five years.

The lease here in question is one executed by you under the authority of Section 14009, General Code, which provides that the Superintendent of Public Works may sell or lease surplus waters in the state canals or in any of the feeders or reservoirs for hydraulic or other purposes for a term not exceeding twenty-five years and for an annual rental as he may deem most beneficial to the interests of the State, subject to such conditions, reservations and restrictions as he may deem necessary and proper.

This lease contains a number of conditions and restrictions safeguarding the interests of the State with respect to the use of water by said lessee in case of drought affecting the level of the Portage Lakes and otherwise protects the State against the waste of waters in the withdrawal and use of the same by said lessee.

Upon examination of the lease, I find that the same has been properly executed by you as Superintendent of Public Works and by The Tuscarawas Country Club, acting by the hands of its President and Treasurer pursuant to a resolution of the Board of Directors of said Club duly adopted under date of May 15, 1937.

I am accordingly approving this lease as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned to you.

Respectfully,

HERBERT S. DUFFY,

Attorney General.