submitting for my examination and approval certain leases in triplicate by which there are leased and demised to the respective lessees therein named certain parcels of reservoir land.

Said leases are for a term of fifteen years and call for an annual rental of six per cent upon the appraised value of the parcel of land leased. The leases above referred to are the following:

Lessee	*Location*	*Valuation*
Sophia Martens	Lake St. Marys	$1200.00
B. C. and W. C. Wallace	Indian Lake	1416.67

Upon examination of said leases and the provisions thereof, I find that the same have been executed in conformity with the authority and provisions of Section 471, General Code, and in conformity with the requirements of other statutory provisions relating to leases of this kind.

My examination also discloses that one of the provisions contained in both leases is of doubtful authority and effect, but I do not think said provision affects the validity of the leases or their main purposes as provided by the valid provisions therein. Such provision has reference to a new lease being required from the state at the expiration of this lease by the actual owners of the building or buildings located upon said ground and the ground used in connection therewith.

However, I do not think that the provision of the leases above discussed, in any wise, affects the other provisions of the leases which are within the scope and authority of statutory provisions relating to leases of this kind, and said leases are, accordingly, hereby approved as to legality and form as is evidenced by my authorized signature upon said leases and upon the duplicate and triplicate copies thereof.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4686.

DEDICATION—PLAT OF ALLOTMENT OUTSIDE MUNICIPALITY RECORDED PRIOR TO 1929—ACCEPTANCE BY PUBLIC AUTHORITY UNNECESSARY.

SYLLABUS:

Where a plat of an allotment outside of a municipality, which is not required to be approved by a city planning commission, was prepared, certified, acknowledged and recorded prior to the amendment of section 3583, *General Code, and the enactment of section* 3583-1, *General Code, in accordance with the statutes then in force, no acceptance by any public authority is necessary to complete the dedication of the land therein expressed, named, or intended for public use, and such dedication having been completed prior to the effective date of the amendment, such amendment cannot apply thereto.*

COLUMBUS, OHIO, October 13, 1932.

HON. H. E. CULBERTSON, *Prosecuting Attorney, Ashland, Ohio.*

DEAR SIR:—I acknowledge receipt of your communication which reads as follows:

"A certain allotment outside of any municipality was allotted a few years ago in this county. The Plat was filed and the streets and alleys regularly dedicated to the Public. Recently a petition was filed with the Board of County Commissioners to accept this dedication which had never been done.

Question: Does the new statute making a failure to act within thirty days equivalent to an acceptance apply, where the Streets were dedicated years ago under the old act.

Question: If not is it proper to have the old Dedication accepted just as it would have been if done at the time?"

I assume that the statutory proceedings relating to the laying out of allotments outside of municipal corporations were followed and that the plat to which you refer was filed for record in the recorder's office prior to the effective date of the amendment of section 3583 and the enactment of section 3583-1, General Code, and that the plat in question was not one required by section 3586-1, General Code, to be approved by a city planning commission.

Section 3580, General Code, reads as follows:

"When a person wishes to lay out a village, or subdivision or addition to a municipal corporation, he shall cause it to be surveyed, and a plat or map of it made by a competent surveyor. The plat or map shall particularly describe and set forth the streets, alleys, commons, or public grounds, and all in-lots, out-lots and fractional lots within or adjacent to such village. The description shall include the courses, boundaries and extent."

Section 3583 before it was recently amended read as follows:

"After the plat or map is completed, it shall be certified by the surveyor, and acknowledged by the owner or owners before an officer authorized to take the acknowledgment of deeds, who shall certify his official act on the plat or map. If any owner is a non-resident of the state, h's agent, authorized by writing, may make the acknowledgment. Such plat or map, and if the execution is by agent, his written authority, shall be recorded in the office of the county recorder."

Section 3589, General Code, reads as follows:

"Such plats or maps shall be deemed in law a sufficient conveyance to vest fee simple of all such parcels of land as are therein expressed, named, or intended for public use, in the county in which the village is situated, for the uses and purposes therein named, expressed or intended. and for no other use or purpose whatever."

In 1929 section 3583 was amended by adding to it the provision that no such plat shall be entitled to be recorded without the approval of the county commissioners endorsed thereon, which approval shall operate as an acceptance of the dedication of the public highways. Section 3583-1 was enacted at the same time

and provides, among other things, that failure of the county commissioners either to approve or reject the plat within thirty days after its submission to them shall be deemed an approval thereof. Prior to 1929 there was no statute requiring an acceptance by any public authority of plats or lands outside of municipalities where section 3586-1, General Code, requiring approval by a city planning commission did not apply. Opinions of the Attorney General for 1919, Vol. II, page 1104 at 1108.

Where the statutes are silent as to acceptance, there is a conflict of authorities as to whether acceptance is necessary to complete a statutory dedication. 18 C. J. 73. However, it seems to be settled in Ohio that acceptance in such case is not necessary. Construing similar statutes, the court in the case of *Lessee of Incorporated Village of Fulton* vs. *Mehrenfield,* 8 O. S. 440, held:

> "The statutory dedication, under the laws in force in A. D. 1830, operated to transfer the estate by way of grant, requiring no assent on the part of the public, and to be effective as a dedication, the solemnities required by the statute, as to acknowledgment and recording, must be complied with."

The court said in the opinion on page 445:

> "The statute, as will be perceived, does not require any assent on the part of the public to such dedication, before the estate vests in the public, and, in that respect differs essentially from a common-law dedication."

It follows that the dedication of the streets and alleys on the plat in question was complete before the recent amendment of section 3583 and that such amendment can therefore not apply.

I am of the opinion, therefore, that where a plat of an allotment outside of a municipality, which is not required to be approved by a city planning commission, was prepared, certified, acknowledged and recorded prior to the amendment of section 3583, General Code, and the enactment of section 3583-1, General Code, in accordance with the statutes then in force, no acceptance by any public authority is necessary to complete the dedication of the land therein expressed, named, or intended for public use, and such dedication having been completed prior to the effective date of the amendment, such amendment cannot apply thereto.

Respectfully,

GILBERT BETTMAN,

Attorney General