

3402.

APPROVAL, LEASE TO RESERVOIR LANDS AT BUCKEYE LAKE,
OHIO—G. J. ABDALLA.

COLUMBUS, OHIO, July 6, 1931.

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

DEAR SIR:—This is to acknowledge the receipt of a communication over the signature of the chief of the bureau of inland lakes and parks of the division of conservation in your department, submitted for my examination and approval three certain reservoir land leases executed by the state of Ohio by and through the conservation commissioner, and by which there are leased and demised to one G. J. Abdalla of Lancaster, Ohio, several parcels of state reservoir lands at Buckeye Lake, which parcels of land are more particularly described in said several leases.

The leases here under consideration are each for a term of fifteen years, and each have been properly executed by the state acting through said conservation commissioner, and by said G. J. Abdalla named as the lessee in said several leases.

The leases here in question have been executed by the conservation commissioner under the authority of section 471 of the general code as amended by the 88th General Assembly in the enactment of the conservation act, so-called, and the terms and provisions of said leases are in conformity with said section and other sections of the general code relating to leases of this kind.

I am accordingly approving said leases as to their legality and form; and my approval is endorsed upon the leases, and upon the duplicate and triplicate copies thereof, all of which are enclosed.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3403.

APPROVAL, LEASE FOR RIGHT TO USE FOR COTTAGE SITE AND
LANDING PURPOSES, LAND AT LAKE ST. MARYS IN AUGLAIZE
COUNTY, OHIO—MARY JANE MORRIS.

COLUMBUS, OHIO, July 6, 1931.

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

DEAR SIR:—This is to acknowledge the receipt of a communication from the conservation division of your department submitting for my examination and approval a certain reservoir land lease in triplicate executed by the conservation commissioner on behalf of the state of Ohio.

By the lease, above referred to, there is granted to one Mary Jane Morris of St. Mary's Ohio, the right to use and occupy for cottage site and landing purposes that portion of the inner slope and water front and the outer slope and barrow pits in the rear thereof on the east bank of Lake St. Marys or Grand Reservoir in Auglaize County, Ohio.

The term of said lease is fifteen years and the annual rental provided for

therein is six per cent upon the appraised valuation of the parcel of land leased, which is the sum of \$300.00.

Upon examination of said lease, I find that the same has been properly executed by the state of Ohio acting by and through the conservation commissioner, and by the lessee named therein.

The terms and provisions of said lease, as well as the conditions and reservations therein contained, are in conformity with section 471 and other sections of the general code 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.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3404.

ENCUMBRANCE CERTIFICATE—MADE BY STATE DIRECTOR OF
FINANCE—WHEN CANCELLABLE.

SYLLABUS:

1. *A certification made by the Director of Finance by authority of Section 2288-2, General Code, to the effect that there exists a sufficient balance in a certain appropriation to meet a proposed expenditure therefrom, not otherwise obligated to meet precedent obligations, may be cancelled, and the appropriation treated as though the certificate had never been made, when the project involving the proposed expenditure is abandoned without incurring any obligation in pursuance thereof.*

2. *Likewise, when a proposed expenditure or obligation involving an expenditure of money from a certain appropriation has been lessened by the board, officer or commission proposing to make the expenditure or incur the obligation, a certificate which may have been made by the Director of Finance in pursuance thereof may be cancelled and a new certificate issued in conformity with the changed situation.*

3. *When a certificate issued by the Director of Finance in pursuance of Section 2288-2, General Code, has been cancelled for a proper reason, the records of the Director of Finance should show that fact, and the original certificate and all copies and duplicates thereof should be taken up and destroyed or marked to show that they have been cancelled.*

COLUMBUS, OHIO, July 6, 1931.

HON. HOWARD L. BEVIS, *Director of Finance, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion which reads as follows:

“Will you kindly advise me whether and under what circumstances this office can legally cancel all or a part of an encumbrance set up on our records.”

The statute which directs the Director of Finance to certify that there is a