

3246.

APPROVAL, LEASE FOR RIGHT TO USE AND OCCUPY FOR COTTAGE SITE AND LANDING PURPOSES, LAND AT INDIAN LAKE, STOKES TOWNSHIP, LOGAN COUNTY, OHIO—H. E. JOHNSON.

COLUMBUS, OHIO, May 22, 1931.

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

DEAR SIR:—This is to acknowledge the receipt of a communication from the Chief of the Bureau of Inland Lakes and Parks of the Division of Conservation, enclosing a certain reservoir land lease in triplicate, by which the state of Ohio, acting through the Conservation Commissioner, has leased and demised to one H. E. Johnson of Dayton, Ohio, subject to the conditions and restrictions in said lease provided, the right to use and occupy for cottage site and landing purposes that portion of the state reservoir land included in lot No. 58, of the reallocation of Minnewauken Island in Indian Lake; said island being part of Virginia Military Survey No. 12276, Stokes Township, Logan County, Ohio. The lease here in question, which is one for a term of fifteen years, provides for an annual rental of twenty-seven dollars and has been executed by the Conservation Commissioner under the authority of section 471 of the General Code, as amended by the 88th General Assembly, 113 O. L. 551, 553.

Upon examination of the provisions of said lease, I find that the same has been properly executed by the parties thereto and that the provisions thereof are in conformity with section 471 and other sections of the General Code, relating to leases of this kind. Said lease is accordingly hereby approved by me as to legality and form and the same, together with the duplicate and triplicate copies thereof, is herewith returned with my approval endorsed thereon.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3247.

APPROVAL, CERTIFICATE OF TITLE TO LAND OWNED BY THE A. C. & Y. TERMINAL PROPERTIES COMPANY IN YORK TOWNSHIP, MEDINA COUNTY, OHIO.

COLUMBUS, OHIO, May 23, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting to me a certificate of title, corrected warranty deed, encumbrance estimate No. 1019 and other files, relating to the purchase by the state of Ohio of a certain tract of 1.47 acres of land owned by the A. C. & Y. Terminal Properties Company in York Township, Medina County, Ohio, and which property is more particularly described in Opinion No. 2432 of this office, directed to your predecessor under date of October 9, 1930.

In the former opinion of this office, above referred to, I found that the A. C. & Y. Terminal Properties Company had a good merchantable title to said property, subject to the undetermined taxes for the year 1930, and subject to two

certain leases executed by one H. A. Horn, one of which was then owned and held by the Preston Oil Company, and the other of which was executed to the Logan Natural Gas and Fuel Company. At the time of said former opinion both of said leases were outstanding and were encumbrances upon the title by which the A. C. & Y. Terminal Properties Company owned and held said property. It appears from the files submitted that one of said leases has been released by a quit claim deed properly executed by the Ohio Fuel Gas Company and by the Preston Oil Company to the A. C. & Y. Terminal Properties Company and that the other lease has been surrendered and duly canceled of record.

It does not affirmatively appear either from the certificate of title or from any of the other files submitted to me, that the taxes for the year 1930 are paid. Inasmuch, however, as the warranty deed tendered to the state of Ohio by the A. C. & Y. Terminal Properties Company contains a covenant that the property here in question is free and clear of all incumbrances except taxes and assessments payable in December, 1931, I assume that the taxes for the year 1930 have been paid by said company or that it expects to pay the same before the transaction for the purchase of this property by the state is closed. You should, of course, make proper inquiry with respect to the payment of said 1930 taxes before issuing the voucher of your department covering the purchase price of this property.

The undetermined taxes for the year 1931 are likewise a lien upon the property. In view of the form of the warranty clause in the deed of the A. C. & Y. Terminal Properties Company, above referred to, I assume that if no arrangement can be had to place this property upon the tax exempt list of the county duplicate, said taxes are to be paid by the state from funds at the disposal of your department.

I have examined the corrected warranty deed tendered to the state by the A. C. & Y. Terminal Properties Company and find that the same has been executed and acknowledged in the manner required by the laws of this state, and that the form of said deed is such that it is sufficient to convey said property to the state by fee simple title, free and clear of all incumbrances except, as above noted, taxes and assessments on said property, payable in December, 1931.

Encumbrance estimate No. 1019, as well as the certificate evidencing the release of the money covering the purchase price of said property, were passed upon by me and approved in the former opinion above referred to.

I am herewith returning to you with my approval, said certificate of title, corrected warranty deed, encumbrance estimate No. 1019, and other files submitted to me with your communication.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3248.

APPROVAL, LEASE FOR RIGHT TO USE FOR WALKWAY, LAWN,
DOCKLAND AND BOATHOUSE PURPOSES, WATER FRONT AT
BUCKEYE LAKE, OHIO—G. E. SCHENK—JESSE O. RIDENOUR.

COLUMBUS, OHIO, May 23, 1931.

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

DEAR SIR:—This is to acknowledge the receipt of a recent communication from the Chief of the Bureau of Inland Lakes and Parks of the Division of Conservation in your department, submitting for my examination and approval a certain