

Control of the Agricultural Experiment Station is authorized to accept by way of gift or donation lands for forestry purposes, on behalf of the state; and under the more general provisions of Section 18, General Code, the state is authorized to receive by gift lands or other properties and use the same in accordance with the terms and conditions of the gift. In this view, I am clearly of the opinion that the Board of Control of the Ohio Agricultural Experiment Station, acting on behalf of the state, was authorized to accept the deed here in question upon the terms and conditions therein provided; and said deed is accordingly hereby approved.

No abstract or certificate of title has been submitted to me in connection with the deed above referred to and I am, of course, unable to express any opinion upon the underlying title in and by which Lee Roy Wymer and Ralph W. Wymer owned and held this property prior to the conveyance of the same to the state. It may be assumed, however, that inasmuch as, apparently, the Columbus Mutual Life Insurance Company took a mortgage upon this and other lands of the above named grantors, they had a good and indefeasible fee simple title to the property and that other than said mortgage the property was free and clear of encumbrances. As above noted, the insurance company above named has released the tract of land here in question from the operation of said mortgage and it would seem to follow from this that the state by this conveyance has obtained an indefeasible fee simple title to this property, subject only to the requirement that the property shall be used for the purposes stated in the deed with a reversion to the grantors or to their heirs or assigns if the property should not be used for these purposes.

I am herewith enclosing the deed and mortgage release, above referred to.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5852.

APPROVAL—LEASE TO RESERVOIR LAND AT PORTAGE LAKES, SUMMIT COUNTY, OHIO—ART KLATT, AKRON, OHIO.

COLUMBUS, OHIO, July 17, 1936.

HON. L. WOODDELL, *Commissioner, Conservation Division, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval a reservoir land lease in triplicate executed by you as Conservation Commissioner to one Art Klatt of Akron, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$18.00, payable in semi-annual installments of \$9.00 each, there is leased and demised to the lessee above named, the right to occupy and use for lawn, walkway and docklanding purposes, that portion of the waterfront and state land in the rear thereof, that lies immediately in front of that portion of Lots No. 28 and No. 118, of East Reservoir allotment at the Portage Lakes, as recorded in Plat Book No. 11, page 8, Summit County, Ohio, that is described as follows:

Beginning at a line drawn parallel to and 9.10 feet measured at right angles, westerly from the westerly line of Lot No. 118, produced southerly; thence easterly and northwesterly, along the water line of East Reservoir 165 feet, more or less, to a line which bisects the angle formed by the easterly lot line of said Lot No. 118, and the southerly lot line of Lot No. 27 of said allotment; with the privilege of constructing a concrete retaining wall along said water front along an alinement agreed upon by the grantee herein and the Commissioner of the Division of Conservation or his authorized agent, and likewise the privilege of dredging the bottom of the lake in front of such retaining wall, and of depositing the earth back of said retaining wall.

Upon examination of this lease, I find that the same has been properly executed by you as Conservation Commissioner, acting on behalf of the state of Ohio, and by Art Klatt, the lessee therein named. Upon examination of the provisions of this lease and the conditions and restrictions therein contained, I find the same to be in conformity with the provisions of Section 471 and of other sections of the General Code relating to leases of this kind.

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 and triplicate copies thereof, all of which are herewith returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.