

6002.

## APPROVAL—LEASE TO RESERVOIR LAND IN CITY OF CELINA, OHIO—N. Y. C. AND ST. L. R. R. CO. OF CLEVELAND, OHIO.

COLUMBUS, OHIO, August 26, 1936.

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

DEAR SIR: You have submitted for my examination and approval a reservoir land lease, in triplicate, executed by you as Conservation Commissioner, and the New York, Chicago and St. Louis Railroad Company of Cleveland, Ohio. By this lease, which is for a term of fifteen years, and which provides for an annual rental of \$12.00, there is leased and demised to the lessee above named the right to occupy and use a certain parcel of State land, the same being a part of Lot No. 50 on the original recorded plat of the City of Celina, Ohio, and which is now State land adjacent to the waters of Lake St. Marys.

From the lease it appears that the purpose of the same is that the lessee may use the lands for the purpose of constructing and maintaining thereof of water mains, reservoir or cisterns for use in the operation of its railroad.

Upon examination of the lease, I find that the same has been properly executed by you as Conservation Commissioner, and by the New York, Chicago and St. Louis Railroad Company, by the hand of one of its vice-presidents, pursuant to the authority of a resolution of the board of directors of said railroad company, duly adopted under date of July 30, 1935.

I have examined the provisions of this lease and the conditions and restrictions therein contained, and find the same to be in conformity with section 471 and other sections of the General Code relating to leases of this kind.

In this connection it is noted that this lease contains a recital indicating that the same is a renewal of a lease originally granted to the Lake Erie and Western Railroad Company of Lima, Ohio, under date of November 23, 1920. As to this, I am advised by the communication received by me from the legal department of the New York, Chicago and St. Louis Railroad Company that by virtue of appropriate agreements and articles of consolidation made and entered into under date of December 28, 1922, the Lake Erie and Western Railroad Company, mentioned in the recital above referred to, became one of the constituent companies of the New York, Chicago and St. Louis Railroad Company, which is the consolidated corporation, and which, by such consolidation, took over the property and assets of the Lake Erie and Western Railroad Com-

pany. In this situation no reason is seen for not approving the present lease executed to the New York, Chicago and St. Louis Railroad Company. And inasmuch as this lease is in proper form, both as to its execution and as to the provisions and conditions therein contained, I am approving the same as to legality and form, as is evidenced by my approval endorsed upon the original lease and upon the duplicate and triplicate copies thereof, all of which are returned herewith to you.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

6003.

WORK RELIEF—USED FOR ADMINISTRATIVE PURPOSES—  
MAY BE PAID IN CASH. WHEN

*SYLLABUS:*

1. *Work relief utilized for administrative purposes by virtue of Section 5 of House Bill No. 663, may be paid in cash.*
2. *Work relief, with the exception of that utilized for administrative purposes in accordance with Section 5, may not be paid in cash.*

COLUMBUS, OHIO, August 27, 1936

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN: Your request for my opinion reads as follows:

"It is provided in Section 5 of House Bill No. 663 that work relief may be utilized for administrative purposes, and that the cost of such work relief may not exceed one-half of the expense of administration, when, in the calculation of the eight per cent, such work relief is excluded from such expense of administration.

QUESTION 1: When the county commissioners utilize work relief for administrative purposes, may the persons so employed be paid in cash?

QUESTION 2: May persons employed on other work relief be paid in cash?

In connection with this request for opinion, we are enclosing copy of an opinion by the Prosecuting Attorney of Hamilton County in which he considers these same questions."