

73.

APPROVAL, LEASE TO LAND OF ELIZABETH ICKLER FOR USE OF THE  
TOLEDO STATE HOSPITAL, LUCAS COUNTY.

COLUMBUS, OHIO, February 6, 1929.

HON. H. H. GRISWOLD, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of recent date enclosing for my examination and approval a certain lease whereby one Elizabeth Ickler, as Party of the First Part, leases and demises to the Department of Public Welfare, for the Toledo State Hospital, as Party of the Second Part, a tract of forty acres of land in Lucas County, which land is more particularly described in said lease.

Under the terms of this lease the rental to be paid is fifty per cent of all crops raised on said lands, which the Party of the Second Part agrees to purchase from the Party of the First Part at the wholesale market value at the time of harvest. Said lease contains a further provision that the Party of the Second Part shall have the privilege of using the barn on said lands for shelter and storage purposes.

Under the provisions of Section 154-57, General Code, the Department of Public Welfare, so far as concerns matters relating to the Toledo State Hospital, is given all the powers and required to perform all the duties vested in or imposed upon the Ohio Board of Administration. Section 1848, General Code, relating to the powers of the Board of Administration, provides that the said board may require institutions under its control, which have proper lands and labor, to undertake intensive agriculture, and that said board may rent lands for the production of supplies for any of said institutions which have surplus labor when it can be done to advantage. Section 154-40, General Code, imposes upon the Department of Public Works the duty of procuring by lease storage accommodations for the state government, or any department, office or institution thereof. As above noted, the lease here in question contains a provision for storage, but inasmuch as said provision is but an incident to the lease of said land for agricultural purposes, I am of the opinion that this lease is one properly taken by the Department of Public Welfare rather than by the Department of Public Works.

This lease is one for a term which does not exceed three years and the same does not, therefore, have to be acknowledged or recorded.

As before noted, this lease is one executed to "the Department of Public Welfare" for the Toledo State Hospital, as Party of the Second Part. Inasmuch as said department is not a responsible entity, separate and apart from the Director thereof, it is suggested that the form of said lease be corrected by the insertion of the words "H. H. Griswold, Director of" immediately before the words "the Department of Public Welfare."

Assuming that this correction will be made, said lease is hereby approved, and my approval thereof is endorsed upon the same.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*