

and Ohio Railroad Company for a term of fifteen years the right to use and occupy for railroad warehouse and for general railroad business purposes a certain parcel of Ohio Canal lands located in the city of Akron, Ohio, and described as follows:

"That portion of the State Canal property on the easterly side of the Ohio Canal in the City of Akron, commencing at a point in the southerly line of Cherry Street in said city that is two feet east of the inner face of the easterly lock wall of Lock No. 7 of said Ohio Canal, numbering north from the Portage Summit level, and running thence southwesterly on a line parallel to and two feet easterly from the inner face of said easterly lock wall 120 feet; thence easterly, at right angles, 34 feet to the easterly line of the State Canal property; thence northeasterly, on a line parallel to the first line above described, 120 feet more or less, to the southerly line of Cherry Street; thence northwesterly 34 feet to the place of beginning, and containing 4080 square feet, more or less, with the privilege of using the wall of the canal lock as a foundation for the rear wall of the buildings to be erected upon the tract herein leased."

Upon examination of said lease, which is one calling for an annual rental of two hundred and forty dollars, I find that the same has been properly executed by the parties thereto, and that the form and provisions of said lease are in conformity with Sections 13965, et seq., General Code, and with other statutory enactments relating to leases of this kind.

Said lease is therefore approved by me as to legality and form, which approval is evidenced by my written approval endorsed upon said lease and upon the duplicate and triplicate copies thereof.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2938.

STORAGE SPACE—HOUSING AND STORING MACHINERY AND TOOLS OWNED BY TOWNSHIP—ACQUISITION OF SUITABLE BUILDING—TOWNSHIP TRUSTEES NOT REQUIRED TO ADVERTISE FOR BIDS.

SYLLABUS:

Township trustees are not required to advertise for bids in acquiring a suitable building for housing and storing machinery and tools owned by such township.

COLUMBUS, OHIO, February 11, 1931.

HON. C. LUTHER SWAIM, *Prosecuting Attorney, Wilmington, Ohio.*

DEAR SIR: Your letter of recent date is as follows:

"The opinion of the Attorney General is kindly requested upon General Code Section 3373, and a further interpretation of Opinion No. 2803 of 1925 of the Attorney General of Ohio.

A specific question on which an interpretation is requested is in one

of our Townships, the trustees desiring to purchase a building, already erected, for the purpose of housing and storing road machinery. The Trustees have a chance to buy this building by private contract for less than \$500.00 but more than \$200.00, and desire to know their authority in regard to such a proposition as to whether or not they must advertise for bids.

The statutes as to the purchases of real estate by trustees do not cover this particular point as the various sections cover the purchase of land for cemeteries, for township houses, etc., and the code is silent as far as I can see upon the purchase of such a building for storing machinery."

Section 3373, General Code, to which you refer, provides insofar as pertinent as follows:

"In the maintenance and repair of roads the township trustees may proceed either by contract or force account. When they proceed by contract the contract shall, in case the amount involved exceeds two hundred dollars, be let by the township trustees to the lowest responsible bidder after advertisement for bids once not later than two weeks prior to the date fixed for letting of such contract, in a newspaper published in the county and of general circulation within such township, if there be any such paper published in the county, but if there be no such paper published in the county, then in a newspaper having general circulation in said township. * * * The township trustees shall provide suitable places for housing and storing machinery and tools owned by the township. * * * All purchases of materials, machinery, and tools, shall, where the amount involved exceeds five hundred dollars, be made from the lowest responsible bidder after advertisement made in the manner hereinbefore provided * * *."

The opinion to which you refer, appearing in Opinions of the Attorney General for 1925, p. 625, held as set forth in the syllabus:

"1. Under the provisions of Section 3373, G. C., the township trustees may purchase land upon which to erect a building to house and store machinery and tools owned by the township, if in the judgment of such trustees the same is necessary and essential, in order to preserve such tools and equipment.

2. In awarding a contract for the construction of such a building, the commissioners should comply with the provision of law relating to advertising and giving notice to bidders."

The reference in the second branch of the syllabus of the foregoing opinion to the "commissioners" is obviously an error, the opinion dealing with the powers and duties of township trustees. This branch of the syllabus would seem to imply the fact that there are provisions of law requiring the taking of bids before a building to house such machinery may be acquired or constructed. A careful examination of the various provisions requiring competitive bidding in connection with township expenditures discloses no requirement of this nature when such a storage house is to be acquired. The two provisions as to the receipt of bids contained in Section 3373, supra, clearly have no application to the acquisition of

a suitable place for housing and storing machinery and tools owned by the township.

In the absence of any provision of law requiring it, township trustees need not, in my opinion, advertise for bids in acquiring a suitable building for housing and storing machinery and tools owned by such township.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2939.

APPROVAL, BONDS OF BLUFFTON-RICHLAND VILLAGE SCHOOL DISTRICT, ALLEN COUNTY, OHIO—\$148,000.00.

COLUMBUS, OHIO, February 12, 1931.

Retirement Board, State Teachers' Retirement System, Columbus, Ohio.

2940.

APPROVAL, BONDS OF VILLAGE OF MIDDLEPORT, MEIGS COUNTY, OHIO—\$9,750.00.

COLUMBUS, OHIO, February 13, 1931.

Retirement Board, State Teachers' Retirement System, Columbus, Ohio.

2941.

APPROVAL, LEASE TO STATE LAND AT BUCKEYE LAKE, OHIO, FOR LAWN AND LANDING PURPOSES—MRS. MAY F. THOMPSON.

COLUMBUS, OHIO, February 13, 1931.

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

DEAR SIR:—This is to acknowledge receipt of a recent communication from the Division of Conservation in your department, submitting for my examination and approval a certain reservoir land lease, in triplicate, which is executed by the Conservation Commissioner on behalf of the State of Ohio, by which there is leased and demised to one Mrs. May F. Thompson of Lancaster, Ohio, the right to use and occupy for lawn and landing purposes a certain parcel of state land at Buckeye Lake.

This lease, which calls for an annual rental of \$6.00, is for a term of fifteen