

89.

STATUS—RESERVOIR LAND LEASE, STATE THROUGH CONSERVATION COMMISSIONER, WITH JOSEPHINE ASHWORTH, DESIGNATED LAND, LAKE ST. MARYS, AUGLAIZE COUNTY, OHIO, FOR COTTAGE SITE PURPOSES.

COLUMBUS, OHIO, February 4, 1939.

HON. D. G. WATERS, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR: There has been forwarded to me from the office of the Governor a reservoir land lease in triplicate executed by the State of Ohio, by the hand of L. Wooddell, formerly Conservation Commissioner in the Division of Conservation, to one Josephine Ashworth of St. Marys, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$30.00, payable in semi-annual installments, there is leased and demised to the lessee above named the right to occupy and use for cottage site purposes that portion of the outer slope of the easterly embankment of Lake St. Marys or Grand Lake that is included in the south-half of Embankment Lot No. 5, as shown by the plat of embankment lots on the east shore of said Lake St. Marys or Grand Lake, as surveyed and platted by H. E. Whitlock under the direction of the Superintendent of Public Works in the month of June, 1920, and being part of the south-west quarter of Section 4, Town 6 South, Range 4 East, Auglaize County, Ohio.

This lease is one executed under the provisions of section 471, General Code, which reads as follows:

“No state lands in or adjacent to Buckeye Lake, Indian Lake, Lake St. Marys, Guilford Lake or Portage lakes shall ever be sold but the conservation commissioner may lease such lands, including marginal strips and marsh lands around said lakes, the outer slopes of artificial embankments, islands, borrow pits and state lands adjacent thereto as he deems proper under the laws governing the leasing of canal lands.”

The reference in this section to the laws governing the leasing of canal lands is to section 13965, General Code, which provides generally for the leasing of canal lands for terms of fifteen years and for an annual rental of six per cent of the appraised value of the parcel of land leased, subject to the approval of the Governor and the Attorney General.

The lease here in question, as to its essential terms and provisions, is in conformity with the statutory provisions above noted. And inasmuch as this lease has been properly executed by the State of Ohio by the hand of the then Conservation Commissioner and by Josephine Ashworth, the lessee therein named, and since this lease as to all of its provisions and the conditions and restrictions therein contained is in conformity with the above noted and other statutory enactments relating to leases of this kind, I am approving this lease, as is evidenced by my approval endorsed thereon and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed. This lease and the copies of the same upon receipt by you should be again submitted to the Governor for his consideration and approval.

Respectfully,

THOMAS J. HERBERT,
Attorney General.