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LEASE, STATE TO OHIO STATE UNIVERSITY, DESIGNATED PREMISES, PUT IN BAY TOWNSHIP, OTTAWA COUNTY, PART OF SOUTH BASS ISLAND, RESEARCH AND LABORATORY WORK.

COLUMBUS, OHIO, March 27, 1939.

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

DEAR SIR: Under date of March 20, 1939, I received a communication from Mr. Carl E. Steeb, Secretary of the Board of Trustees of Ohio State University, enclosing for my examination and approval a lease instrument in triplicate executed by you as Conservation Commissioner pursuant to a resolution of the Conservation Council adopted under date

of December 21, 1938, by which there is leased and demised to the Ohio State University certain premises situated in Put in Bay Township, Ottawa County, Ohio, which premises are a part of South Bass Island lying north of Lot "A" and which are more particularly described as follows:

Beginning at an iron pin on the east side of the county road which iron pin bears North $55^{\circ} 31'$ East, 32.42 feet from a stone on the west side of the county road, and which latter stone bears North $12^{\circ} 13'$ West, 74 feet from a stone at the northeast corner of Lot No. 1 of E. J. Dodge's Subdivision; thence South $12^{\circ} 13'$ East, 87.45 feet to an iron pin; thence South 16° East, 118.95 feet to an iron pin; thence North $50^{\circ} 25'$ East along the shore of Squaw Harbor so-called, 136.5 feet; thence North $80^{\circ} 27'$ East, 210.1 feet; thence North $55^{\circ} 15'$ West along the shore of Lake Erie, 175.8 feet; thence North $73^{\circ} 32'$ West, 135.75 feet; thence South $55^{\circ} 31'$ West, 45.35 feet to a stone; thence in the same course, 62.28 feet to the place of beginning and containing, 1.02 acres, more or less.

This lease, which is one for a stated term of fifteen years and in and for the consideration therein stated, is executed by the Conservation Council under the authority of section 472-1, General Code, which provides as follows:

"The conservation council shall exercise all powers and duties heretofore conferred by law upon the superintendent of public works with respect to the control, management, lease and sale of swamp, marsh, overflow lands and all other lands within the state to which the state has or should have the title, except canals and public works and institutional lands, but no land lease or sale of lands shall be made except upon the written approval of the governor and the attorney general."

It appears from the provisions of this lease instrument and from other information at hand that the above described premises which have been improved by the construction thereon of a large building formerly used as a club house, were recently acquired by the Conservation Council for and in the name of the State of Ohio under the general authority conferred upon the Conservation Council by sections 1430 and 1435-1 and for some purpose or purposes specified in these sections of the General Code. Consistent with the purpose or purposes for which the Conservation Council acquired this property, it is now leasing the property to the Ohio State University for use as a dormitory in which to house the agents and employes of the Ohio State University and of the Conservation Division who are engaged in research and laboratory work at or in connection

with the Stone Laboratory which, I am advised, is under the jurisdiction and control of the Ohio State University.

Upon examination of this lease, I find that the same has been properly executed by you as Conservation Commissioner, acting under the authority of the Conservation Council, as above indicated, and by the Ohio State University, acting by the hand of the Chairman of the Board of Trustees of said institution and by the Secretary of said Board.

I further find upon consideration of this lease instrument and of the provisions thereof that the Conservation Council, acting through you as Conservation Commissioner, is authorized to execute this lease for the purpose above stated. I am, therefore, approving this lease instrument as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed. In approving this lease instrument, it is suggested that the stated date thereof appearing in the first and second lines on the first page of the lease and in the first and second lines of the third page of the instrument be made to conform to the effective date of the lease which is that upon which the Governor approved the lease.

Respectfully,

THOMAS J. HERBERT,
Attorney General.