

2898.

APPROVAL—LEASE, DEPARTMENT OF PUBLIC WORKS WITH MARGARET FARVER, FIFTEEN YEARS, ANNUAL RENTAL \$15.00, TO OCCUPY AND USE FOR AGRICULTURAL PURPOSES, PORTION OF ABANDONED MIAMI AND ERIE CANAL PROPERTY, CONCORD TOWNSHIP, MIAMI COUNTY, OHIO.

COLUMBUS, OHIO, August 31, 1938.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You recently submitted for my examination and approval a canal land lease in triplicate executed by you as Superintendent of Public Works and as Director of said department to one Margaret Farver of Troy, Ohio.

By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of \$15.00, there is leased and demised to the lessee above named the right to occupy and use for agricultural purposes that portion of the abandoned Miami and Erie Canal property, located in Concord Township, Miami County, Ohio, and described as follows:

Beginning at station 8133+00, of the H. E. Whitlock Survey of said abandoned canal property, and running thence southerly one thousand (1,000') feet, more or less, as measured along the transit line of said survey to station 8143+00, and containing one and eight-tenths (1.8) acres, more or less, reserving therefrom any portion of said abandoned canal lands that may be used by State Route No. 25.

Upon examination of this lease, which is one executed by you under the authority of the DeArmond Act, so-called, 114 O. L., 546. I find that the same has been executed by you in your official capacity above stated and by Margaret Farver, the lessee therein named, in the manner provided by law. Assuming, as I do, that the parcel of canal land above described has not been designated by the Director of the Department of Highways for state highway purposes, and that no application for the lease of this property for park purposes has been made by any political subdivision entitled to the lease of the property for such purposes, I find that the provisions of this lease and the conditions and restrictions therein contained are in conformity

with the act of the legislature above referred to and with other statutory provisions relating to leases of this kind. I am, accordingly, approving this lease and I am herewith returning the same with my approval endorsed thereon and upon the duplicate and triplicate copies which are likewise herewith enclosed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2899.

UNIVERSITIES IN OHIO—RECEIVING STATE AID—DORMITORIES—MONEYS NOT REQUIRED TO BE PAID INTO STATE TREASURY—MEANING OF WORDS “PUBLIC MONEYS” USED IN SECTION 2296-1 G. C.—BANKS—POWER TO PLEDGE ASSETS.

SYLLABUS:

1. *Moneys received by universities in Ohio, receiving state aid, in connection with the operation of dormitories, as well as for the purpose of constructing dormitories, under Section 7923-1, General Code, and for the payment of indebtedness incurred for such purpose, are not required by Sections 24 and 24-4, General Code, to be paid into the state treasury. Opinions of the Attorney General for 1915, Vol. 1, page 35, affirmed in part.*

2. *Such dormitory funds held by the treasurers of such universities, although public moneys in the generally accepted sense, are not “public moneys” within the meaning of the term as used in the Uniform Depository Act, Sections 2296-1, et seq., General Code, requiring such moneys to be deposited by the state and subdivisions thereof in accordance therewith.*

COLUMBUS, OHIO, August 31, 1938.

HON. CARL E. STEEB, *Secretary, Board of Trustees, Ohio State University, Columbus, Ohio.*

DEAR SIR: This is to acknowledge receipt of two letters of recent date in which you request my opinion upon various matters therein set forth. In view of the fact that the questions in these two communications relate to the same subject matter, they will be considered together. Your letters read as follows: