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A BOARD OF PARK COMMISSIONERS IS AUTHORIZED TO ACCEPT A GRANT OF MONEY FROM THE FEDERAL GOVERNMENT FOR GENERAL PARK PURPOSES, SUBJECT TO APPROVAL OF THE PROBATE COURT—§1545.11, R.C.

SYLLABUS:

Under Section 1545.11, Revised Code, a board of park commissioners is authorized to accept a grant of money from the federal government for general park purposes, subject to approval of the probate court.

Columbus, Ohio, August 24, 1962

Hon. James A. Rhodes, Auditor
State House, Columbus, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“A park district, created pursuant to Section 1545.01 of the Revised Code, seeks to obtain a grant of funds from the federal government for use for general park purposes.

“An opinion is respectfully requested as to whether or not, under the provisions of Section 1545.11 of the Revised Code, such park board would be authorized to accept such a grant, subject to the approval of the probate court.”

Chapter 1545., Revised Code, deals with park districts. Such a district may be created by the probate judge after proper application thereto and a hearing on the question. Sections 1545.03 and 1545.04, Revised Code. When a park district is created, the probate judge appoints three commissioners (Section 1545.05, Revised Code) who then constitute the board of park commissioners of the park district. Section 1545.07, Revised Code.

As to the power of the board to accept a grant of funds, Section 1545.11, Revised Code, reads, in part, as follows:

“* * * In furtherance of the use and enjoyment of the lands controlled by it, the board may accept donations of money or other property, or may act as trustees of land, money, or other property, and use and administer the same as stipulated by the

donor, or as provided in the trust agreement. The terms of each such donation or trust shall first be approved by the probate court before acceptance by the board.

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Section 1545.11, *supra*, does not specify who may be a donor and it follows that the board may accept a grant from any donor, which would include the federal government.

Accordingly, it is my opinion and you are advised that under Section 1545.11, Revised Code, a board of park commissioners is authorized to accept a grant of money from the federal government for general park purposes, subject to approval of the probate court.

Respectfully,

MARK MCELROY

Attorney General