

2846.

APPROVAL, CERTAIN LEASE EXECUTED TO THE STATE OF OHIO
OF FOUR PARCELS OF LAND IN UNION TOWNSHIP, CLINTON
COUNTY, OHIO.

COLUMBUS, OHIO, June 21, 1934.

HON. WILLIAM H. REINHART, *Commissioner, Division of Conservation, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a certain lease No. 2220, executed by one Frederick D. Mitchell of Union Township, Clinton County, Ohio, to the state of Ohio, on four certain parcels of land in said township and county. By this lease which is one for a term of five years, these parcels of land are leased and demised to the state solely for state game refuge purposes; and it is noted in this connection that acting under the provisions of Section 1435-1 and other related sections of the General Code, the Conservation Council, acting through you as Conservation Commissioner, has set this property aside as a state game and bird refuge during the term of said lease.

Upon examination of this lease, I find that the same has been properly executed and acknowledged by said lessor and by the Conservation Council acting on behalf of the state through you as Commissioner. I am accordingly approving this lease as to legality and form as is evidenced by my approval endorsed upon the lease and upon the duplicate copy thereof, both of which are herewith returned.

Respectfully,
JOHN W. BRICKER,
Attorney General

2847.

APPROVAL—PROCEEDINGS RELATING TO APPLICATION MADE BY
SAMUEL L. WILGUS AND DOROTHY RUTH WILGUS OF RUSSELLS
POINT FOR A REDUCTION OF DELINQUENT AND CURRENT
RENTALS ON I. L. RESERVOIR LAND LEASE NO. 283.

COLUMBUS, OHIO, June 21, 1934.

HON. WILLIAM H. REINHART, *Commissioner, Division of Conservation, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval certain findings made by you upon an application made by Samuel L. Wilgus and Dorothy Ruth Wilgus of Russells Point, Ohio, for a reduction of delinquent and current rentals on I. L. Reservoir Land Lease 283, executed to said persons as lessees under date of January 3, 1931.

By this lease, which was one for a stated term of fifteen years and which

provided for an annual rental of \$450.00, there was leased and demised to the lessees therein named the right to occupy and use for swimming pool and board walk purposes that portion of the state reservoir property at Indian Lake that lies in the Northwest Quarter of the Southeast Quarter of Section 36, Washington Township, Logan County, Ohio, and which is more particularly described by metes and bounds in said lease.

In the application which has been filed with you in this case, the reason assigned for the reduction requested in both delinquent and current rentals under the lease is that aside from expenses paid out by the lessees for labor and for the wages of assistants in conducting a swimming pool which has been constructed by the lessees on this property, at an expense of \$16,000, the other expenses in the operation of the pool have been such that the net annual receipts have been cut down so that they hardly equal the interest on the investment. In this connection it further appears from information received by me from the Chief of the Bureau of Inland Lakes and Parks that one of the reasons for the loss in revenue in the operation of this swimming pool was due to the fact that the state, acting through your department and by the use of C. W. A. labor, constructed a bathing beach at Indian Lake not far from the swimming pool conducted by the above named lessees under this lease. In this situation, I am inclined to the view that legal reasons within the contemplation of the provisions of House Bill No. 467, 115 O. L. 512, exist for the reduction in rentals requested under the provisions of said act.

It appears from the application for these reductions as well as from your findings that the amount of delinquent rentals due and unpaid on this lease is the sum of \$675.00, which amount you have reduced to the sum of \$200.00. It further appears that acting upon this application you have reduced the current rental on this lease for the period from May 1, 1934, to May 1, 1935, from the sum of \$450.00, the amount provided for in the lease, to the sum of \$200.00.

Upon consideration of this application and of your findings relating to this matter, I find that the same are substantially in the form provided for and required by House Bill No. 467, above referred to. Although from the findings made by you it appears that you have made rather drastic reductions in both the delinquent and current rentals under this lease, I am unable to find as a matter of law that you have, on the facts presented for my consideration, abused the discretion which the act, above referred to, reposes in you with respect to the reduction of rentals under the authority of this act. In this view, I do not feel that I have any discretion to interfere with your judgment in the matter and I am, accordingly, approving your findings as is evidenced by my approval endorsed upon the resolution therefor which is attached to your findings and made a part of the proceedings relating to the reduction of the rentals here in question. I am herewith returning to you all of the files submitted to me in this matter.

Respectfully,
JOHN W. BRICKER,
Attorney General.